



Proprietors  
incorporated.

Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That *Richard Grice Aked, John Burdekin, Thomas Baker Bradley, Benjamin Badger, J. B. Baldwin, Henry B. Benyon, William Cockayne the younger, William Chadburn, George Wilton Chambers, John Graves Clark, William Close, Dame Frances Chambers, J. H. Carige, Charles Deakin, George Dalton the younger, Benjamin Damms, Joseph Elliott, Ebenezer Elliott, Jonathan Fawcett, Joseph Fenton, Julia Ferris, Joseph Fallding, Lady Emma Francis, Richard Griffiths, Alexander Grant, Micah Gould, John Gravely, Thomas Hammond, Thomas Beard Holy, John Heaton, Peter Hitchon, Joshua Jarvis, William Jarvis, Robert Jackson, George Jervis, William Jackson, Thomas Linley, Joseph Levick junior, Benjamin Marples, William Marsh, John Marsh, David Marshall, Sarah Margrave, Francis Marris, George Portus Naylor, William Nicholson Nicholson, William Parker, Samuel Poles, Adamson Parker, James Roberts, Richard Ramsay, John Rand, William Rand, John Sanderson, Joseph Slater, John Shuttleworth, Richard Stanley, Richard Swallow, Thomas Smith, John Spencer, Hatton Hamer Stansfeld, William Thorpe, William M'Turk Doctor of Medicine, Charles Tootal, Thomas Everard Upton junior, Benjamin Vickers, Henry Wilkinson, Anna Maria Watkins, William Wilson the younger, George Wilson, Benjamin Williamson, William Wailes, Edward Young, 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 are hereby united into a Company for making and maintaining the said Railway and Branch and other the 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 of "The *Sheffield and Rotherham Railway Company*," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall sue and be sued, and also shall have Power 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 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.*

Company  
empowered  
to make the  
Railway.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway to be called "*The Sheffield and Rotherham Railway*," with all proper Works and Conveniences connected therewith, in the Line and Course, and upon, into, across, over, or under the Lands delineated on the Map and described in the Book of Reference deposited with the Clerk of the Peace for the West Riding of the County of *York*; (that is to say,) commencing at, in, or near to a certain Place called *Hall Carr*, in the Township of *Brightside Bierlow* in the Parish of *Sheffield* in the said West Riding of the County of *York*, and thence extending into or passing through the several Parishes, Townships, Hamlets, or Places of *Sheffield, Brightside Bierlow, Attercliffe-cum-Darnall, Grimsthorpe, Brightside, Carbrook, Tinsley, Blackburn, Kimberworth, Bradgate Brinsworth, Masbrough, and Rotherham*, or some of them, all in the said West Riding of

the County of *York*, and terminating at or near the Cut or Canal Bridge in *Masbrough* in the Township of *Kimberworth* in the Parish of *Rotherham*, and also on the East Side of the River *Dun*, at or near the Top of a certain Street called *West Gate*, within the Town, Township, and Parish of *Rotherham* aforesaid, and also to make and maintain a Branch or Extension of, from, or out of the said Railway in the Line and Course, and upon, into, across, over, or under the Lands delineated and described in the said Plan and Book of Reference so deposited as aforesaid, (that is to say,) commencing at or near the *Holmes* in the Township of *Kimberworth* aforesaid, and terminating at or near to the *Greasbrough* Canal in the Townships of *Greasbrough* and *Rawmarsh*, or One of them, and extending into or passing through the several Parishes, Townships, Hamlets, or Places of *Rotherham*, *Kimberworth*, *Masbrough*, *Greasbrough*, and *Rawmarsh*, or some of them, all in the said West Riding of the County of *York*.

III. And whereas Part of the aforesaid Branch Railway to the *Greasbrough* Canal is proposed to be coincident with or to run parallel to the Line of a certain proposed Railway from *Leeds* to *Derby*, to be called "The North Midland Railway," for the Distance of a Mile and a Quarter, (that is to say,) from the *Rotherham* and *Wortley* Turnpike Road at *Masbrough*, numbered 298, to the *Greasbrough* Canal, numbered 428, on the said Plan so deposited with the Clerk of the Peace of the said West Riding, and it might save the Expenditure of a considerable Sum of Money if the Railway between those Points were made by One only of the said Railway Companies, so as to serve the Purposes of both such Companies; be it therefore further enacted, That in case the Act for making the said North Midland Railway shall pass into a Law during the present Session of Parliament in the Line now projected between the Points herein-before mentioned, (that is to say,) between the said *Rotherham* and *Wortley* Turnpike Road and the *Greasbrough* Canal aforesaid, and in case the said North Midland Railway Company shall within Two Calendar Months next after such the passing of their said Act enter into a Contract and Agreement with the said Company hereby incorporated to execute and complete such Portion of the Railway as lies between the said Turnpike Road and the said Canal, according to their Section deposited with the Clerk of the Peace of the said Riding within Two Years from such the passing of their said Act, and shall actually execute and complete the same within such prescribed Period at their own Costs and Charges, and shall also contract and agree to carry and convey thereupon, at all Times during which such Railway shall be open for the Public, such Coals, Goods, and all other Merchandize whatsoever as are intended to pass upon or shall have passed upon the *Sheffield* and *Rotherham* Railway, or any Part thereof, at and after the same Rates and Tolls as shall for the Time being be charged and received by the Company hereby incorporated under and by virtue of this Act, such Rates and Tolls to be computed upon One Mile and a Quarter in Length (being the Length or thereabouts of the said Railway between the Points aforesaid), then and in such Case the said Company hereby incorporated shall not execute or proceed to execute such

So much of Branch Railway as runs parallel with the North Midland Railway not to be made under the Circumstances herein named.

such Portion of the said Railway Branch hereby authorized to be made as lies between such Road and Canal, any thing herein-before contained to the contrary notwithstanding.

Company  
may contract  
for the  
Works.

IV. And be it further enacted, That it shall be lawful for the said Company or the Directors thereof, or for such other Person as the said Company or Directors shall for that Purpose appoint (in the Name of the said Company or otherwise), to contract and agree with any Person for making the said Railway or any Part thereof, or any other of the Works hereby authorized, or for any Matters or Things incident thereto, and that in such Manner, and for such Sums, and under such Regulations and Restrictions as the said Company or Directors shall think proper; and all Contracts in Writing made as aforesaid 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 by or against any other Party thereto, upon Failure in the Execution thereof.

General  
Power to en-  
ter to survey  
and take  
Lands, and  
to make the  
Railway and  
Works.

V. And be it further enacted, That, for the Purposes of this Act, the said Company, their Agents, Surveyors, and Workmen, and all other Persons by them authorized, shall be and they are hereby empowered from Time to Time to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as the said Company are by this Act empowered to take or use, and in or upon such Lands, and in or upon any Lands adjoining thereto, to bore, dig, cut, trench, 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 which may otherwise, in the Execution of any of the Powers of this Act, 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; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to construct or make in, under, upon, across, or over the said Railway or other Works, and in, under, upon, across, or over any Lands, or any Streets, Roads, Hills, Vallies, Rivers, Canals, Brooks, Streams, or other Waters whatsoever, such Inclined Planes, Tunnels, Embankments, Abutments, Bridges, Arches, Piers, Roads, Ways, Aqueducts, Conduits, Drains, Tanks, Culverts, Cuttings, and Fences; and also to erect and construct such Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Cranes, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences as the said Company shall think proper; and also to alter the Course of any Rivers, Brooks, Streams, or Watercourses as may be necessary for constructing Tunnels, Bridges, or Passages over or under the same; and also to make sufficient and commodious Approaches and Roads to the Terminations of the said Railway, and to the several Stations thereof; and also to divert or alter the Course  
of

of any Roads or Ways, in order the more conveniently to carry the same over or under the said Railway, and to make Drains 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 from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and to do and execute all other Matters and Things necessary for making, maintaining, altering, or repairing and using the said Railway, and other Works by this Act authorized; they the said Company, their Agents, Surveyors, 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 interested in any Lands which shall be taken, used, or injured for all Damages to be by them sustained in or by reason of the Execution of any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and all other Persons for what they shall do by virtue of the Powers hereby granted (subject nevertheless to such Provisions and Restrictions as are herein-after contained).

VI. And whereas by reason of the Exercise of the Powers of this Act there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, 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 shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be liable to pay to or in aid of the several Parishes or Townships, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason 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 rated at the Time of the passing of this Act; and the Treasurer to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Provision for  
Deficiencies  
in Land Tax.

VII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered permanently to fill in and embank all or any Part of the North Side of the River *Dun* at *Brightside* between *Brightside Bridge* and the *Brightside Paper Mills Weir*, all in the Township of *Brightside Bierlow*, and to widen the said River on the South Side thereof between the Points herein-before mentioned so as to leave the Waterway of the said River of the same or of a sufficient Width and Capacity for the Passage of the Waters of the said River, as amply as heretofore, or as near thereto as may be.

Power to  
embank Part  
of the River  
*Dun* at  
*Brightside*.

As to Ledge  
of Railway  
in crossing  
public Roads.

VIII. And be it further enacted, That where the said Railway shall cross any public Highway on a Level the upper Surface of the Rails of such Railway shall not rise above nor sink below the Level of such Road more than One Inch.

Regulating  
Width and  
Height  
of Bridges  
carrying Rail-  
way over  
public Roads.

IX. Provided always, 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 Road, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Fifteen Feet; and the Descent under such Bridge shall not, with respect to a Turnpike Road, exceed One Foot in Thirty Feet, and with respect to a public Carriage Road One Foot in Twenty Feet, and with respect to a private Carriage Road One Foot in Thirteen Feet.

Regulations  
as to Width  
and Ascent  
of Bridges  
carrying  
public Roads  
over Railway.

X. And be it further enacted, That where any Bridge shall be erected for carrying any public Road over the said Railway the Road over 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 between the Fences of such Road of not less than Fifteen Feet; and the Ascent of every such Bridge for the Purpose of such public Road, if Turnpike, shall not be more than One Foot in Fifteen Feet, and with respect to any public Carriage Road not Turnpike One Foot in Twenty Feet, and with respect to any private Carriage Road not more than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Railway  
crossing a  
Turnpike  
Road to be  
carried over  
by a Bridge.

XI. And be it further enacted, That where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road, at the Expence of the said Company, by means of a Bridge, of such Construction as in this Act is mentioned.

Regulations  
as to crossing  
Highways on  
a Level.

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

Where Rail-  
way crosses  
public High-  
ways on a

XIII. And be it further enacted, That where the said Railway shall cross any public Highway on a Level the said Company shall erect and at all Times maintain good and sufficient Gates across the said

said Railway at the Point where it shall cross such public Highway, all which Gates shall be kept constantly shut by some Person to be appointed by the said Company, (and which Person the said Company are hereby required to appoint, under a Penalty of Five Pounds for each Default,) except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then the Gates shall be opened for the Purpose only of letting such Carriages pass through; and the Person entrusted with the Care of any Gate shall cause every such Gate to be shut as soon as such Carriages shall have passed through, under the Penalty of Five Pounds for every Default therein.

Level, Company to erect Gates.

XIV. And be it further enacted, That in case the said intended Railway shall at any Time or Times hereafter from its near Approach to any Turnpike Road occasion Danger to the Travellers on such Road in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the Limit where such Turnpike Road shall be, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them, to answer such Complaint; and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, within such Time as shall be appointed by the said Justices, commence, and within such Time as shall be appointed by the said Justices complete, such Works in the Nature of a Screen to or adjoining the Sides of the said Turnpike Road, or by the said intended Railway, as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay for every Day during which the said Company shall not commence or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recovered by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Company to erect Screen on Side of Railway in case of Danger to Passengers on Turnpike Roads.

XV. And whereas it is intended that the said Railway shall cross a certain Cut lately made by the said Company of Proprietors of the Navigation of the River *Dun* in the *Holmes Farm* near *Rotherham*; be it therefore enacted, That the said Railway Company shall at their own Expence make and construct a good and sufficient Bridge of such Materials as they shall think proper for carrying the said Railway over the said Cut in such Manner as to leave a clear Height

Regulating the Construction of Bridge over River Dun Company's New Cut.

of

of Bridge-way or Opening under the same above the ordinary Surface Water of the said Cut of not less than than Twelve Feet in the Centre of the Arch of such Bridge, and not less than Eight Feet at the Sides thereof, which Surface Water shall be taken to be Seven Feet Six Inches above the Crown of the *Rotherham Weir*; and further, that the Span measuring Square from Abutment to Abutment of the said Bridge shall not be less than Thirty-six Feet, including a Towing Path of Six Feet wide on each Side of the Waterway; and further, that the said Railway Company shall from Time to Time at their own Expence uphold and maintain the said Bridge and Abutments and Towing-path Walls, and shall indemnify and save harmless the said Company of Proprietors of the Navigation of the River *Dun* from any Expence, Loss, or Damage which may be occasioned by the making, constructing, or repairing of the said Works or otherwise; and in case any Damage or Obstruction shall, by the Manner of making, constructing, or repairing of the said Works in this Clause specified, or by reason of the subsequent Dilapidation thereof, be caused or arise to or upon the said Cut or Canal, then and in such Case the said Company of Proprietors of the River *Dun* Navigation shall and may repair such Damage or remove such Obstruction (as the Case may be) by and at the Costs and Charges of the said Railway Company, such Costs and Charges to be assessed by and made payable by the Order of any Two Justices of the Peace within the said West Riding, they the said Company of Proprietors of the said Navigation first giving Seven Days Notice to the said Railway Company of their Intention to apply for such Order to such Justices as aforesaid.

Plan and Book of Reference to remain with the Clerk of the Peace.

XVI. And whereas a Plan describing the Line of the said Railway, and the Lands in, through, over, or under which the same is intended to be carried, together with a Book of Reference thereto containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said 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 Plan and Book of Reference, paying to the said Clerk the Sum of One Shilling for every Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said 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, certified by the said Clerk of the Peace or his Deputy to be a true Copy, are hereby declared to be good Evidence in all Courts of Law and elsewhere.

Company not to deviate from Plan more than 100 Yards, &c.

XVII. And be it further enacted, That the said Company shall not, in making the said Railway and other Works by this Act authorized, deviate from the Line delineated on the said Plan so deposited with the Clerk of the Peace 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 of any Person whose Name is not mentioned



mentioned in the said Book of Reference, or unless such Person shall have become possessed of any Lands mentioned in the said Book of Reference subsequently to the Thirtieth Day of *November* One thousand eight hundred and thirty-five.

XVIII. Provided always, and be it further enacted, That the said Company shall not, in the Exercise of the Power of Deviation by this Act granted to them, take for the said Railway a greater Width of the Plantation and Lands belonging to *James Wheat* Esquire, being in front of a Dwelling House called *Ferham*, in the Township of *Kimberworth*, and numbered 269, 270, and 270<sup>a</sup>, on the Plan of the said Railway, deposited with the Clerk of the Peace of the said West Riding, than Thirty Yards North of the Northern Fence of a certain Road or Lane there called *Holmes Lane*; and further, that the said Company shall (if required so to do by the said *James Wheat*) divert the said Road or Lane called *Holmes Lane*, so as to leave it intervening between the said Railway and the said House called *Ferham*, and shall at their own Expence erect and build a Fence Wall equal in Quality to the present Wall now adjoining upon the said Road or Lane, and not less than Six Feet high above the Footpath of the said Road or Lane when so diverted as aforesaid: Provided always, that it shall not be lawful for the said Railway Company to make any Deviation to the Southward from the Line or Course of the said Railway as delineated on the said Plan, so as that the Line of the said Railway shall be brought nearer to the Back of the Cottages at *Jordan Dam*, numbered 224 on the said Plan, than is laid down and described on the said Plan, but there shall be left a clear Space of Sixteen Feet between the South Side of the said Railway Works and the Bur Wall on the South Side of a Road lately made behind the said *Jordan Dam* Houses; and further, that the said Railway Company shall not take or use such Parts of the Lands of the said Company of Proprietors of the Navigation of the River *Dun* at *Jordan Dam*, numbered 222 and 225 on the said Plan, as lie on the South Side of the Line of the said Railway there.

Restricting  
Deviation  
into Property  
of James  
Wheat and  
of the  
River Dun  
Company.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works upon, in, over, under, or through the Lands upon, in, over, under, or through which such Railway or other Works are delineated on the said Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners, or of the Lessees or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule hereto, or in the said Book of Reference, if it shall appear to any Justice of the Peace for the said West Riding of the County of *York* (in case of Dispute about the same,) and be certified by Writing under his Hand, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Misinformation, and not from Design; and the Certificate of the said Justice shall be deposited with and remain in the Custody of the Clerk of the Peace of the said Riding, and shall be sufficient for all Purposes whatsoever.

Uninten-  
tional Errors  
in the Act or  
Plan or Book  
of Reference  
not to pre-  
vent the Ex-  
ecution of  
the Act.

Houses and Gardens not to be taken without Consent, except such as are specified in the Schedule.

XX. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company to take, injure, or damage, for the Purposes of this Act, any House or Building which was erected on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five, or any Land 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, without the Consent in Writing of the Owner thereof, or other Person interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed, unless the Omission thereof from such Schedule shall have proceeded from Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Providing for Injury to Roads.

XXI. Provided always, and be it further enacted, That in all Cases in which in the Exercise of any of the Powers hereby granted any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, diverted, raised, sunk, taken, or injured so as to be impassable for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so cut through, diverted, raised, sunk, taken, or injured as aforesaid, cause another sufficient Road (as the Case may require) to be made instead thereof, and such new Road shall be as convenient for Passengers and Carriages as the Road so to be cut through, diverted, raised, sunk, taken, or injured as aforesaid, or as nearly as may be; and when the Road cut through, diverted, raised, sunk, taken, or injured shall be a Turnpike Road the substituted Road, if temporary, shall be made, and the principal Road shall be restored within Six Calendar Months next after the Commencement of the Operation.

Breadth of Land to be taken for the Railway.

XXII. And be it further enacted, That the Lands to be taken or used for the Line of the said Railway shall not exceed Twenty Yards in Breadth, except in Places in which a greater Breadth shall be necessary for Carriages to wait, load, or unload, and to turn or pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, or for the Erection or Establishment of Houses, Warehouses, Landing Places, Wharfs, Engines, Machinery, and other Erections and Buildings, and except at or near the several Terminations of the said Railway, and then shall be of such Breadth only as may be necessary for effecting the Purposes aforesaid, unless with the Consent of the Owners of any Lands which the said Company shall be desirous of appropriating in order to obtain greater Space for the Purposes of this Act.

Corporations, &c. empowered to sell and convey Lands.

XXIII. 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 for Life or in Tail, or for any other partial or qualified Estate or Interest,

rest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, 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 if incapacitated, 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, Femes Covert, or other Persons,) and to and for all Femes 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; 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 the Parties and the Circumstances of the Case will admit; (namely,)

‘ I 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 Exchequer *ex parte* “The Sheffield and Rotherham Railway  
 ‘ Company,” or to A. B. of and C. D. of  
 ‘ Two Trustees appointed to receive the same pursuant to the Act  
 ‘ after mentioned,] paid by the said Company established and  
 ‘ incorporated by an Act of Parliament passed in the Year of  
 ‘ the Reign of His Majesty King William the Fourth, intituled [here  
 ‘ set forth the Title of this Act], do hereby grant and alien to the said  
 ‘ Company, their Successors and Assigns, all [describing the Premises  
 ‘ to be conveyed], together with all Ways, Rights, and Appurtenances  
 ‘ thereunto belonging, and all such Estate, Right, Title, and Interest  
 ‘ in and to the same and every Part thereof as I am or shall become  
 ‘ seised or possessed of, or as I am by the said Act capacitated or  
 ‘ empowered to convey, to hold the same Premises to the said Com-  
 ‘ pany, 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  
 Company.

And all such Conveyances and Assurances 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 Estates or Interests so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands so granted and aliened.

XXIV. Provided always, and be it further enacted, That if any Contract or Agreement shall be made or entered into for or in respect of any Lands to be taken or used by virtue of this Act for the Purposes thereof which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender of such Lands in the Court

Copyholds to  
 be conveyed  
 by Surrender,  
 and Compensa-  
 tion to be  
 made for the  
 Fines and

Services until  
Enfranchise-  
ment.

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 authorized to make Conveyances of Lands, and shall have the like Force and Effect, in respect of such Copyhold or Customary Estates and Interests, as such Conveyance as aforesaid made by the same Corporations or Persons would have had over the Lands comprised in such Surrender in case the same had been of Freehold Tenure in the same Corporations or Persons; and such Lands shall continue subject to the same Fines, Rents, and Services as may be then payable and of right accustomed, in the same Manner as if this Act had not been passed, until the said Company shall contract with the Lord or Lady for the Time being of such Manor, or if Infant, Lunatic, or Idiot, then with his Guardian or Committee, for the Enfranchisement of such Lands; and such Lord or Lady, whether sole or married, and whether a Trustee, or seised in his or her own Right, and his or her Guardian or Committee if Infant, Lunatic, or Idiot, is hereby empowered to contract for the Enfranchisement of and to enfranchise the same Copyhold or Customary Lands by the like Form of Conveyance as by this Act is directed to be used in case of the Conveyance of Lands of Freehold Tenure, notwithstanding that he or she shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent such Lord or Lady from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation as he or she would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lady shall be paid by the said Company a reasonable Recompence for the Loss which may arise to him or her in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be lost or diminished by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; and such Recompence, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of any Copyhold or Customary Tenements of which a Part only shall be taken for the Purposes of this Act, and also the Price to be paid by the said Company for the Enfranchisement of any such Lands, (and which Purchase, in case the Lord or Lady of such Manor shall require the same, shall be compulsory on the said Company,) shall, if not settled by Agreement between the Parties, 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.

Application  
of Money be-  
longing to  
Lords of  
Manors under  
Incapacity in  
respect of

XXV. And be it further enacted, That in all Cases in which the Lord or Lady of any Manor whereof any Copyhold or Customary Lands required to be taken for the Purposes of this Act are held or parcel, or being Infant, Lunatic, or Idiot, his or her Guardian or Committee, shall be willing to enfranchise such Copyhold or Customary Lands, and such Lord or Lady shall be seised of or entitled to such

such Manor for a less Interest than an Estate in Tail, General or Special, in Possession, or where he or she shall be unable to enfranchise the same Lands, or shall (whether having such limited or the entire Estate in such Manor) be Infant, Lunatic, or Idiot, then the Money agreed upon or awarded by a Jury to be paid for the Enfranchisement thereof shall be paid and disposed of under the Direction of the Court of Exchequer, or without such Direction according to the Amount thereof, in the same Manner in all respects as in this Act directed with respect to Money agreed upon or awarded by a Jury to be paid for the Purchase of any Lands taken or used for the Purposes thereof which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Lands, of which a Part only shall be taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent of the Lord or Lady of the Manor whereof the same Copyhold or Customary Lands are held or parcel, and if not so settled the same shall then be determined by the Verdict of a Jury, if required, in such Manner as by this Act is directed; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate or prejudice the Customs in other respects 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; and in all Cases in which the Lord or Lady 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 in consequence thereof have received from the Company a Recompence in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands in a Body Corporate, then and in every such Case, if the same Lands or any Part thereof shall not be ultimately required for the Purposes of this Act, and shall be sold by the said Company under the Authority to them by this Act given for that Purpose, the Copyhold or Customary Lands which shall be sold by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free from the Fines, Heriots, and other Services for which such Recompence shall have been so made as aforesaid.

XXVI. And be it further enacted, That where any Lands purchased or intended to be purchased by the said Company shall be subject (solely, or jointly with other Lands not intended to be purchased,) to any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased or intended to be 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 Persons by this Act authorized

[*Local.*]

53 K

and

the Enfranchisement of Copyholds.

Power to purchase the Release of Rents affecting Lands taken.

and empowered to 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 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 purchased or intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to the same as herein-before mentioned according to the respective Values of the Lands purchased or intended to be purchased, and of the Lands not purchased or intended to be purchased by the said Company ; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Company and any such Party as aforesaid respecting such Release, (and which may be of the like Form as by this Act is 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 Title to the remaining Rent or the Remedies for recovering thereof, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Where small  
Parcels of  
Land are in-  
tersected,  
the Company  
compellable  
to purchase  
the whole.

XXVII. Provided also, and be it further enacted, That if in the Execution of any of the Powers of this Act any Land not built upon shall be cut through and divided, so that what shall be left thereof on both Sides or on either Side of the said Railway shall be less than Half a Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case (if such Owner shall so require, but not otherwise,) the said Company shall also purchase the Land so left on both or on either of the Sides of the said Railway, being less than Half a Statute Acre in Quantity and unbuilt upon as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is directed concerning

concerning Land to be taken or used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land adjoining to that which shall be so left he may require the said Company, at the Expence of such Company, to throw the same into the adjoining Land of such Owner by removing the Fences and leveling the Sides thereof, and soiling the same in a workmanlike Manner: Provided always, that if the Owner of any Land which shall be so left, being less than Half a Statute Acre in Quantity, shall not have any Land adjoining thereto on the same Side of the said Railway, and shall call upon the said Company to make any Bridge or Culvert for the Purpose of making a Communication between such Lands and any Lands he may possess on the other Side of the said Railway, it shall be lawful for the said Company and they are hereby empowered to purchase such Piece of Land, being less than Half a Statute Acre in Quantity.

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

Company not to claim Mines or Minerals under the Lands purchased.

XXIX. Provided always, and be it further enacted, That when and as often as the Proprietor or Lessee or Tenant of any Mines of Coal, Stone, Slate, or other 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 Twenty-one Days at least before he shall begin to work such Mines, and upon Receipt of such Notice it shall be lawful for the said Company to inspect such Mines or to cause the same to be inspected, and to contract or agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines, or any Part thereof, the getting or working of which may appear to the said Company likely to prejudice or damage the said Railway or other Works; and in case the said Company, and such Proprietor, Lessee, or Tenant, cannot or do not agree as to the Value of such Mines, the same shall be ascertained and settled by Two indifferent Persons skilful in the working of Mines and Minerals, the one to be named by

Owners of Mines to give Notice to the Company of their Intention to work Mines, and Company may thereupon purchase the same.

by the said Company, and the other by the Proprietor, Lessee, or Tenant of such Mines and Minerals for the Time being ; but in case of Disagreement of such Referees so chosen as aforesaid any Umpire (also indifferent and skilful as aforesaid) shall be appointed by such Referees, and the Decision of such Referees or Umpire respectively shall be final and conclusive : Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines and he is hereby authorized to work and get such Part of the said Mines as lies under the said Railway and other Works, or within the Distance aforesaid, without being liable to the said Company for any Damage which may be done thereby, unless such Damage be wilfully done, or be caused by the working of the said Mines in an improper Manner.

Company to defray Expences of working Mines and Minerals.

XXX. Provided also, and be it further enacted, That the said Company shall from Time to Time pay or cause to be paid to such Proprietor, Lessee, or Tenant of such Mines and Minerals as aforesaid all such Costs, Charges, Losses, and extraordinary Expences as shall fall upon such Proprietor, Lessee, or Tenant in consequence of his working the same, in such Manner and under such Restrictions as not to prejudice or injure the said Railway, or any Works or Conveniences connected therewith ; and if any Dispute or Question shall arise between the said Company and such Proprietor, Lessee, or Tenant as aforesaid, and his, her, or their Heirs, Executors, Administrators, or Assigns, touching the Amount of such Costs, Charges, Losses, or extraordinary Expences, the same shall be settled and determined by Two indifferent Persons, or (in case of their Disagreement) by an Umpire, in manner last herein-before provided.

If Company purchase the Mines, Owners of adjoining Mines may make Communications.

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



Railway or Works, or to obstruct or impede the Passage upon or along the said Railway.

XXXII. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked or got, so as to prejudice or damage the said Railway and other Works or any of them; be it further enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter, to enter upon any Lands through or near which the said Railway and other Works hereby authorized shall pass, wherein any such Mines shall be found or shall be working or be supposed to be working, and likewise to enter into and return from any Coal-pits or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling, Ropes, Apparatus, or Machinery belonging to such Proprietors, Lessees, or Tenants, and to view, search, bore, dig, and measure, 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 worked and got contrary to the Directions of this Act; and in case the said Proprietors, Lessees, or Tenants respectively shall not immediately after such Notice secure and make safe the said Railway and other Works, and use due Diligence in effecting the same, to the Satisfaction of the said Company or their Engineer for the Time being, then and in such Case it shall be lawful for the said Company and their Agents and Workmen, at the Expence of such respective Proprietors, Lessees, or Tenants, 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 shall be recoverable by the said Company from such Proprietor, Lessee, or Tenant who shall so respectively have worked or got such Mines contrary to the Directions of this Act, in such and the same Manner as the Rates, Tolls, and Sums by this Act granted may be recovered, and shall be applied for the Purposes of this Act.

Method of discovering when Mines are at work.

XXXIII. And be it further enacted, That from and 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, Connexion Rods, and other Matters, as may be necessary for working the said Mines in conformity with 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.

No Shaft to be sunk on the Railway; but Proprietors may fix Ropes, &c. near the Railway for the Purpose of working.

Satisfaction  
to be made  
for Lands  
taken for the  
Railway.

XXXIV. And be it further enacted, That all Parties by this Act capacitated to sell and convey Lands, or to enfranchise any Lands of Copyhold or Customary Tenure, and the respective Owners and Occupiers of any Lands through, under, in, or upon which the said Railway and 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 are contained as to the Payment thereof) accept and receive, Satisfaction for the Value of such Lands, or of the Interest therein by them respectively conveyed, and also Compensation for any Damage sustained by them respectively, 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 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 hereinafter is directed.

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

XXXV. 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 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, Satisfaction, or Compensation shall refuse to accept such Purchase Money, Satisfaction, or Compensation, 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 known 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 therein, or the respective Estates or Interests which they respectively are hereby capacitated to convey, 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 constructing the said Railway and other the  
Works

Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they may respectively 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 any of the Powers 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 under their Common Seal to the Sheriff of the County of *York*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under the said Company, 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 said County, who shall have filled the Office of Sheriff or Coroner in the said County, and be free from personal Disability, and not interested as aforesaid; (a Person having more recently served either Office being always preferred,) commanding such Sheriff, Coroner, or other Person 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 joined 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, Coroner, or other Person, or by some other 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 be speedily 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 order and authorize the said Jury or any Six of them to view the Place or Matter in controversy, and such Jury shall upon their Oaths (which Oaths as well as the Oaths 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 Persons whomsoever: Provided always, that not less than Fourteen 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 other 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: Provided also, that in all such Cases the Party claiming such Satisfaction or Compensation shall be the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs are, in Actions tried in any of His Majesty's Courts of Record at *Westminster*, by Law entitled to.

Purchase Money and Compensation to be apportioned between Parties having particular Interests.

XXXVI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money, Satisfaction, or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant, Lessee, or other Person for any particular Estate, Term, or Interest which he may have in the Premises.

Verdicts to be recorded by the Clerk of the Peace.

XXXVII. 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 West Riding of the County of *York* amongst the Records of the Quarter Sessions for such Riding, 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 Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff or his Substitute, or Jurors or Witnesses, making default.

XXXVIII. And be it further enacted, That if any such Sheriff, Under Sheriff, 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 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 to give Evidence, every Person so offending, having no reasonable Excuse, (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay 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 for every such Offence; all which 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 said West Riding of the County of *York* by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus (if any) of the Money thereby produced after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

XXXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations 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 Oaths 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 Penalties and Punishment to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

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

XL. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as a Satisfaction or Compensation for any Damage or Loss which may be occasioned by the Execution of any of the Powers of this Act, all the Costs and Expences of obtaining such Verdict, and also of the Bond to be given by the Parties requiring such Jury as herein-after mentioned, 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 such 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 by any Justice of the Peace for the said West 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

Expences of Jury and Witnesses how to be paid.

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 or on behalf of the said Company, One Moiety of the said Costs and Expences, including the Costs of the Bond so to be given as aforesaid, shall be defrayed by the Party with whom the said Company shall have such 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 such 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 from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Company.

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

XLI. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the 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 obtaining such Verdict in case any Part of such Costs and Expences shall fall upon them.

Amount of Compensation claimed for Loss or Injury to be made before any Proceedings taken.

XLII. 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 (unless with the Consent of the said Company) 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, signed by or on behalf of the Party 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 Party to the said Company Fourteen 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.

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

XLIII. 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 by way of Satisfaction or Compensation for any Loss or Injury, as herein-before mentioned, to the respective Proprietors of such Lands or other Persons respectively interested therein, or entitled to receive such Purchase Money, Satisfaction, or Compensation, within Thirty Days after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested

interested or entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse or neglect or be unable to make a good Title to such Lands to the Satisfaction of the said Company, or if any Party entitled to or hereby capacitated 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 in this Act is directed, or if any such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or for such Satisfaction or Compensation as aforesaid, which any Person under Disability is hereby capacitated to convey, then upon the Payment of such Money into the Bank of *England*, as in this Act is directed, to an Account *ex parte* "The *Sheffield* and *Rotherham* Railway Company," or in such other Manner as such Money is by this Act directed to be paid, it shall be lawful for the said Company forthwith to enter upon 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 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 under their Authority to bore, 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 such Act, without the previous Consent of the Owners and Occupiers thereof respectively.

XLIV. And whereas in constructing or making 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 Part 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; but inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage done to such adjoining Lands by the Exercise of the Powers 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 Occupiers of such adjoining Lands by the Exercise of the Powers 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 Deposit, 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,

Compensation to be made for temporary Damage.

Workmen, and they are hereby empowered, to enter upon the Lands of any Person whomsoever adjoining or lying near to the said Railway and other Works by this Act authorized, 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 constructing the said Railway or other Works, or any of them, 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 constructing the said Railway and other Works, and to manufacture the same, without having previously made such Payment, Tender, or Deposit 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 and Occupiers thereof; such Compensation, in case the Parties differ about the same, to be settled and recovered in the Manner herein 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 Satisfaction and Compensation 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 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 and other Works the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Fencings so much of the Land as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Five hundred Yards from the said Railway and other Works, or to make Bricks, or to place a Steam Engine upon any such Lands, at any Place which shall not be distant at least Five hundred Yards from any Mansion, without the Leave of the Owner and Occupier of such Mansion in Writing first obtained for that Purpose: Provided always, that before entering upon any such Lands for such temporary Purpose as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per Acre* conditioned for the Payment of such Compensation, such Securities to be approved of by Two Justices of the County or Riding in which such Lands shall be situate in case the Parties differ about the same.



XLV. 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 or used 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 said West Riding of the County of *York*, 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 Fifty Pounds; and the said Justices 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 Costs and Charges attending 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 Satisfaction or Compensation for other Damages done by the said Company.

For settling Disputes as to Damages to a small Amount.

XLVI. And be it further enacted, That all Persons in Possession of any Lands which shall be required or intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Premises to the said Company or their Clerk, or to such Person as the said Company or their Clerk shall appoint to take possession of the same, at the Expiration of Six Calendar Months (if the Property so required be at the Date of such Notice an inhabited Dwelling House or a Shop actually then used for the carrying on of some Trade therein), or at the Expiration of Six Weeks (if the Property so required be not such a Dwelling House or Shop, but Premises of some other Description,) next after Notice to that Effect shall have been given by the said Company to or left at the last known Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises, whether such Notices respectively be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notices respectively be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months or Six Weeks (as the Case may be) as in any such Notices they shall be respectively required; and in case any such Tenant or Lessee 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 to the Sheriff of the said County of *York* 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 such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession by Distress and Sale of his Goods and Chattels: Provided always, that every such Six Weeks Notice shall be made to

Tenants at Will, for a Year, or from Year to Year, to quit Lands &c. after Notice.

[*Local.*]

53 N

expire

expire either on some Twenty-fifth Day of *March*, or on some Twenty-fourth Day of *June*, or on some Twenty-ninth Day of *September*, or on some Twenty-fifth Day of *December*.

Interest of such Tenants may be settled by a Jury.

XLVII. Provided also, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver up the Possession of any Premises occupied by him before the Expiration of his Term or Interest therein shall give the said Company previous Notice in Writing thereof, the said Company shall 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 ascertained or determined.

Persons holding under Leases to produce the same.

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

Mortgagees to convey to the Company.

XLIX. And be it further enacted, That all Persons 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 other Persons 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 Lands 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 Conveyances of Lands, or as near thereto as the Circumstances of the Case will admit; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months, (to be computed from the Day of giving such Notice,) then at the End of such Six Calendar Months, on Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall assign and transfer their respective Interests in the mortgaged Premises to the said Company, or as they

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: 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, 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, 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.

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

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

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 such Mortgagees shall have the same Powers and Remedies for recovering or compelling the 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 have had and been entitled to for recovering or compelling Payment thereof upon and 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 the Amount so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company at their Expence to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

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

LI. And be it further enacted, That in all Cases where a Composition in lieu of Tithes shall have been made under an Act of Parliament by the Grant of a perpetual annual Sum of Money or Corn Rent, and any of the Lands chargeable with such Sum of Money or Corn Rent, or any Part of the same, shall be taken by the said Company under the Authority of this Act, Compensation shall be made by the said Company for the Value of the said annual Sum of Money or Corn Rent, or the Proportion of the said annual Sum of Money or Corn Rent, chargeable upon the Lands so taken by the Payment of a Sum in gross, such Sum being equal in Amount to Twenty-five Years Value of the annual Amount of the said annual Sum of Money or Corn Rent payable at the Time of the passing of this Act, or the said Proportion of the said annual Sum of Money or Corn Rent; and the said Company are hereby required to pay such Sum of Money into the Bank of *England* in manner by this Act provided in Cases where any Monies are to be paid to incapacitated Persons before entering into the Possession of the said Lands; and from and after the Payment of such Sum the Lands so taken shall be for ever discharged of and from the said perpetual annual Sum of Money or Corn Rent, or from the proportionate Part of the said annual Sum of Money or Corn Rent, as the Case may be: Provided always, that in case Part only of any Lands and Grounds liable to the Payment of any such annual Sum or Corn Rent as aforesaid shall be purchased or taken by the said Company, nothing in this Act contained shall extend or be construed to extend to discharge the Remainder of the said Lands or Grounds from the Payment of the Remainder of the annual Sums or Corn Rents which would have been payable in respect of such Lands and Grounds after deducting therefrom the proportional Part of the said annual Sum or Corn Rent chargeable in respect of the Lands or Grounds so purchased or taken, but that the Remainder of such Lands and Grounds shall remain and be liable to such proportionate Part or Share of the said annual

annual Sum or Corn Rent as the same would have been assessed at or would have been payable in respect of the same in case they had been assessed alone under Authority of the Act under which the said Composition for Tithes has taken place; and the Rector, Vicar, or other Person or Persons entitled to the said annual Sum or Corn Rent shall have the same Remedies for the Recovery of the said last-mentioned proportionate Part of the said annual Sum or Corn Rent by Suit or Action, or by Distress, Entry, or Perception of Rents and Profits, in, upon, or over the said last-mentioned Lands and Grounds, or otherwise, as he or they had or were entitled to in respect of the whole of the said annual Sum or Corn Rent.

LII. And be it further enacted, That if any Money agreed or awarded to be paid for the Purchase of any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for any Satisfaction or Compensation under this Act which any Corporation, Tenant for Life or in Tail, 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 placed to his Account there *ex parte* "The *Sheffield and Rotherham* 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 same 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 Satisfaction or Compensation

Application of Compensation Money when amounting to 200*l.*

1 G. 4. c. 35.

pensation 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 any Government or in 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 Compen-  
sation Money  
when less  
than 200*l.*  
and exceed-  
ing 20*l.*

LIII. 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 or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for Satisfaction or Compensation as aforesaid in respect of any Lands 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, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company signified in Writing under their Common Seal, 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 and Seals or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without it being necessary to obtain any Order of the said Court touching the Application thereof.

Application  
of Compen-  
sation Money  
when less  
than 20*l.*

LIV. 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, then 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

Purposes of this Act, or in respect of which such Satisfaction or Compensation shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

LV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, or any Terms or Interests therein, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, or any Terms or Interests therein, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

Expences of  
Titles to be  
paid by the  
Company.

LVI. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court to be taxed in the usual Manner, and such Order shall be served on the Party or Parties aforesaid; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited in

How such  
Expences are  
to be ascer-  
tained.

the

the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The *Sheffield* and *Rotherham* Railway Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth; which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

In case of not making out Titles, or of Absence or Refusal to convey, the Money to be paid into the Bank.

LVII. And be it further enacted, That in case any Party to whom any Sum of Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under the Authority of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for Satisfaction or Compensation as aforesaid, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a Title to such Lands or to such Interest therein to the Satisfaction of the said Company, or shall be absent from *England*, or shall not be found, or if any Party entitled unto and to convey any such Lands or such Interest therein be not known or discovered, then and in every such Case it shall be lawful for the said Company to pay the Money so agreed or awarded to be paid as aforesaid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, (describing them, so far as the said Company can do so,) subject to the Control and Disposition of the said Court; which said Court (on the Application of any Party making claim to such Money or to any Part thereof by Petition) is hereby empowered, in a summary Way of proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the 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 the Party paying any Money into the Bank of *England* 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.

In case of disputed Title the Persons in

LVIII. Provided always, and be it further enacted, That where any Question shall arise (in reference to the Provisions aforesaid, or otherwise, upon this Act,) touching the Title of any Party to any Lands, or

to



to any Interest in any Lands, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into the Bank of *England* for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act, or for Compensation as aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest thereof, 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, or when such Lands were affected or required or taken, and all Corporations and Persons claiming under such Parties, or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

Possession to be presumptively entitled.

LIX. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

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

LX. And whereas by means of the Purchases which the said Company are empowered and are required to make by virtue of this Act they may happen to be seised of more Lands 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, any such Lands, or any Estate or Interest in such Lands, or any Part thereof, either together or in Parcels, by public  
[Local.] 53 P Auction

Company empowered to sell Lands not wanted for the Purposes of the Act.

Auction or by private Contract; and all such Sales and Conveyances from the said Company shall be valid and effectual to all Intents and Purposes whatsoever, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Company before they shall so convey any such Lands shall offer to sell the same to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be conveyed, if such Persons be in *England* and can be conveniently found, and are capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention to the said Company in Writing within Thirty Days after such Offer of Sale shall have been made; and in case such Persons or any of them shall decline to avail themselves of such Offer, or shall neglect for the Space of Thirty Days to signify to the said Company their Desire and Intention to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall be destroyed; and an Affidavit sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said West Riding of the County of *York*, by some Person not interested in the same Lands, stating (according to the Belief of the Deponent) that the Person entitled to such Right of Pre-emption was not in *England*, or was not conveniently found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer had been made by or on behalf of the said Company, and that such Offer had been refused or had not been accepted by the Person to whom such Offer had been made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be conclusive Evidence and Proof that such Offer had been made, and had been refused or had not been accepted (as the Case may be) within the Time aforesaid by the Person to whom such Offer was made; and in case any such Person 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 any such Lands as aforesaid shall be applied to the Purposes of this Act.

Treasurer  
to give  
Receipts for  
Money paid  
to the Com-  
pany.

LXI. 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 any Part thereof.

LXII. 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 with any Corporation (especially such and the like Persons and Corporations as are herein-before capacitated to sell and convey other Lands for the Purposes of this Act) for the Purchase of any Lands not exceeding in the whole Ten Statute Acres (in addition to the Lands herein-before authorized to be taken and used) in such Place as the said Company shall deem eligible for the Purpose of making and providing Stations, Yards, Staiths, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, or keeping any Cattle or any Goods, or any other 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 whomsoever (including especially such and the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands for the Purposes of this Act) to sell and convey to the said Company and their Successors and Assigns 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 or used for the Purposes of constructing the said Railway and other Works by this Act authorized.

Company empowered to purchase Ten Acres of Land for Stations and other Purposes.

LXIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes of Stations, Yards, Staiths, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences as aforesaid, 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 from Time to Time 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 as aforesaid, 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 any of such Purposes shall not exceed at any one Time the Number of Acres for those Purposes respectively allowed by this Act.

Company empowered to sell such Lands, and to purchase other Lands.

LXIV. And whereas the said Company are enabled to purchase Ten Statute Acres of Land by virtue of this Act for the Purpose of providing Stations, Yards, Staiths, Wharfs, Weighing Machines, loading and unloading Places, Warehouses, and other Buildings and Conveniences, in addition to the Lands authorized to be taken

Company not to purchase more than Ten Acres of Land from Cor- for

porations or  
Persons  
under Disabi-  
lity.

for constructing the said Railway and other Works, and all Corporations and all Persons whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from Corporations or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same Corporations or Persons, or from any other Corporations or Persons being under legal Disability or Incapacity 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 Ten Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Statute Acres so purchased it shall not be lawful for the said Company to purchase of the same or of any other Corporation or Person being under legal Disability or Incapacity as aforesaid, 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 instead of such Ten Statute Acres or any Part thereof so sold or disposed of by the said Company.

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

LXV. And be it further enacted, That in all Conveyances to be made by the said Company 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 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 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, their Successors and Assigns, and all claiming under them, and be indemnified by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurances of such Lands by the said Company, their Successors and Assigns, and all claiming under them, except so far as the same shall be restrained by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall

shall and may in all Actions to be brought assign Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

LXVI. And whereas the Expence of constructing the said Railway and the other Works by this Act authorized is estimated at the Sum of Ninety thousand Pounds: And whereas the Sum of Eighty thousand Pounds, being Eight Ninth 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 Ninety 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.

The whole of the estimated Expence to be subscribed before the compulsory Powers of the Act shall be put in force.

LXVII. And be it further enacted, That it shall be lawful for the said Company to raise among themselves any Sum of Money for constructing and maintaining the said Railway and other Works and Conveniences by this Act authorized, not exceeding in the whole the Sum of One hundred thousand Pounds (except as herein-after is mentioned), the whole to be divided into Four thousand Shares of Twenty-five Pounds each; and such 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 such 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 the net Profits and Advantages which shall 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, according to the Sums by such Parties respectively paid.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 100,000*l.*, to be divided into Shares of 25*l.* each.

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

Shares to be Personal Estate.

LXIX. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company under and by virtue of the Powers of this Act, at such Times and at such Places and to such Persons as shall be appointed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money by him so subscribed

To compel Payment of Subscriptions.

[*Local.*]

for,

for, or the Part or Proportion thereof so called for, it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time it was directed to be paid as aforesaid up to the Day of actual Payment thereof.

Directions  
for and Mode  
of voting at  
Meetings.

LXX. 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 the Proprietors of any Share or Shares not exceeding Ten in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote in respect of each such Share; and all such Corporations and Persons as aforesaid who shall have subscribed for or shall have become the Proprietors of Ten Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Ten Votes which they shall respectively have for or in respect of the first Ten Shares, have an additional Vote for every Five Shares which they shall have subscribed for or become Proprietors of in the said Undertaking beyond the Number of Ten Shares; and such Vote or Votes may be given by such respective Parties, or (in their Absence) by their respective Proxies constituted under the Common Seal of such Corporations, 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 to all Intents and Purposes as if the Principal had voted in Person; and every Question or Thing which shall be proposed in any General or Special General Meeting of the said Company, except as herein-after provided for, shall be determined by a Majority of Votes of Members of the said Company then present personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but (in case of an Equality of Votes) shall and may also have a second 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 *Sheffield*  
' and *Rotherham* 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 re-  
' lating to the said Undertaking which shall be proposed at any  
' General or Special General Meeting of the said Company, in such  
' Manner as he the said *C.D.* shall think proper. In witness whereof  
' the said *A.B.* hath hereunto set his [*or her*] Hand [*or Common*  
' Seal] the Day of

As to voting  
when a Share  
is vested in  
more than  
One Person.

LXXI. And be it further enacted, That whenever several Persons shall be jointly possessed of 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 the said Act

Act be deemed the Proprietor of such Share; and all Notices by this Act required to be given to Proprietors of Shares in the said Undertaking shall and may, for and 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 known Place of Abode of such Person, or be inserted in the *London Gazette*, as herein mentioned (as the Case may require), and such Notices to such Person shall be deemed sufficient Notice to all the Proprietors of such Share so jointly held for all the Purposes for which such Notice is intended to be given; and (as between several Proprietors) all such Proprietors shall be entitled to give their Votes in respect of such Share 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 the whole Property in such Share, without Proof of the Concurrence of the other Proprietors of such Share.

LXXII. 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 Committees, and such Committee may vote in respect of the Interest of such Lunatic or Idiot either in Person or by Proxy, and such Minor shall or may vote by his Guardian or by any of such Guardians, and such Guardian may vote in respect of the Interest of such Minor either in Person or Proxy: Provided always, that every such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or Idiot, or of Guardian of any Minor, on the same Occasion.

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

LXXIII. And be it further enacted, That the said Company shall and they are hereby required at some 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 such Share shall be distinguished, to be 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 also from Time to Time cause a Certificate, 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; and such Certificate shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not prevent the Proprietor

Names of the  
Proprietors  
to be entered,  
and Certifi-  
cates of their  
Shares to be  
delivered to  
them.







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 such 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 same, or any Sum of Money thereby secured, or any Part thereof.

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

LXXVI. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage 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; 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 payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for any Two or more Justices of the Peace for the said West 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 Parts of the said Rates, Tolls, or other Sums as are liable to pay such Interest so due 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 Party to whom such Interest shall be then due, until the same, together with the Costs of recovering and receiving the said Rates, Tolls, or other Sums, shall be fully paid; and after such Interest and Costs shall have been paid the Power of such Receiver for the Purposes aforesaid shall cease, or otherwise the said Interest so remaining unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Mortgagee not to be deemed a Proprietor or entitled to vote as such.

LXXVII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid 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 of his having advanced any Money on such Mortgage or Assignment.

Company may stipulate Periods for Repayment of Mortgage Money.

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

the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

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

As to paying off Mortgages when no Period is stipulated.

LXXX. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money or of any Part thereof which shall be secured by such Mortgage or Assignment as aforesaid by virtue of this Act at the Time when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace for the said West Riding of the County of *York* not being interested in the Matter in question, and they are hereby respectively required, on Request made to them by or on behalf of any of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Two thousand Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates, Tolls, and Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Persons to whom such Principal Monies shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same and all Interest then due thereon, together with the Costs and Charges of recovering the said Rates, Tolls, or Sums, shall have been fully satisfied and paid; and after such Principal, Interest, and Costs shall have been satisfied and paid the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

For securing Repayment of Principal Money borrowed.

LXXXI. And

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

LXXXI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Thirty 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, 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 Sum raised by Mortgage, Assignment, or Charge as aforesaid shall not at any One Time exceed the Sum of Thirty thousand Pounds.

Application of Money to be raised.

LXXXII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be 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 constructing and maintaining the said Railway and other Works and Conveniences, and in otherwise carrying this Act and the Purposes thereof into execution.

First and other General Meetings of the Company.

LXXXIII. And be it further enacted, That the First General Meeting of the said Company shall be held within Three 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 in the Month of *July* every Year, or within the Space of Fourteen Days thereafter, at such Place as the Directors (for the Time being) shall fix, and also 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 in manner herein-after provided, of which said General Meetings and Special General Meetings Seven 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 of the said Company, and such Annual General Meetings and Special General Meetings, may be adjourned from Time to Time and from Place to Place.

Special General Meetings may be convened.

LXXXIV. And be it further enacted, That any Fifteen or more Proprietors of the said Company holding in the Aggregate One hundred and fifty Shares or upwards in the said Undertaking, (upon which Shares all Calls previously made shall have been paid,) may at any Time (by Requisition in Writing under their Hands left at the Office of the said Company, or given to the Clerk of the said Company, or left at his last or usual known Place of Abode,) require such Directors 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 Service of such Requisition, the same may be called by such Fifteen  
or

or more Proprietors by giving Fourteen Days Notice thereof in some Newspaper usually circulated within the Town of *Sheffield* aforesaid; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present (provided there shall be sufficient in Number of Persons and in Number of Shares to constitute a Meeting under the Provisions herein-before contained with respect to Meetings for the Election of Directors) 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 to those only); 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, and those only,) as if the same had been done at a General Meeting held at the Time and in the Manner herein-before appointed for holding the same.

LXXXV. And be it further enacted, That the said Company shall at some General Meeting or Special General Meeting elect a Treasurer and One or more Person or Persons as Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General Meeting or Special General Meeting to remove and displace any such Treasurer or Clerk, or any Persons who shall be thereafter elected to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer, or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as the said Company or Directors 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 said Directors), who shall have the Custody or Control of any Money received by virtue of this Act for the faithful Execution of his Office before he shall enter thereupon.

General Meeting to appoint Treasurer and Clerk.

LXXXVI. 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 of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Treasurer and Clerk 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 the Partner of such Treasurer, or in the Service or Employ of such

Treasurer and Clerk not to be the same Person.

[*Local.*]

53 S

Treasurer

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 Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information (wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed).

General Meetings may make Bye Laws.

LXXXVII. And be it further enacted, That the said Company shall have full Power from Time to Time to make such Bye Laws, Rules, and Orders as to the said Company shall seem proper for the good Government of the Affairs of the said Company, and for regulating the Proceedings and remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking, and of the Officers and Servants of the said Company 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 Offence, such Fines and Forfeitures to be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, 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 affixed and continued on some conspicuous Part of the several Toll Houses which may be erected on the said Railway, and on the other Buildings or Places at which any Rates, Tolls, or other Sums shall be received under the Authority of this Act, and shall 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 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 Provisions in this Act contained); and all such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

General Meetings to settle Accounts.

LXXXVIII. And be it further enacted, That it shall be competent to any Annual General Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer, Receivers, or Collectors of the Rates, Tolls, or other Sums by this Act granted, and of the other Officers of the said Company.

Present Directors to continue in Office until First General Meeting of Company.

LXXXIX. And be it further enacted, That *William Ibbotson, Edward Vickers, Thomas Linley, Samuel Jackson, William Parker, John Marsh, John Spencer, James Roberts, Joseph Slater, Thomas Smith, George Wilton Chambers, William Swann, John Graves Clark, Samuel Barker, William Glossop, Edward John Heseltine*, and the Survivors

Survivors and Survivor of them or such of them as shall continue to act, shall be the 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 they the said Directors herein-before named shall and they are hereby required to fix the Time and Place of such First General Meeting; and until such First General Meeting shall be holden the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, shall and may exercise all the Powers and Authorities which are by this Act given to or which may be exercised by the Directors who may be elected in pursuance hereof at the First or at any subsequent Annual General Meeting of the said Company.

XC. 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, Fifteen Persons (each of whom shall be a Proprietor in his own Right of Eight Shares at the least in the said Undertaking) shall be elected Directors to manage the Affairs of the said Company (in lieu of those herein-before named) by the Proprietors present at such Meeting (either personally or by Proxy), and of the Fifteen Directors so elected as aforesaid Five shall be competent to act; and the several Persons so to be elected (unless they resign or be removed or disqualified) 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 *July* in the Year of our Lord One thousand eight hundred and thirty-seven, and until others shall be elected in their Stead in pursuance of this Act, and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

The First General Meeting to choose Directors.

XCI. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Twenty Persons present (personally or by Proxy) who shall be entitled to at least Two hundred Votes in the Aggregate within One Hour from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at or at some Time after the Expiration of Seven Days from that Time; and if at such Second Meeting the requisite Number of Proprietors of Shares, possessing the requisite Number of Votes, shall not attend within the Period aforesaid such Second Meeting shall stand adjourned to the Seventh Day next following; and in case the requisite Number of Proprietors possessing the requisite Number of Votes as aforesaid, shall not then attend as aforesaid, then the Directors for the Time being shall continue to act, and shall, until new Directors be appointed at the next Annual General Meeting, have the same Powers in all respects as they before had, any thing herein contained to the contrary notwithstanding.

General Meetings for choosing Directors, &c. to consist of not less than Twenty Persons possessed of at least Two hundred Votes.

XCII. And be it further enacted, That at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-seven Five of the Directors who shall be so elected as aforesaid (to be determined by Lot among themselves)

Directors to go out of Office in rotation.

themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons (each of whom shall be a Proprietor in his own Right of Eight Shares at the least in the said Undertaking) shall be elected by the said Company to be Directors in their Stead; and at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-eight Five others of the Directors who shall have been so primarily elected as aforesaid (to be determined by Lot amongst themselves) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-nine the remaining Five of the Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *July* in every subsequent Year Five of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors  
going out of  
Office to be  
re-eligible.

XCIII. 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.

No Person  
holding Office  
to be a  
Director.

XCIV. Provided always, 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 of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any Director of the said Company shall at any Time subsequently to his Election accept or continue to hold any other Office or 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 Eight 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 subsequent Meeting of Directors.

For supply-  
ing casual  
Vacancies in  
Direction.

XCV. And be it further enacted, That whenever any Director elected by virtue of this Act shall die, or shall reign, or shall become disqualified or incompetent to act as 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



every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Stead he may be elected would have been entitled to continue had he lived and remained in Office.

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

Business at  
Special and  
adjourned  
General  
Meetings.

XCVII. And be it further enacted, That at the First Meeting of the Directors which shall be held after the passing of this Act, and at the First Meeting of the 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 Annual General Meeting in the Month of *July* in every Year, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner at the Meeting to be held next after such Vacancy to choose some other of the said Directors to be Chairman or Deputy Chairman, and every such Chairman or Deputy Chairman to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Stead he may be so elected would have been entitled to continue if such Vacancy had not happened.

Chairman  
and Deputy  
Chairman of  
Directors  
to be chosen.

XCVIII. 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 Chairmain 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, shall (in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold,) have an additional or casting Vote as Chairman.

At Meetings  
of the Com-  
pany, the  
Chairman or  
Deputy  
Chairman of  
Directors to  
preside.

XCIX. And be it further enacted, That the Directors for the Time being of the said Company shall be called "The Directors of the *Sheffield and Rotherham Railway*," and shall have the Custody of the Common Seal of the said Company, with Power to use the same on the Behalf of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and also (subject to the Provisions of this Act) to appoint the Times and Places of holding General or Special General Meetings; and all Questions, Matters,

Powers and  
Duties of  
Directors.

Matters, and Things which shall be discussed or considered at any Meeting of the said Directors shall be determined by the Majority of Votes then present; and there shall be Five Directors at the least present to constitute a Meeting; and no Director (although possessed of many Shares in the said Undertaking) shall have more than One Vote at any such Meeting except he be the Chairman of such Meeting, in which Case he shall (if there be an equal Division) always have an additional or casting Vote as Chairman; and such Directors shall have full Power to do all Acts whatever which the said Company are by this Act authorized to do (except as herein mentioned) for the constructing and maintaining of the said Railway, and for the Management and Direction of the Affairs of the said Company; and for that Purpose the said Directors may purchase Lands and Engines and Materials for the Use of the said Undertaking, and may sell Lands hereby authorized to be sold, and generally may make Contracts and Bargains in respect of or relating to the said Undertaking, and may direct and employ the Works and Workmen, and superintend the Affairs of the said Company after the Completion of the said Railway, and may appoint and displace the Officers and Servants of the said Company (except the Treasurer and Clerk of the said Company), and may allow to them such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death, Resignation or Removal of any of the said Officers or Servants from Time to Time may appoint others in their respective Places; 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 (if required) from Time to Time make Reports of their Proceedings to the said Company at their General Meetings, 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 them, and by all Persons employed by or under them, and of all Monies which they shall receive on behalf of or in respect of the said 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 provided at the Expence of the said Company for that Purpose) Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book shall be deposited with and kept under the Care and Direction of the said Directors: Provided nevertheless, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to their own Body.

Officers to  
account.

C. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time (when required by the said Company or by the said Directors) make out and deliver to the said Company or to 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  
stating

stating how and to whom and for what Purpose the same shall have been disposed of; and Vouchers and Receipts for all Payments shall be taken and kept and delivered to the said Company or Directors; and every such Officer or Person shall 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 Person as he or the said Company or the said Directors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when required in manner aforesaid, or shall refuse or neglect to deliver up (when thereunto required) all Books, Papers, Vouchers, and Writings in his Custody 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,) it shall appear to such Justice that any of the Monies which shall have been collected or received are in the Hands of or are owing from such Officer or 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 sufficient Distress shall be found to 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 appearing shall not make out and deliver to such Justice such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction 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) 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 empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers,  
and

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.

Orders and Proceedings to be entered in a Book.

CI. And be it further enacted, That the Orders and Proceedings of every Meeting (as well General as Special) of the said Company and of the said Directors shall be entered in some Book to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; 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 Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, or of the Signature of such Chairman, as the Case may be (all of which last-mentioned Acts shall be presumed).

Directors to cause Accounts to be kept.

CII. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and such Book-keeper shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall (at all reasonable Times) be open to the Inspection of any of the Proprietors of the said Company, or of any Mortgagee under this Act, without Fee or Reward, and the said Proprietors and Mortgagees may take Copies of or Extracts from the said Book or any Part thereof without paying any thing for the same; and in case any such Book-keeper shall not permit the said Proprietors or any such Mortgagee to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the said Undertaking, to be levied in the same Manner as other Penalties are by this Act directed to be levied.

Notice of Meetings to be published in Newspapers.

CIII. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the said Company, or of any Adjournment thereof, or to any Members of the said Company, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Clerk of the said Company, and shall be given by Advertisement published in some Newspaper usually circulated in *Sheffield* aforesaid; and such last-mentioned Notices, when so given and published, shall be deemed and considered the same as if personally served.

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

CIV. And be it further enacted, That the Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors, whether Corporations or Individuals, of the said Undertaking, and of the  
 7 several

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 case of a Corporation, their Clerk or Agent duly appointed,) may at all convenient Times peruse such Book *gratis*, and may demand and have Copies thereof or any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Clerk or Agent as aforesaid to peruse such Book at all convenient Times, or shall refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

CV. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or shall quit the Service of the said Company, it shall be lawful for the said Company at their Annual 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 shall be appointed to succeed to such Office as such Meeting shall think proper.

Directors may appoint temporary Treasurer or Clerk.

CVI. 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 to carry on the same, as they from Time to Time shall find necessary, so that no such Call shall exceed the Sum of Five Pounds upon each Share, and such Calls shall not be made but at the Distance of Two Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement in some Newspaper usually circulated within the Town of *Sheffield* aforesaid, and the Money so called for shall be paid to such Persons, at such Times, and in such Manner as the said Directors shall from Time to Time appoint; and if any Proprietor of any Share shall not so pay every such Call, such Proprietor 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 Proprietor of any such Share shall neglect or refuse so to pay any such Call, (together with the Interest, if any, accruing for the same,) for the Space of One Calendar Month after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information (wherein no Essoign, Wager, Protection of Law, nor more than One Imparance shall be allowed); or the said Company or the said

Power of the Directors to make Calls.

If Calls are not paid Interest may be charged thereon; and if both not paid within One Month the Shares may be declared forfeited and sold.

[Local.]

53 U

Directors

Directors may and they are hereby authorized to declare the Shares belonging to such Proprietor to be forfeited, and to direct the same to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Shares in the said Undertaking until Notice in Writing (under the Hand of the Clerk or Treasurer of the said Company) that such Shares have been declared forfeited shall have been given or sent by the Post to or left at the last known Place of Abode of the Proprietor of such Shares, nor until the Declaration of Forfeiture thereof by the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company to be called for that Purpose (and to be respectively held after the Expiration of One Calendar Month at the least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid); and after such Declaration of Forfeiture shall have been confirmed by such General or Special General Meeting the said Company (by an Order to be made at the same or at any subsequent General or Special General Meeting) may order the said Directors to dispose of the Shares so forfeited in manner by this Act directed; and the said Directors may in that Case sell and dispose of such Shares by public Auction or by private Treaty, and together or in Lots, or in such other Manner and for such Price as they may think fit; and an Affidavit sworn to by some credible Person (not interested) before any Justice of the Peace or Master or Master Extraordinary in the High Court of Chancery, stating that a Call had been made, and that Notice thereof had been given as aforesaid, and that Default had been made in payment thereof in respect of the Shares so sold, and that the same Shares had been declared to be forfeited, and that such Declaration had been confirmed in manner aforesaid, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Shares shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Shares be affected by any Irregularity in Proceeding in reference to such Sale, but such Affidavit and the Receipt of the Treasurer of the said Company for the Price of such Shares shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

If Produce of Sale of forfeited Shares be more than sufficient to pay the Arrears of Calls, Interest, and Costs, the Surplus to be paid to the Owners.

CVII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Shares which shall be forfeited by reason of the Nonpayment of any Call, or the Interest thereon, as herein authorized, shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and Interest thereon as aforesaid, and the Expences attending the Sale thereof, the Surplus of such Purchase Money shall be paid (on Demand) to the Party to whom such forfeited Shares shall have belonged: Provided also, that it shall not be lawful for the said Company or the said Directors to sell or transfer more of the Shares of such Defaulter under the Powers last herein-before contained than shall be sufficient (or as near as may be at the Time of such Sale) to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest on and Expences attending the same; and after the Payment of such Call and the Interest and Expences aforesaid any Shares vested in the said Company as aforesaid which shall remain in their Hands  
unsold!

unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

CVIII. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Proprietor of any Share in the said Undertaking, to recover any Money due to the said Company or to the said Directors for any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare that the Defendant, being a Proprietor of a Share or so many Shares in the said Undertaking, is indebted to the said Company or to the said Directors in such Sums of Money as the Calls in arrear shall amount to for so many Calls of such Sums of Money upon such Share or so many Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company or to the said Directors, by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Call was a Proprietor of such Shares in the said Undertaking in respect of which such Action is brought, or of some One such Share, and that such Calls were in fact made, and that Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due (including Interest computed as aforesaid) in respect of such Calls, unless it shall appear that any such Call exceeded Five Pounds for every Share of Twenty-five Pounds, or was made within the Space of Two Calendar Months from the last preceding Call, or without Notice of such Call having been given in any Newspaper as aforesaid; 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 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, shall be *primâ facie* Evidence that such Defendant was a Proprietor, and of the Number and Amount of his Shares therein.

Proceedings  
and Evidence  
in Actions  
for Calls.

CIX. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Parties, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, or being Females shall marry, 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 any Proprietor thereof

For ascer-  
taining the  
Proprietor-  
ship of Shares  
in certain  
Cases for the  
Purpose of  
recovering  
Calls.

to

to any other Party by any other legal Means than by a Sale or Assignment thereof duly made and executed as herein provided, a Declaration in Writing made by some credible Person before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath passed or been transferred to such other Person or Corporation, shall be delivered to and left with the Clerk of the said Company; and then after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the Owner or Owners of such Share, (or left at the last or usual known Place of Abode of such Person, or the Clerk of such Corporation, as the Case may require,) or published in some Newspaper usually circulated in *Sheffield* aforesaid, to pay any Call in respect of his or their Shares in the said Undertaking, and such Person or Corporation shall not have paid the same as aforesaid, it shall be lawful for the said Company, at any General or Special General Meeting after the Expiration of such Notice, to declare such Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of, in such Manner, 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, become consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or left at the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female so marrying, or of the Assignees or Trustees of such Proprietors so becoming bankrupt or insolvent, or, in the event of the Shares being disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, such Notice shall be inserted once in the *London Gazette*; and in all such Cases and after such Notices, on Default being made, the said Shares shall be forfeited, and shall and may be sold or become consolidated in 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 Purchasers shall exist, as in other Cases of Sales for Nonpayment of Calls: Provided always, that in Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which Notice shall have been left at their last usual known Place of Abode in *England*, and been inserted in the *London Gazette* as aforesaid.

Proprietors  
in arrear not  
to vote.

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



CXI. And be it further enacted, That it shall be lawful for the said Directors to appoint out of their own Body a Committee or Committees, who shall have full Power to make and enter into any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Workmen, and 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 entrust 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 to order and direct such Recompence to be paid and allowed to such respective Committees as the said Directors shall think reasonable; and it shall be lawful for the said Directors by an Order or Resolution for that Purpose to dissolve any such Committee, or to displace any of the Members thereof, and to appoint others in their Stead, when and as often as the said Directors shall think expedient; and such Committees shall have full Power to meet from Time to Time and to adjourn from Place to Place as they shall think proper and as Occasion shall require for effecting the Purposes aforesaid, and all Powers hereby vested in or which shall by the said Directors be confided to any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the 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 as Chairman.

Directors may appoint Committees with Power to make Contracts.

CXII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein provided; and the Form of Conveyance of Shares shall be in Writing duly stamped, and 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,)

Shares may be sold.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_  
 ‘ do hereby assign and transfer to the said *C. D.* \_\_\_\_\_ Share  
 ‘ [*or Shares*] numbered \_\_\_\_\_ of and in the Undertaking  
 ‘ called “ *The Sheffield and Rotherham 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 receive and take the said Share [*or Shares*]  
 ‘ subject to the Conditions aforesaid. As witness our Hands and  
 ‘ Seals the \_\_\_\_\_ Day of \_\_\_\_\_ .’

Form of Conveyance of Shares.

And on every such Sale the said Deed of Sale or Assignment (being executed by the Seller and Purchaser of such Share) shall be kept  
 [ *Local.* ] \_\_\_\_\_ 53 X \_\_\_\_\_ by

by the Clerk of said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Sale or Assignment, and indorse the Entry of such Memorial on the said Deed of Sale or Assignment, for which Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Clerk by the Purchaser, and the said Clerk is hereby required to make such Entry or Memorial accordingly, and (on Request) to make an Indorsement of such Sale or Assignment on the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, and 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, nor any Vote (as a Proprietor) in respect thereof.

After a Call  
no Share to  
be sold until  
Call is paid.

CXIII. And be it further enacted, That no Person shall sell or assign any Share after any Call shall have been made in respect of such Share, unless at the Time of such Sale or Assignment he shall have paid the full Sum of Money which shall have been called for in respect of such Share.

Accounts to  
be made up  
annually.

CXIV. 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 once in every Year, or oftener if the said Company at any General or Special General Meeting shall from Time to Time so direct, 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 Expenditure of the said Company or of the said Directors, up to the Period at which Accounts shall be made up and balanced; and it shall be lawful for the said Company and they are hereby empowered from Time to Time, (at any General or Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Undertaking, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that no Dividend shall be made oftener than Four Times in each Year, nor shall any Dividend 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 be in any degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for the Payment of any Call of Money in respect thereof until such Call shall have been paid.

For ascer-  
taining Pro-  
prietorship of  
Shares in case

CXV. And whereas by the Death of or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to

ascertain to whom the Dividends becoming due upon such Shares ought to be paid; be it therefore enacted, That in all Cases in which the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Party by any other legal Means than by a Sale or Assignment thereof duly made and executed as in this Act is directed, a Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of His Majesty's Justices of the Peace, stating the Manner in which such Share hath passed to any other Party, and such Declaration 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 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 Shares shall be subject or liable; and before such Affidavit shall have been transmitted and such Entry made as aforesaid no Party 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, a Declaration in Writing containing a Copy of the Register of such Marriage and other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of His Majesty's Justices of the Peace, 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 of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the course of Administration, shall be entitled to receive the same, or 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 such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and verified by solemn Declaration by the Executors of the said Will or the Administrator of the Intestate before some Master or Master Extraordinary in the High Court of Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall, 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, be transmitted to the said Clerk, who shall file and enter the same as hereinbefore mentioned.

of Marriage  
or Death, or  
of any Change  
of Interest  
otherwise  
than by  
Transfer, in  
order to the  
Payment of  
Dividends.

CXVI. And be it further enacted, That any Person who shall wilfully and corruptly make and subscribe any Declaration required to be made  
Persons making false  
and Declaration

deemed  
guilty of a  
Misdemeanor.

and subscribed under the Authority of this Act, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Receipt of  
One Proprietor  
of a Share  
sufficient.

CXVII. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Shares 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 for any Dividend or other Sum of Money which shall be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned (whether or not the said Company shall have Notice of such Uses or Trusts); and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of a  
Guardian or  
Parent of a  
Minor, or  
Committee of  
a Lunatic,  
sufficient.

CXVIII. 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 or Idiot or Lunatic, the Receipt of the Guardian, if any, or if not then of the Parent of such Minor, or of the Committee of such Lunatic or Idiot, shall be a sufficient Discharge to the said Company for the same.

Rates of  
Tonnage for  
Goods conveyed  
along  
the Railway.

CXIX. 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, or upon or along any Part thereof, any Rates or Tolls not exceeding the following; (that is to say,)

For all Limestone, Lime (for agricultural Purposes only), Culm, or Slack, Sand, Dung, Compost, or other Manure, and for Materials for the Repair of public and private Roads and Highways, the Sum of Three Halfpence *per Ton per Mile* :

For all Coal, Lime (except Lime used for agricultural Purposes only), building and other Stone, Slate, Kelp, Sweepwashing, Waste, Refuse of Horns and Hoofs, Pig-iron, Minerals, Metallic Ores, Bricks, Tiles, and Slates, and Potatoes, the Sum of Two-pence *per Ton per Mile* :

For all Corn and other Grain, Meal, Flour, Coke, Charcoal, Bar Iron, Plate Iron, Rod Iron, Sheet Iron, and Hoop Iron, Iron Blooms, old Iron, and Steel Scraps and Iron Castings, Parts of Steam Engines, heavy Iron Machinery and Millwright Work, Pig and Sheet Lead, and Steel, Bones, Horns, and Hoofs, Timber, Dyewoods, Hay and Straw, the Sum of Three-pence *per Ton per Mile* :

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

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

CXX. And

CXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to demand, receive, and recover, to and for the Use and Benefit of the said Company, for Passengers, Cattle, or Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,) Power to take Tolls for conveying Passengers, &c.

For every Person passing in or upon any such Carriage, the Sum of Tolls. One Shilling:

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

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

For every Carriage, of whatever Description, not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Sixpence *per* Mile.

CXXI. And whereas it may frequently happen that Goods, Merchandize, Commodities, and other Things which shall have been conveyed or which shall be intended to be conveyed upon or along the said Railway, may lie upon the Staiths or Yards, or in the Warehouses or Sheds, belonging to the said Company hereby incorporated, for a considerable Time; be it therefore enacted, That it shall be lawful for the said Company and they are hereby empowered to ask, demand, and receive for any Goods, Merchandize, Commodities, or other Things which shall remain on the said Staiths or Yards, or in the said Warehouses or Sheds, for a greater Length of Time than Twenty-four Hours, such Sums as the said Company may think fit, for and according to the Length of Time such Goods and Things shall remain on the said Staiths or Yards, or in the said Warehouses or Sheds, not exceeding the following; (that is to say,) Company to charge for Yard and Warehouse Room.

For every Ton of Goods, Merchandize, Commodities, and other Things not housed which shall remain longer than Twenty-four Hours and not exceeding Seven Days, the Sum of Two-pence; exceeding Seven Days, but not exceeding Four Weeks, the Sum of Three-pence; exceeding Four Weeks, but not exceeding Six Weeks, the Sum of Four-pence; exceeding Six Weeks, but not exceeding Eight Weeks, the Sum of Five-pence; exceeding Eight Weeks, but not exceeding Ten Weeks, the Sum of Sixpence: Tolls.

For every Ton of Goods, Merchandize, Commodities, and other Things in the Warehouses or Sheds, or otherwise housed, which shall remain longer than Twenty-four Hours and not exceeding Seven Days, the Sum of Sixpence; exceeding Seven Days, but not exceeding Four Weeks, the Sum of Nine-pence; exceeding Four Weeks, but not exceeding Six Weeks, the Sum of One Shilling; exceeding Six Weeks, but not exceeding Eight Weeks, the Sum of One Shilling and Three-pence; exceeding Eight Weeks, but not exceeding Ten Weeks, the Sum of One Shilling and Sixpence:

Provided nevertheless, that if any such Goods, Merchandize, Commodities, or other Things be removed and taken away, so that they shall not lie upon any of the said Staiths or Yards, or in the said Warehouses or Sheds, for a longer Space of Time than Twenty-four Hours,

[*Local.*]

53 Y

then

set up and maintained at the Distance of One Quarter of a Mile from each other.

Power to reduce and again to raise the Rates, Tolls, &c.

CXXVII. And be it further enacted, That it shall be lawful for the said Company or for the said Directors 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 to take the reduced Rates, Tolls, or Sums, and afterwards from Time to Time to raise the same or any of them, and then to take such higher Rates, Tolls, or Sums, 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.

CXXVIII. 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 alike upon all Parts of the said Railway, and from all Persons alike under the same or similar Circumstances.

A List of Tolls to be exhibited on Boards affixed in conspicuous Places.

CXXIX. Provided always, and be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed, and renewed as often as the same shall be obliterated or defaced, on some conspicuous Part of every Toll House or Building at which any of the Rates, Tolls, and Sums by this Act authorized shall be collected or received, in large and legible Letters, a List of the several Rates, Tolls, and Sums which the said Company or the said Directors shall from Time to Time appoint to be received and which shall be payable by virtue of this Act; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon the said Railway, or any Collector of the Rates, Tolls, or Sums aforesaid, shall, after and while such List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

CXXX. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates, Tolls, or Sums for or in respect of any Articles, Matters, or Things, or for any Carriage, Passenger, Cattle, or Animal carried or conveyed upon or along the said Railway, except during such Time only as the Board shall remain so affixed as aforesaid, and during such Time only as the Stones or other conspicuous Marks, with proper Inscriptions thereon, by this Act directed to be set up for ascertaining the Distance for which such Rates, Tolls, or Sums shall be taken, shall remain so set up; provided that in any Proceedings for or relating to the Recovery of any Rates, Tolls, or Sums by this Act allowed the original affixing of such Boards and setting up of such Stones, or Evidence of the Continuance and Existence of such Board or Stones at some subsequent Period, shall be *primâ facie* Evidence of the continued Existence of such Board or Stones, unless it shall be made to appear that such Board or Stones are or have subsequently been pulled down, destroyed, or defaced.

CXXXI. And

CXXXI. And be it further enacted, That if any Person shall wilfully damage, pull down, deface, or destroy any Board whereon any such Rates, Tolls, or Sums, or any Bye Laws, Rules, or Orders, shall have been painted, according to the Direction of this Act, or any Stone or Mark set up to denote Distances upon the said Railway, or shall (actually or constructively) concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every Offence.

Penalty on Persons defacing or destroying such Boards.

CXXXII. 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 conspicuous Part of the Toll House or other Building where 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 Ground,) and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector 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 this Act, or of the Orders and Resolutions of the said Company or of the said Directors made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read or shall in anywise hinder any Person from reading the Inscription on the Board to be affixed and placed 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 or tendered 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.

For regulating Conduct of Collectors.

CXXXIII. Provided always, and be it further enacted, That the said Railway Company shall and they are hereby required from Time to Time to give to every Master, Commander, or Boatman navigating any Boat, Barge, or other Vessel, to or from any Part of the said Railway, a Certificate signed with the Name of One of the collecting Clerks of the said Railway Company for the Time being, containing a just Account of the Weight of all Minerals, Goods, Wares, and every other Species of Merchandize whatsoever landed from or put on board such Boat or Vessel having been or to be navigated on any Part of the Line of the River *Dun* Navigation; which said Ticket every such Master, Commander, or Boatman shall when required be obliged to deliver to the Collector for the Time being of the said Company of Proprietors of the Navigation of the River *Dun* at any Place on the Line of the said River *Dun* Navigation, in order to ascertain the true Loading on board such Boat or Vessel provided that in case of Neglect

Company to give to every Master navigating Boats from Railway a Certificate of the Weight of Goods, &c.

or Refusal in delivering to such Collector for the Time being of the said Company of Proprietors of the Navigation of the River *Dun* such Tickets from Time to Time as aforesaid, then the said Collector of the said Navigation Company, or such Person as he shall appoint, is hereby authorized and empowered to detain or prevent the passing of such Boat or Vessel through any Lock or on any Part of the Line of the said River *Dun* Navigation till such Certificate be produced, and the said Railway Company shall and are hereby required quarterly to deliver to the River *Dun* Company's Agent for the Time being a true Account in Writing of the Weight of all such Minerals, Goods, Wares, and every other Species of Merchandize whatsoever landed on to any Part of the Railway from or put on board of any Boat or Vessel to be navigated or having been navigated upon the said River as aforesaid, or any Part thereof, in order to operate as a Check upon such Tickets so to be delivered as aforesaid.

Recovery of Rates, &c.

CXXXIV. And be it further enacted, That the Rates, Tolls, and 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 the said Directors shall, by Notice to be annexed to the List of Rates, Tolls, or Sums, direct and 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, or any Part thereof, the said Company may, in case such Rates, Tolls, or Sums shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person to whom such Rates, Tolls, or Sums ought to have been paid may and he is hereby empowered, whether such Rates, Tolls, or Sums shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and Things for or in respect whereof such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Carriage laden therewith, and detain the same until Payment of all such Rates, Tolls, or Sums (as well those then accruing as those theretofore accrued due to the said Company) shall be made, together with the reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof the same shall be appraised and sold, and such Rates, Tolls, or Sums and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the Sum of 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 mentioned.

Amount of Tolls and Charges of Distress how to be settled in case of Dispute.

CXXXV. 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,



Rates, Tolls, or Sums, or (as the Case may require) such Rates, Tolls, or Sums, and the Amount of the Charges for seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said West Riding of the County of *York*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties and Witnesses, and shall determine the Amount of the Rates, Tolls, or Sums due, or (as the Case may be) such Amount, and also the Amount of the said Charges, and it shall be lawful for such Justice to 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.

CXXXVI. And be it further enacted, That it shall be lawful for the said Company or for the Directors of the said Company, by Writing under the Common Seal of the said Company, from Time to Time to let or lease the Rates, Tolls, and Sums hereby made payable, or any Part thereof, upon or in respect of the Whole or any Part of the said Railway, to any Person for any Time which they shall think proper, not exceeding Seven Years from the Commencement of any such Lease; and every such Lease shall be valid; and the respective Lessees thereof and their several Appointees shall during the Continuance of any such Lease be deemed Collectors of the Rates, Tolls, or Sums so let for the proper Use of the Lessees thereof, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company.

Company  
empowered  
to lease or  
farm the  
Tolls.

CXXXVII. And be it further enacted, That in case any of the Rates, Tolls, or Sums granted by this Act shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting such Rates, Tolls, or Sums, or in case any temporary or other Collector of any of the said Rates, Tolls, or Sums shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or in case any other Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Office, Toll House, Weighing Machine, or other Building or Premises, with the Appurtenances thereto respectively belonging, erected or provided under the Powers or used for any of the Purposes of this Act, within the Space of Seven Days after Demand thereof in Writing given to him, or left at such Toll House, Office, Weighing Machine, Building, or Premises, or at any of such Toll Houses,  
Offices,

Power of  
Re-entry on  
Lessee, and  
of removing  
Collectors,  
&c.

Offices, Weighing Machines, Buildings, or Premises, which shall be or have been in the Possession or Occupation of such Collector or other Person, (such Demand to be signed by the Clerk of the said Company,) or in case any such Lease shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said West Riding of the County of *York*, upon Application by the said Directors, or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under the Hand and Seal of such Justice, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of such Toll House, Office, Weighing Machine, Building, or Premises, with the Appurtenances thereto belonging, and to remove and put such Lessee, Farmer, or Collector, or other Person who shall be found therein, together with his Goods, from and out of the same and from and out of 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, or other Person by them appointed, into the Possession thereof; and thereupon it shall be lawful for the said Company or for the said Directors to vacate and determine the Lease, Contract, or Agreement (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 Covenants, Agreements, or Obligations on the Lessee's Part; and it shall be lawful for the said Company or for the said Directors in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates, Tolls, and Sums to any other Person, or to cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Account of  
the Lading of  
Carriages to  
be given.

CXXXVIII. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give to the said Company and to the several Collectors of the Rates, Tolls, or Sums, at the Places where they shall attend for that Purpose, a true Account in Writing signed by such Owners or Persons of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left, or taken off the said Railway; and if the Goods or other Things contained in or upon any such Carriage shall be liable to the Payment of different Rates, 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 or Person on behalf of the said Company who may demand the same, or shall give a false Account, or shall leave or deliver or take off the said Railway any Part of his Lading or Goods at any other Place than is mentioned in such Account, and shall be thereof convicted before any Justice of the Peace for the said West Riding of the County of *York*,

every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Ton of Goods or for every Parcel not exceeding Five Hundred Weight, and so in proportion for any less Quantity than a Ton or Five Hundred Weight (as the Case may be) which shall be in or upon such Carriage of which such Account shall be so refused or neglected 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 left, delivered, or taken off the said Railway as aforesaid, (as the Case shall happen to be,) over and above the Rate, Toll, or Sum to which such Goods or Things may be liable.

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

Weight of certain Matters ascertained.

CXL. 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 or being upon the said Railway or any Part thereof, or of any Goods, Articles, or Things in or on such Carriage, or respecting the Goods, Articles, or Things on or in 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 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, and 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 Things, shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, and gauging; all which Costs and Charges, upon Neglect or Refusal of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates, Tolls, and Sums are in this Act authorized to be recovered and levied; but if such Goods, Articles, or Things shall appear to be of the same Weight, Quantity, or 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, and 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 Damages as shall appear to any Justice of the Peace for the said West Riding of the County of York

If any Difference arise concerning Weight of Lading, Collector may weigh or measure the Carriage.

on the Oath of any credible Witness to have arisen from or by such Detention; but in case it shall be made appear to such Justice upon the Complaint of the said Company, and upon the like Oath, 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 Officer as aforesaid shall himself pay the Costs and Charges of such examining, weighing, measuring, and gauging, and shall also pay to the respective Owners of such Goods, Articles, or Things as aforesaid such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid, (as the Case may be,) the same may be recovered by Distress and Sale of the Goods and Chattels of the said Company or of the said Collector or other Officer as aforesaid, (as the Case may be,) by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may require).

Owners to put their Names and Addresses, and the Numbers, Weights, and Gauges of their Carriages, on the Outside.

CXLI. And be it further enacted, That the respective Owners of Carriages passing or being 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 at the least in Height 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 them or by any Person appointed by them for that Purpose; and every Owner of or Person having the Care of any Carriage, or who shall have the Conduct of the same upon the said Railway, without having such Carriage previously weighed, measured, or gauged, or without having such Name, Place of Abode, Number, Weight, and Gauge marked thereon respectively as herein-before directed, or who shall alter, erase, deface, or hide such Names, 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 any 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 and Vessels answerable for Damage done by their Servants.

CXLII. And be it further enacted, That the respective Owners of Carriages passing or being 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, or other Works or Property of the said Company, or to or upon the Property of any other Person (either by

by loading or unloading such Carriage, 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 of some credible Witness), pay to the said Company or to the Person injured (as the Case may be) the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall over and above such Damages forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Carriage by Warrant under the Hand and Seal of such or of any other Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned (on Demand) to the Owner or Owners of such Goods and Chattels; and in case no sufficient Distress can be conveniently found, then such Owner or Owners shall be committed to Prison as hereinafter directed with respect to Persons who are convicted in any Penalty, and have no sufficient Goods whereon such Penalty may be levied; but if the Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner or Owners of such Carriage, and his or their Executors or Administrators, may (at the Option of the said Company or the Person injured, as the Case may be,) be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him or them (either on Proof made, or by Default, or upon Demurrer,) the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

CXLIII. Provided always, and be it further enacted, That in case any Owner of any Carriage passing or being 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 on Oath made by such Owner of the Payment by him of such Penalty or Satisfaction or either of them (as the Case may be), and that the same have not been repaid to him by such Servant although demanded, (such Oath being made before some Justice of the Peace for the said West Riding of the County of *York*;) 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 attending such Distress and Sale; and the said Penalty and Satisfaction or either of them (as the Case may be), and the Costs as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction or either of them, and Costs so by him paid for the wilful Act, Neglect, or Default

Owners may recover from their Servants any Money paid for Penalties or Damage occasioned by their Negligence.

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, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on Persons obstructing the free Passage of Railway.

CXLIV. And be it further enacted, That if any Person shall throw, scatter, drop, or leave any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, unless by Authority in Writing of the said Company, or shall wilfully obstruct or prevent any Person in the Execution of this Act, or shall do any Act or Thing to obstruct the free Passage of the said Railway or any Part thereof, he and every Person aiding or assisting therein shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on injuring the the Works.

CXLV. And be it further enacted, That if any Person shall wilfully injure, break, throw down, destroy, steal, or feloniously take away any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, every Person, being lawfully convicted of any such Offence, shall be subject and liable to the like Pains and Penalties as the Law directs in Cases of Larceny.

Penalty for obstructing the Railway by over-loading.

CXLVI. 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, Articles, or Things, shall be placed or 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, Articles, or Things shall not immediately on 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, Articles, or Things to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for preventing or removing such Obstruction, and to detain such Carriage, Goods, Articles, and Things, or any Part thereof, until the Expences occasioned by such unloading, Removal, or Detention shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such unloading, Removal, or Detention, or for any Delay occasioned thereby, or in any other Way relating thereto, save for wilful Damage done to any Carriage, Goods, Articles, or Things so unloaded, removed, or detained, nor shall they be liable for the safe Custody of any such Carriage, or Goods, Articles, 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

then only for so long a Time as the same shall be so wrongfully detained.

CXLVII. And be it further enacted, That the said Company shall at their own Expence as soon as 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 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 any Two or more Justices of the Peace for the said West Riding of the County of *York* shall judge necessary, (in case there shall be any Dispute about the same), for the Use of the respective Owners and Occupiers of the Lands through or over which such Railway shall be made, or for the Use and Accommodation of any Street which is now formed or actually commenced in any Lands through which the said Railway shall be made, 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 of 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 at all Times thereafter be maintained in sufficient Repair by the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and to maintain the same, the said Company, their Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages in Carts and other Carriages across 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 to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make or (as the Case may require) to repair such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed to be made as aforesaid (so that in making and repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or any of the Works of the said Company shall not be obstructed or damaged); and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid by the said Company to the respective Owners or Occupiers of the said Lands who shall have so made and repaired such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid within the Space of Five Days next after the same shall have been so settled and allowed, and after a sufficient and particular Account and

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

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 Remedies against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made or shall be erected or made over or under the said Railway and Works or any Part thereof at or in any Place or in any Manner at or in which the same would or whereby the same might, if so made or erected, prevent or obstruct the regular working or using of the said Railway or other Works, or the Passage along the same.

Owners of  
Land em-  
powered to  
erect Gates,  
&c. in case of  
Insufficiency  
of those  
erected by  
the Company.

CXLVIII. Provided always, and be it further enacted, That if any of the Owners or Occupiers of any Lands through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed to be made by the said Company are insufficient (either in Number or in Situation) for the commodious 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 given after Summons to the said Company and due Hearing of their Objections,) to make and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages of the same or the 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 the said Justices shall find and adjudge to be necessary and most convenient for the better Cultivation or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made the same; provided that in making, erecting, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, or any of them, the free Passage upon or along the said Railway be not thereby or by reason thereof prevented or obstructed.

CXLIX. And



CXLIX. 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 so 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 re-enacted with respect to such Fences, Gates, and Stiles.

For fencing the Railway through private Lands.

CL. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands through which the said Railway shall be made, and their respective Servants and Workmen, (except in Cases in which the said Company shall at their own Expence have made Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to any Agreement with the Owner or Occupier thereof, or according to the Provisions of this Act,) at all Times, for the Purpose of occupying the same Lands, to pass and repass, and to lead and conduct any Horse, Mule, or Ass, Cow or other Neat Cattle, Sheep, Swine, or any other Beast, directly (but not otherwise) over and across such Part of the said Railway (and such Part only) as shall be made in or upon their respective Lands; provided that by so doing or by consequence thereof the Passage upon or along the said Railway be not in any way hindered or obstructed, or the same or the Works connected therewith be not in any way damaged.

Owners and Occupiers of adjoining Lands may pass along the Railway.

CLI. And be it further enacted, That every Person who shall open any Gate set up across or on either Side of the said Railway shall and he is hereby required to shut and fasten every such Gate (as soon as he, and the Carriages, Cattle, or other Animals or Things under his Care or which he may accompany, shall have passed through); and every Person neglecting so to do shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Gates opening upon the Railway to be shut and fastened after Persons have passed through the 'm.

CLII. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use the said Railway with Carriages properly constructed as by this Act directed, and to use and employ the Yards, Wharfs, and Premises belonging to the said Company

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

Company for loading and unloading Cattle, Goods, Articles, Matters, and Things, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, and Sums by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the said Company or by the said Directors by virtue of the Powers herein granted.

Packages containing Goods of a dangerous Quality to be marked.

CLIII. And for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandize upon the same, be it further enacted, That every Person who shall send or cause to be sent by the said Railway, or shall deposit or cause to be deposited in or upon any of the Warehouses, Sheds, Yards, or Premises belonging to the said Company, any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Book-keeper or other Officer of the said Company with whom the same shall be left at the Time of so sending or depositing or causing the said Goods to be sent or deposited, on pain of forfeiting to the said Railway Company the Sum of Twenty Pounds for every such Offence, to be recovered and levied in the same Manner as other Penalties are by this Act directed to be recovered and levied: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Goods which in the Judgment of the said Company or of the said Directors shall be of a dangerous Quality, and it shall be lawful for the said Company to restrain any other Persons from carrying on the said Railway any such Goods as aforesaid.

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

CLIV. And be it further enacted, That if any Person (save and except the said Company, and their Agents, Servants, and other Persons authorized by them,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving upon such Railway or any Part thereof, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon, any Cow or other Neat Cattle, Sheep, Swine, or other Beast or Animal, (except only in directly crossing the same as aforesaid at the Places to be appointed for that Purpose for the necessary Occupation of the respective Lands through which the said Railway may be laid,) every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Railway not to be used by Persons on Foot.

CLV. And whereas it might be attended with very 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 or any Part thereof without the Licence or Consent of the said Company, (except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants, in passing as aforesaid directly across

the same, as herein-before authorized,) every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every such Offence.

CLVI. And be it further enacted, That no Carriage for the Conveyance of Goods, Passengers, or Cattle shall be permitted to pass along the said Railway unless such Carriage be constructed agreeably to the Orders and Regulations and be approved of by the Engineer or other Agent of the said Company authorized for that Purpose, which Orders and Regulations shall be affixed upon some conspicuous Part of every Toll House or other Building at which the Rates, Tolls, and Sums by this Act granted shall be received (except in crossing or passing along the same as herein-before authorized for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway); and if any Person shall pass upon any Part of the said Railway with any Carriage not constructed in the Manner herein-before directed (except as aforesaid), he shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

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

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

Engines used on the Railway to be approved of by the Company.

[*Local.*]

54 C

CLVIII. And

Weights allowed to be carried on Railway.

CLVIII. 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 Weight, except in any one Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article (which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Carriage, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may from Time to Time direct or appoint, not exceeding Sixpence *per Ton per Mile*); and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons (including the Weight of the said Carriage) shall be carried upon any Part of the said Railway without the special Licence of the said Company, and for the Tonnage or Carriage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

Company may regulate Passage on Railway.

CLIX. And be it further enacted, That it shall be lawful for the said Company or for the said Directors from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway, and the Times when the same shall be open for Use, and for the loading or unloading of Carriages passing upon the said Railway, and as to the Mode by which and the Speed at which such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, the Weights which they shall respectively carry, and the Delivery of Goods, and other Articles, Matters, and Things, which shall be conveyed in or upon such Carriages, and also for the Regulation of Coaches and Passengers, and for preventing the smoking of Tobacco and the Commission of other Nuisances in or upon the said Coaches or other Carriages, or in any of the Stations or Premises occupied or belonging to the said Company, and generally for regulating the passing upon, using, and working the said Railway and other Works by this Act authorized, or in anywise relating thereto respectively; and all such Orders and Regulations (except such as relates solely to the said Company, their Officers or Servants,) shall be printed or painted on Boards, and shall be affixed to some conspicuous Part of every Toll House or other Place at which the Rates or Tolls by this Act granted may be received, and shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Carriages, and by all Persons using or working, or travelling or being upon the said Railway or other Works, upon pain of forfeiting and paying a Sum not exceeding Forty Shillings for every Default: Provided always, that in every Case of Infraction or Nonobservance of any such Rules or Regulations which might be attended with Danger to the Public or Annoyance to Travellers, or which might obstruct or hinder the said Company or their Servants, or any other Person, in their due and lawful Use of the said Railway and Works, it shall be lawful for the said Company, or any of their Agents, Officers, or Servants, summarily to interfere and obviate such Danger, or remove or prevent such Obstruction, Nuisance, or Hindrance.

CLX. And

CLX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands adjoining to the said Railway, and for all Corporations and Persons, to lay down either upon their own Lands, or upon the Lands of any other Corporations or Persons, with the Consent of such other Corporations or Persons, any Collateral Branches from their respective Lands to communicate with the said Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers, and other Corporations and Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication in such Places only where the said Communication can be made without Prejudice or Injury to the said Railway; and the said Company shall not in any Case be bound to make any such Openings in any Yard or Station, or in any Place where they shall have erected, made, or set up any Building, Steam Engine, Works, or Machinery, or in any Place which the said Company shall have appropriated for any specific Purpose with which such Communication would interfere; and in case any Disagreement shall arise between any such Owners and Occupiers, or other Corporations or Persons, and the said Company, as to the proper Places for making any such Openings as aforesaid, then the same shall be left to the Decision of any Two or more Justices of the Peace for the said West Riding of the County of *York*, whose Determination, after the Examination of competent Witnesses to be produced before them, shall be binding, and such Justices are hereby authorized to take cognizance of all such References, and to act therein accordingly; and the said Company shall not receive any Rate, Toll, or Sum for the passing of any Goods or other Things along such Branches so to be made by any such Owner, Occupier, or other Corporation or Person as aforesaid.

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

CLXI. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner or any Corporation being an Owner, or any Occupier, with the Consent of the Owner of any Lands adjoining the said Railway, from making any private Railway, Common Road, Watercourse, Bridge, or Culvert to, from, across, over, or under the said Railway hereby authorized to be made by the said Company, and to use such his Railway, Road, Watercourse, 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 private Railway, Road, Watercourse, Bridge, or Culvert do not in any Way injure or prevent or obstruct the free Passage upon the said Railway and other Works hereby authorized to be made by the said Company, and so that every such private Railway, Road, Watercourse, Bridge, and Culvert be made and erected under the Superintendence of the Engineer for the Time being of the said Company, to whom Plans, Sections, and Specifications shall be submitted for Approval by such Engineer previously to the commencing of every such Railway, Road, Watercourse, Bridge, or Culvert respectively; and in case the said Engineer shall object to such Plans, Sections, and Specifications, or shall refuse or neglect for the Space of Twenty-one Days after the same shall have been submitted to him to approve thereof or of any Part thereof, then if any such Owner or Occupier as aforesaid shall so require it shall be left to the Decision of any Two or more of His Majesty's

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

Majesty's Justices of the Peace for the said West Riding of the County of *York* to determine whether any such Plans, Sections, and Specifications shall be adopted, or any and what Alterations be made therein, whose Determination, after the Examination of competent Witnesses to be produced before them, shall be binding; and such Justices are hereby authorized and directed to take cognizance of all such References, and to act therein accordingly: Provided nevertheless, that in case any Damage or Obstruction shall thereby or by the Want of Repair thereof be done or occur to or upon the said Railway or other Works hereby authorized to be made by the said Company, they shall and may forthwith repair such Damage or remove such Obstruction by and at the Expence of the respective Owners or Occupiers of the Lands for whose Benefit the same may have been made and continued; and it shall be lawful for the said Company to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Seven Days after Demand thereof, by Distress and Sale of the Goods and Chattels of such respective Owners or Occupiers, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

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

CLXII. And be it further enacted, That the said Company shall and they are hereby required, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of Access to their ancient Watering Place, and to supply the same at all Times with Water; and it shall be lawful for the said Company, and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of, along, or under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace for the said West Riding of the County of *York* shall from Time to Time judge necessary, in case there shall be any Dispute about the same, for the Purpose of conveying Water to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall be supported, maintained, cleansed, and kept in repair by the said Company; and if at any Time after Twenty-one 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, Watercourses, Drains, or other Passages, or any of them, are not made, or (being made) are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said Riding as often as Occasion shall require, and the said Justices

are hereby empowered at their Discretion to make and grant such Orders as aforesaid, enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to defray such Expences for the Space of Twenty-one 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.

CLXIII. 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 Requisition, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any One of the Directors of the said Company, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or with some Inmate of the last or usual known Place of Abode of such Director, Clerk, or Treasurer, or leaving a Copy thereof at the principal Office of the said Company, shall be deemed good Service of the same respectively on the said Company.

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

CLXIV. And be it further enacted, That in all Cases in which it may be necessary for the said Company or for the said Directors to serve any Notice, Demand, or Requisition, or any Writ or other Proceeding at Law or in Equity, upon any Corporation or Person whomsoever, under the Provisions of this Act, personal Service thereof upon such Person, or upon some Member, Clerk, or other Officer of such Corporation, or delivering the same at the last or usual known 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 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 any Two of the Directors, or 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 Notice and Service of Notice by the Company.

CLXV. And be it further enacted, That unless the said Company shall within the Space of Two Years (to be computed from the passing of this Act) take or use the Lands which they are by this Act empowered to take or use, or so much thereof as shall be by them deemed necessary for the Purpose of making the said Railway and other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using such Lands shall cease and be utterly void.

If Land not contracted for within Two Years the Power of purchasing to cease.

If Railway not completed in Five Years, the Powers to cease, &c.

CLXVI. Provided always, and be it further enacted, That in case the said Railway and other Works shall not have been made and completed (unless prevented by some inevitable Accident) within the Space of Five Years (to be computed from the passing of this Act), then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease.

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

CLXVII. Provided also, and be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned by the said Company, or after the same shall have been completed and opened to the Public shall for the Space of Five Years (unless by reason of inevitable Accident) cease to be used 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 the Parts thereof over which the said Railway or any Portion of such Railway which shall be so abandoned 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 in manner following; (that is to say,) One Moiety thereof in the Owner of the Land on the one Side, and the Remainder thereof in the Owner of the Land on the other Side thereof.

For compelling Witnesses to attend.

CLXVIII. 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 or relating to any Information, Order, or Complaint laid in pursuance of, or 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 Expences) without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath or 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.

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

CLXIX. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions, Informations, or Complaints laid, commenced, or instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, Prosecutions, Informations, or Complaints, or otherwise, it shall be lawful for any Two or more of the Directors or for the Clerk of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Information, Complaint, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration,



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, as if the same were made under the Seal of the said Company.

CLXX. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand, shall become bankrupt or insolvent, the Clerk or Treasurer for the Time being of the said Company may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Directing  
the Manner  
of Proofs of  
Debts or  
Bankruptcy.

CLXXI. And be it further enacted, That it shall be lawful for any Justice of the Peace for the said West Riding of the County of *York* and he is hereby required from Time to Time to appoint all such fit and proper Persons as shall be nominated to him for that Purpose by the said Company, or their Clerk or Treasurer for the Time being, to be Special Constables upon and within the said Railway, and the Works and Premises of the said Company, and every or any Part thereof; and every Person so appointed shall take an Oath (to be administered by the same or by any other Justice of the said Riding) duly to execute the Office of such Constable; and every Person so appointed and sworn as aforesaid shall have, use, and exercise all such Powers and Authorities, and shall have and enjoy all such Immunities and Privileges, and may do all such Acts, Matters, and Things, as other Constables duly appointed have, use, exercise, and enjoy, or may have, use, exercise, and enjoy, by the Laws of this Kingdom for the Time being; and it shall be lawful for the said Company (by their Clerk or Treasurer) to dismiss and remove any such Constable from his Office, and upon every such Dismissal or Removal all Powers, Authorities, Immunities, and Privileges by virtue of such Appointment as aforesaid vested in or granted to such Person so removed or dismissed shall wholly cease.

Justices may  
appoint Per-  
sons named  
by the Com-  
pany to be  
Special Con-  
stables.

CLXXII. And be it further enacted, That when any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, by way of Compensation for any Materials or Costs, or for any Damage of any Kind soever done by the said Company or by any Person acting under their Authority, and such Money shall not be paid by the said Company to the Parties entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company in pursuance of the Order made by such Justice, and in which Demand the Order of such Justice shall be fully stated, then and in such Case the Amount of such Compensation may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer for the Time being under a Warrant to be issued for that Purpose by such Justice (which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made

Money or-  
dered by any  
Justice to be  
paid by the  
Company  
for Com-  
pensation  
how to be  
recovered.

to

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, such Overplus shall be returned, on Demand, to the Treasurer of the said Company for the Use of the said Company or of their 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 in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have paid or sustained by virtue of any such Warrant as aforesaid.

Recovery and  
Application  
of Penalties.

CLXXIII. 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 otherwise herein particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order or Adjudication of some Justice of the Peace for the County, Riding, or Place in which the Offence shall be committed, 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 Hand and Seal of such Justice; 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 so 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 of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is 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 Justice for his Appearance before such Justice (or before some other Justice of the Peace having Jurisdiction) at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time not being more than Seven Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress 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 has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and

and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justice and he is hereby required by Warrant under his Hand and Seal to commit such Offender to some Common Gaol or House of Correction for the County, Riding, or Place within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by due Course of Law,

CLXXIV. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof is not herein-before specified, such Amount (in case of Nonpayment thereof, or of any Dispute respecting the same,) shall be ascertained and determined by some Justice of the Peace for the said West 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 Justice by or before whom any Offender shall be convicted of such Offence, and such Justice is 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; and recovered by Distress in default of Payment.

CLXXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a 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 shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

CLXXVI. 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, or within which such Offender shall be found, without any other Warrant or Authority than this Act, and such Justice is hereby empowered and required

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

[*Local.*]

54 E

to

to proceed immediately to the hearing and determining of the Complaint.

Forms of  
Information  
and Con-  
viction:

CLXXVII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted of any Offence against this Act may cause the Information (when- ever 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 Form or Forms to the same Effect, as the Case may require ; (that is to say,)

Information.

‘ } BE it remembered, That on the Day  
‘ to wit. } of A.B. of informeth me  
‘ C.D., one of His Majesty’s Justices of the Peace for  
‘ that of [here describe the Offence, and  
‘ the Time and Place when and where committed,] contrary to an Act  
‘ passed in the 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.’

Conviction.

‘ } BE it remembered, That on the Day  
‘ to wit. } 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 Year of the Reign of His Majesty King William the  
‘ Fourth, intituled [here set forth the Title of this Act]. Given under  
‘ my Hand and Seal the Day and Year first above written.’

Distress not  
unlawful for  
Want of  
Form.

CLXXVIII. 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 Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

Persons ag-  
grieved may  
appeal to  
the Quarter  
Sessions.

CLXXIX. 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, 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 said West Riding of the County of York,  
first

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 to 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 for the said Riding; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Appellant as they shall judge reasonable, and may also order such Costs to be paid to either Party by the other as they shall think reasonable.

CLXXX. And be it further enacted, That in all Cases of Prosecution, Information, or Complaint for or relating to 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 or of the due making of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, (and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be,) unless and until Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and continued in manner by this Act directed.

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

CLXXXII. 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 any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or

Authenti-  
cated Bye  
Laws to be  
Evidence.

Proceedings  
not to be  
quashed for  
Want of  
Form

Limitation  
of Actions

or other Proceeding shall be brought or commenced within Three Calendar Months next after the Fact committed, (or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased,) nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County, Riding, or Place within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or 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 were omitted to be done (as the Case may be) in pursuance of or by the Authority of this Act; and if it shall so appear, or if it shall appear that such Action, Suit, Information, or Proceeding has been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or 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 any other Cases.

Plaintiff not  
to recover  
after Tender  
of Amends.

CLXXXIII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, 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 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 wherein the same 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.

General  
Power to  
Justices to  
administer  
Oaths.

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

Saving the  
Rights of the  
River Dun  
Navigation  
Company.

CLXXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, diminish, prejudice, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the Company hereby prietors of the Navigation of the River *Dun* otherwise than is of Proexpresly provided.

CLXXXVI. And

CLXXXVI. And be it further enacted, That wherever in this Act any Word is used or employed importing the Singular Number only, such Word shall extend to and shall be construed to include as well several Acts, Matters, and Things of the same Kind, contemporary, consecutive, or repeated, as one Act, Matter, or Thing, and several or various Times as well as one Time; and wherever any Word shall be used importing the Masculine Gender, such Word shall be understood to include Females as well as Males; the Word "Corporation" shall be understood to mean a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole; the Word "Lands," when used in this Act, shall be deemed and construed to mean and include Lands, Tenements, and Hereditaments of any Kind soever; and the Word "Railway" shall be understood to mean and include as well the said Branch as the Main Line of the said Railway, unless in any of the Cases aforesaid it be otherwise directed, or unless such Construction be manifestly repugnant to the Sense and Meaning of the Passage wherein such Words respectively as aforesaid may occur.

Rules for  
Construction  
of certain  
Terms in this  
Act.

CLXXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament.

This Act to be  
subject to the  
Provisions of  
any General  
Railroad  
Act to be  
passed with-  
in a Year.

CLXXXVIII. 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 referred to in the foregoing Act.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
---------------------------	----------	------------	--------------------------

WEST RIDING OF THE COUNTY OF YORK.

*Parish of Sheffield.*

TOWNSHIP OF BRIGHTSIDE BIERLOW.

Sheffield Canal Company and the Surveyors of the Highways of Brightside Bierlow.	-	-	Road called the Wicker.
Ditto	-	-	Saville Street.
Trustees of Sheffield and Wakefield Turnpike Road, and Surveyors of Highways of Brightside Bierlow.	-	-	Road called the Occupation Road.
Duke of Norfolk	Francis Sorby	Benjamin Pollard, John Hirst, James Tomlinson, John Hirst, James Hague, Joseph Ellis, John Shearer, John Turner, John Senior, John Grayson, William Wiggons, John Marriott, William Marriott, George Clayton, William Dalton, John Ashforth, George Marriott, William Marriott, Richard Glossop, William Marriott, John Shearer, and George Rodgers.	Gardens.
Ditto	Ditto	-	Pathways.
Ditto	Alfred Sorby	Alfred Sorby	House, Carriage Road, Paddock, and Stabling, called Hall Carr.
Ditto	Jonathan Roebuck.	Ditto Jonathan Roebuck	Road to Field. Warehouse, Shops, Casting House, Stable, and Yard.
Ditto	Ditto James Wilson	William Raywood Joseph Turner, Jane Newbold, George Grubb, Thomas Fearnehough, John Shearer, John Brightmore, John Sykes, John Lambert, George Rogers, Peter Holmes, Samuel Taylor, Samuel Cockayne, Joseph Horsefield, George Holmes, William Hunt, Joseph Barnes, John Nicholson, and Samuel Jones	House. Eighteen Houses and Yard.



Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Duke of Norfolk - -	Isaac Hattersley	James Whitworth, John Froggatt, Amor Spoor, Peter France, Alfred Cockayne, George Tyson, George Taylor, and Charles Trickett.	Eight Houses and Yard.
Ditto - -	Ditto -	Isaac Hattersley - -	House and Shop.
Ditto - -	Ditto -	Unoccupied - -	Shops.
Ditto - -	Thomas Froggatt.	Thomas Froggatt - -	House, Yard, and Stable.
Ditto - -	John Turner -	John Turner, Joseph Styring, William Read, William Russell, and Charles Turner.	Five Houses and Workshops.
Ditto - -	Representatives of the late Peter Brownell.	Thomas Stuart, and Joseph Jackson, Joshua Jackson, Hannah Jackson, and Joseph Ellis.	Gardens.
Ditto - -	Ditto -	Thomas Stuart, Joshua Jackson, and Hannah Jackson.	Houses.
Ditto - -	Ditto -	Joseph Ellis - -	Public House, Stable, and Yard.
Ditto - -	Representatives of the late Thomas Warburton.	- - - -	Occupation Road.
Ditto - -	- -	Joseph Ellis - -	Brick-yard, Kiln, and Shed.
Ditto - -	Ditto -	- - - -	Pathways.
Ditto - -	Ditto -	John Allott, William Marriott, John Marriott, Edward Hanson, John Hedges, John Potts and Richard Haywood, John Coe and John Shearer, John Hattersley, Robert John Blackwell, Joseph Ellis, John Marriott, Joseph Glave, William Marsden, Joseph Taylor, William Jones, John Hinchliffe, William Kaye, John Hammond, John Knight, John Hattersley, William Cooper, William Bathall, John Hattersley, John Nickling, Henry Grayson, William Simmons, Joseph Gillott, Sarah Chambers, George Rogers, John Thompson, and James Sheldon.	Gardens.
Ditto - -	Ditto -	John Hattersley, Aaron Beevor, William Cooper, and William Bathall.	Houses.
Ditto - -	Ditto -	John Bennett - -	House, Outbuildings, Yard, and Gardens.
Ditto - -	Ditto -	John Nickling, Joseph Glave, Henry Grayson, William Marsden, Samuel Sorby, Joseph Taylor, Joseph Gillott, William Jones, Sarah Chambers, John Hinchliffe, George Rogers,	Sixteen Houses and Yard.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
		James Kaye, John Thompson, John Hammond, James Sheldon, and John Knight.	
Duke of Norfolk	- - -	- - -	Occupation Road.
Ditto	- - -	- - -	Brick-yard.
Ditto	- - -	Joseph Ellis and Benjamin Beaver.	
Ditto	Septimus Glave	Elizabeth Dickinson	House and Garden.
Ditto	Ditto	George Bell	House, Yard, Smithy, and Garden.
Ditto	- - -	Joseph Glave	Stable.
Ditto	- - -	- - -	Occupation Road.
Ditto	- - -	John Oates	Garden Ground.
Ditto	James Levick	Ditto	House, Yard, and Stable.
Ditto	- - -	Ditto	Occupation Road.
Surveyors of Highways of Brightside Bierlow.	- - -	- - -	Hall Carr Wood Lane.
Ditto	- - -	- - -	Brightside Lane.
Duke of Norfolk	Thomas, John, and James Sanderson.	Thomas, John, and James Sanderson.	Mill-goit and Dam.
Ditto	- - -	- - -	Occupation Road.
Ditto	- - -	William Stones and Greaves.	Brick-yard and Kiln.
Heirs of Richard Swallow	- - -	Maria Swallow	Plantation.
Surveyors of Highways of Brightside Bierlow.	- - -	- - -	Road to Grimesthorpe.
Earl Fitzwilliam	- - -	William Lyon Bickley	Baggaley Brook.
Ditto	- - -	Ditto	Garden.
Ditto	- - -	- - -	House, Garden, Out-buildings, Fold-yard, and Road.
Thomas Smith	- - -	John Shepherd, William Ward, and Benjamin Ward, some or one of them.	Occupation Road.
Earl Fitzwilliam	- - -	Edwin Shepherd, Thomas Ashmore the younger, George Ashmore, Benjamin Ashmore, Thomas Ashmore, Samuel Bailey, Ann Booth, and William Ward.	Pieces of Land.
Ditto	- - -	Thomas Ashmore	Garden Ground.
Thomas Smith	- - -	Benjamin Ward and William Ward, or one of them.	Smithy.
Ditto	- - -	Ditto	House, Stable, Yard, Croft, Orchard, and Garden.
Ditto	- - -	Edwin Shepherd, Thomas Ashmore the younger, and George Ashmore.	Building formerly a House.
Ditto	- - -	Ann Booth, Samuel Bailey, Thomas Ashmore, and Benjamin Ashmore.	Three Houses.
Booth and Company	- - -	Joseph Herbert	Houses.
Ditto	- - -	Jeremiah Walker, Samuel Barnett, George Hall, William Blanksby, David Moxon, William Pinchon, and George Booth.	House and Gardens
			Seven Houses.
			Occupation Roads.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Booth and Company	- - - -	John Shepherd	House, Shops, Sheds, Yards, and Garden.
Samuel Humstances	- - - -	Samuel Hunstances	Public House, Out-buildings, Yard, and Gardens.
Benjamin Rose	- - - -	Frederick Rose	Plantation.
Ditto	- - - -	Ditto	House, Barn, Stables, Yard, Garden, and Road.
Ditto	- - - -	Ditto	Garden.
Ditto	- - - -	John Ashmore	Public House, Stable, Yard, Garden, and Ground in front of House.
Ditto	- - - -	James Penistone	House and Garden.
Surveyors of Highways of Brightside Bierlow.	- - - -	- - - -	Road called "Jenkin Lane."
Ditto	- - - -	- - - -	Road.
Benjamin Rose	- - - -	Frederick Rose	Bank of the River.
Henry Greaves Walker	- - - -	Edwin Cook, William Nelson, and Michael Rhodes.	Three Houses and Gardens.
Ditto	- - - -	Richard Marshall	Occupation Road.
Elizabeth Creswick	- - - -	Unoccupied, Ann Rhodes, John Davison, William Willis, John Allen, John Plant, and William Crookes.	Barn and Fold-yard. Seven Cottages and Gardens.
Trustees of Shrewsbury Hospital	- - - -	Elizabeth Creswick	House, Yard, and Garden.
Ditto	Thomas Butler	William Bletcher	House and Yard.
Ditto	- - - -	George Ellis	House and Garden.
Ditto	- - - -	Ditto	Garden.
Ditto	Thomas Butler	Thomas Butler	Farm-yard and Buildings.
Ditto	- - - -	George Ellis	House, Stabling, Yard, Gardens, Orchard, and Road.
Ditto	- - - -	Ditto	Occupation Road.
Ditto	- - - -	Ditto	Stack-yard.
Ditto	Thomas Butler	Thomas Butler	Road.
Ditto	Peter Linley	Peter Linley	Garden.
			Blackburn Forge Dam.
			Blackburn Brook.

*Parish of Rotherham.*

TOWNSHIP OF KIMBERWORTH.

Trustees of Shrewsbury Hospital.	- - - -	Thomas Fletcher	Blackburn Brook.
River Dun Company	- - - -	Unoccupied	Occupation Road.
Ann Swinden	Robert Joseph Chambers.	Samuel Kirk	Woody Bank.
Ditto	Ditto	Robert Joseph Chambers and George Wilton Chambers.	Occupation Road.
Ditto	Ditto	George Steel	Plantation.
Ditto	Ditto	William Shirt, Joseph Pogmore, Joseph Tingle, and William Hickman.	Colliery Railway.

[Local.]

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Ann Swinden - - -	Robert Joseph Chambers.	William Hickman - - -	Gardens.
Joshua Walker and Company.	- - -	Thomas Guest, William Knowles, Hannah Walker, George Cawthorne, John Sadler, George Barlow, John Woodhead, Thomas Cardwell, Joseph Bletcher, Joseph Woodhead, Sarah Makin, Robert Ward, John Knowles, George Barlow, William Brown, Thomas Dove, George Peace, William Rodger, Joseph Woodhead, Thomas Squires, William Cardwell, and Samuel Straw.	Twenty-two Gardens.
Ditto - - -	- - -	Thomas Guest, William Knowles, Mary Foster, George Cawthorne, John Sadler, George Barlow, John Woodhead, Thomas Cardwell, Joseph Bletcher, Joseph Woodhead, Sarah Makin, Robert Ward, John Knowles, George Barlow, William Brown, Thomas Dove, George Peace, William Rodger, Joseph Woodhead, Thomas Squires, William Cardwell, and Samuel Straw.	Twenty-two Houses and open Yard.
Ditto - - -	- - -	Joshua Walker and Company	Coke Ground or Furnace Hill.
Ditto - - -	- - -	Ditto - - -	Weighing House and Engine.
Ditto - - -	- - -	John Bell, William Ward, John Metcalfe, Robert Bedford, John Coates, Holiday Webster.	Six Houses.
Ditto - - -	- - -	John Richard Micklethwaite	Yards, Stable, and Shed.
Ditto - - -	- - -	James Ellis - - -	Stack-yard, Barn, Farm-yard, Barn, Stables, House, and Offices.
Ditto - - -	- - -	John Bell - - -	Garden.
Ditto - - -	- - -	Joshua Walker and Company	Occupation Road called Salter's Lane.
James Wheat - - -	- - -	James Wheat - - -	Gardens.
Joshua Walker and Company.	- - -	Matthew Habershon - - -	Plantations.
Thomas Wheatley - - -	- - -	Joseph and Charles Blocksage	House, Stable, Yard, and Gardens.
Adam Brooke - - -	- - -	Adam Brooke and Joseph Blocksage.	Occupation Road called Holmes Lane.
Thomas Badger - - -	- - -	George Bagnall, Michael Bradshaw, and John Shepherd.	Brick-yard.
John Nicholson - - -	- - -	John Nicholson, Edward Myers, William Myers, Surtees Parkin, John Grayson, John Verman, and Mary Holmes.	Two Houses and Gardens.
			Three Gardens.
			Seven Gardens.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Elizabeth Athey - -	- - -	John Turner, unoccupied, Joseph Beecher, William Cooper, George Bagnall, Michael Bradshaw, unoccu- pied, William Dickenson, John Shepherd, John Berry- tree, and John Wright.	Eleven Houses.
John Nicholson - -	- - -	Samuel Parkin, James Walker, William Guest, Mary Holmes, John Nicholson, Edward Myers, John Verman, Surtees Parkin, Ann Shepherd, William Myers, Charles Blocksage, John Grayson.	Twelve Houses.
Ditto - -	- - -	John Nicholson and William Myers.	Stables.
John Hay - -	- - -	John Mosley, John Shepherd, unoccupied, Joseph Wil- kinson, George Mellison, William Milner.	Occupation Road. Gardens.
Trustees of Rotherham and Wortley Turnpike Road.	- - -	- - -	Turnpike Road.
Ditto - -	- - -	Mary Ogley - -	Toll-bar House.
John Jowett - -	- - -	John Jowett - -	House and Garden.
John Hay - -	- - -	John Young, Richard Lowe, Bethia Gibson.	Three Gardens.
Ditto - -	- - -	Abraham Twigg - -	Yard and Cowhouse.
Bethia Gibson - -	- - -	Jonathan Allwood - -	House, Gardens, Yard, and Court-yard.
Ditto - -	- - -	John Harrison, Benjamin Brown, and John Young.	Three Stables.
Ditto - -	- - -	Bethia Gibson - -	Coach-house, Stable, Garden and Yard, Garden and Yard, House and Yard, Garden.
John Hay - -	- - -	William Myers, John Slack, Samuel Myers, Samuel Shepherd, Richard Law, John Lambert, George Bailey, Joshua James, Thomas Allott, William Watson, Michael Straw, John Williams.	Twelve Houses.
Nathaniel Robinson - -	- - -	Joseph Jepson, John Barlow, John Thompson, and Joseph Makin.	Four Gardens.
John Hay - -	- - -	William Myers, George Bailey, John Lambert, Michael Straw, and George Hep- penstall.	Occupation Road. Gardens.
Ditto - -	- - -	John Williams - -	House.
Ditto - -	- - -	Amelia Elliott and John Lambert.	Gardens.
Ditto - -	- - -	- - -	Occupation Road.
Lord Howard of Effingham - -	- - -	Ruth Guthrie and Joseph Bailey.	Orchards.
Ditto - -	- - -	Joseph Bailey - -	Stables.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Lord Howard of Effingham	- - -	Joseph Bailey, John Bailey, Amelia Cooper, James Coates, and Mary Dyson.	Five Houses and Yard.
John Hay	- - -	George Howard	Garden and Orchard.
Ditto	- - -	Amelia Elliott	House and Cowhouse.
Ditto	- - -	George Heppenstall and John Williams.	Two Houses.
George Bingley	- - -	Ann Bagnall, Edward Kendrick, William Hirstwood, and Jonathan Allwood.	Occupation Road. Four Houses and Yard.
George Austin	- - -	William Hirstwood, Jonathan Allwood, George Swann, Christopher Graham, Leonard Allen, William Ashton, William Smith, George Swann, and Christopher Graham.	Nine Gardens.
Ditto	- - -	- - -	Occupation Road.
Ditto	- - -	William Smith	House and Yard.
George Austin	- - -	Amelia Myers	House.
Matthew Habbershon	- - -	Edward Tranter and Joseph Wilkinson.	Two Houses.
John Hay	- - -	William Bagnall and John Ward his Under-tenant, unoccupied, William Watson junior, William Sheldon, Richard Jackson, George Hives, John Winder, John Davison, John Walker, Robert Makin, Samuel Walker, Thomas Lister, William Lockwood, John Hargate, and Samuel Mortimer.	Sixteen Houses.
George Austin	- - -	William Smith	Yard.
Ditto	- - -	Leonard Allen, James Pearson, William Ashton, Christopher Graham, and George Swann.	Five Houses.
Ditto	- - -	George Swann	Garden.
John Hay	- - -	John Winder, Samuel Mortimer, William Badger, Samuel Mortimer, John Hargate, Samuel Walker, John Walker, Nathan Williams, John Williams, Richard Jackson, William Sheldon, Joshua Goldthorpe, William Badger, William Bagley, Benjamin Brown, Joseph Twigg, and Abraham Twigg.	Gardens.
Ditto	- - -	- - -	Footpath.
Martha Swann	- - -	Martha Swann, James Oxley, and William Milner.	Three Houses.
William Makin	- - -	William Grafton, William Makin, Rebecca Wragg, and Joseph Makin.	Four Houses.
Feoffees of Rotherham	- - -	Abraham Twigg	Garden.
Ditto	- - -	Joseph Twigg, Benjamin Twigg, and Abraham Twigg.	Three Houses.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Richard Brooke - -	- - -	John Young, and Thomas Stanley and Martha Myers as his Under-tenants.	Three Houses and Yard.
John Iredale - -	- - -	Thomas Booth, Benjamin Brown, Thomas Craggs, John Callis, Samuel Kirk junior, and Matthew Brown.	Five Houses and a Malt-kiln.
Ditto - - -	- - -	Richard Hill - -	House and Yard.
Edward Emmerson - -	- - -	William Twigg - -	House.
John Hay - - -	- - -	Frances Spencer - -	Orchard.
Trustees of Masbrough Calvinistic College.	- - -	Reverend William Henry Stowell	Occupation Road called Back Lane. Garden.
Samuel Clark - -	- - -	Ditto - - -	Ditto.
Feoffees of Rotherham - -	- - -	John and William Beatson - -	Garden.
Lord Howard of Effingham - -	- - -	Joseph Tingle, William Tattershall, William Lidster, George Wragg, and Joseph Platts.	Five Houses, Shop, Warehouse, and Gardens.
James Falconer - -	- - -	John Graves Clark - -	House, Stable, and Garden.
River Dun Company - -	- - -	John Wright - - -	House and Premises.
John Hay - - -	- - -	Joseph Dilcock - -	Garden.
River Dun Company - -	- - -	John Wright, John Wright, William Askin, Thomas Gillott, William Fowler, George Dent, William Corker, Joseph Dearden, Joseph Green, John Wade Slack, Joseph Green, Benjamin Flockton junior, George Myers, Joshua Nicholson, George Horner, William Wilson, George Moorhouse, William Horner, Henry Kimpster, John Lambert, Richard Rhodes, George Revell, Thomas Gillott, and Henry Pullin.	Gardens.
Ditto - - -	- - -	Richard Hobson and Michael Hesling.	Two Cottages.
Trustees of late Thomas Walker	- - -	William Corker - -	Schoolhouse.
Ditto - - -	- - -	Thomas Farnsworth, John Slack, Thomas Sarbitt, John Lambert, Benjamin Flockton junior, Joshua Nicholson, George Moorhouse, John Ledham, and Christopher Heap.	Nine Houses.
Ditto - - -	- - -	Christopher Heap - -	Stable.
Ditto - - -	- - -	- - -	Open Yard.
Ditto - - -	- - -	John Hall - - -	Shop.
Ditto - - -	- - -	Unoccupied - - -	Warehouse.
Ditto - - -	- - -	Ditto - - -	Workshop.
Ditto - - -	- - -	Thomas Slack - - -	Smith's Shop and Warehouse.
Ditto - - -	- - -	Henry Kimpster, William Woodger, William White, and Joshua Nicholson.	Smith's Shops.
Ditto - - -	- - -	George Dyson - - -	Stack-yard.
River Dun Company - -	- - -	- - -	Occupation Road.
Ditto - - -	- - -	- - -	Vacant Land.

[Local.]

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
River Dun Company	- - - -	Henry Kimpster, Samuel Lambert, William Grafton, and Catherine Barrett.	Four Houses.
Ditto	- - - -	Richard Rhodes	Stables.
Ditto	- - - -	John Brown	House and Garden.
Ditto	- - - -	George Knowles and John Brown.	Two Stables.
Ditto	- - - -	Unoccupied	Cowhouse.
Thomas Wheatley	- - - -	Frederick Fleck	House, Stable, and Yard.
James Mann	- - - -	John Dyson, John Hall, Sarah Makin, Charles Makin, and Ebenezer Cavill.	Five Houses and Yard.
Ebenezer Cavill	- - - -	William Horner	Public House, Stables, and Yard.
Robert Joseph Chambers and George Wilton Chambers.	- - - -	Robert Joseph Chambers and George Wilton Chambers.	Smith's Shops, Boat Yard, and Sheds.
Samuel Walker and Henry Walker, Trustees of the New Sociable Society.	- - - -	George Newbutt, William Askin, William Newsam, William Crookes, Thomas Thompson, and William Wilson.	Five Houses, Yard, and Butcher's Shop.
Lord Howard of Effingham	William Horsefield.	Dinah Adams, Joseph Wood, and Thomas Gillott.	Two Houses and Butcher's Shop.
Ditto	Ditto	Thomas Gillott	Slaughter-house.
Ditto	Ditto	William Horsefield	Public House, Yard, Stable, and Cart Shed.
Ditto	Ditto	Ann Fox	House.
Ditto	Ditto	William Horsefield	Wood Yard.
Trustees of Rotherham and Wortley Turnpike Road.	- - - -	- - - -	Turnpike Road.

## TOWNSHIP OF GREASBROUGH.

Earl Fitzwilliam	- - - -	- - - -	Occupation Road.
Trustees of Rotherham and Wentworth Turnpike Road.	- - - -	- - - -	Turnpike Road.
Earl Fitzwilliam	- - - -	- - - -	Greasbrough Canal and Towing Paths.
Trustees of Rotherham and Swinton Turnpike Road.	- - - -	- - - -	Turnpike Road.

## TOWNSHIP OF ROTHERHAM.

Charles Nightingale	- - - -	John Blackmoor	House, Shops, Stable, and Wood-yard.
Ditto	- - - -	Elizabeth Nightingale and Sarah Barnsley.	Two Houses.
Ditto	- - - -	Charles Nightingale	House, Yard, Warehouse, Candle House, and Gardens.
Catharine Craven	- - - -	Robert Smith	House, Shop, Garden, and Outbuildings.
Ditto	- - - -	John Dobbs	House, Warehouses, Shops, and Gardens.
Robert Smith	- - - -	Robert Smith	House, Shop, Garden, and Outbuildings.
Ditto	- - - -	William Ackworth, George Farnsworth, William Hanby, Jonathan Brown, and John Woodhead.	Three Cottages, Printing Office, and Warehouse.



Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Assignees of Samuel Kirk junior, a Bankrupt.	Charles William Roberts Sandford and James Yates.	Charles William Roberts Sandford and James Yates.	Foundry, Yard, Warehouses, and Workshops.
Ditto - - -	Ditto -	Joseph Petty, Charles Silvester, Joseph Lambert, Benjamin Chadwick, George Robinson, Hannah Mathewman, William Lintin, Sarah Arnold, Isaac Firth, Benjamin Jeffcock, William Mitchell, Samuel Gregory, John Shirtcliffe, Catharine Earnshaw, and John Oxley.	Fifteen Cottages.
Ditto - - -	Ditto -	John Heppenstall, William Bletcher, and William Bennett.	Four Shops.
Ditto - - - Company of Proprietors of Rotherham Market Place.	Ditto -	Matthew Naylor - - - Thomas Stocks, James Milns, George Harrison, Francis Kirk, John Waring, Thomas Styring, Edward Gillott, and Joseph Johnson.	Bakehouse. Slaughter-houses.
Ditto - - -	- - -	Benjamin Hill, John Callis, and Peter Woolhouse.	Three Cottages.
John Jowett - - - Thomas Wheatley - - -	- - - - - -	Mary Cundey - - - Martha Schofield and Thomas Darwin.	House. Two Cottages.
Robert Leesley - - - Joseph Smith - - -	- - - - - -	Sarah Kitson - - - Thomas Stocks, James Wilkinson, Margaret Cawthorne, and Thomas Pinder.	Cottage. Four Houses.
John Taylor - - -	- - -	John Taylor and Thomas Pearson.	Two Houses and Out-buildings.
Richard Brooke - - -	- - -	Catharine Barr, George Hearnshaw Barlow, John Greenwood, and Elizabeth Wortley.	One House and Three Shops.
The Company of Proprietors of the Rotherham Market Place.	- - -	- - -	Rotherham Market Cross.

