

without the written consent of the said party of the first part, his successor or assigns being first had and obtained and evidenced by instrument hereon.

Seventh. And it is hereby expressly covenanted and agreed by and between the said parties that the said party of the first part his successor or assigns or any of them shall not and will not be, become, or be deemed, or be held liable or responsible, either at common law or by reason, force or effect of any statutory enactment or provision whatsoever to any person or persons party or parties whatsoever for any loss, damage or injury of any kind or nature whatsoever occurring or resulting to said Chute, Coal Mine, or Tramway, or any other commodity, material, or article placed, deposited, stored, kept or held upon or in or about said Chute & Tramway, during the continuance of this permit and license, or fire or any other cause whatsoever, occurring by locomotive or train of cars on the railroad of the said party of the first part, or originating within the limits of the right of way of said railroad, or in consequence of any act of the agents, servants, or employees of said C. & N. Ry. Company or his successor or from any other cause whatsoever; nor shall the said party of the first part his successor or assigns or any of them become or be deemed or be held responsible, either at common law or by reason, force or effect of any statutory enactment or provision whatsoever, to any person or persons party or parties whatsoever, for any injury to the person or account of any defect in said premises or in any structure of materials used thereupon, or for the negligence of any person or persons, being thereupon, either as licensee or as servant agent or employee of said licensee, or in any other capacity.

Eighth. And it is hereby further expressly covenanted and agreed by and between the said parties that the said party of the first part its successors heirs executors administrators and assigns shall and will and lawfully do, at all times during the continuance of this permit and license well truly