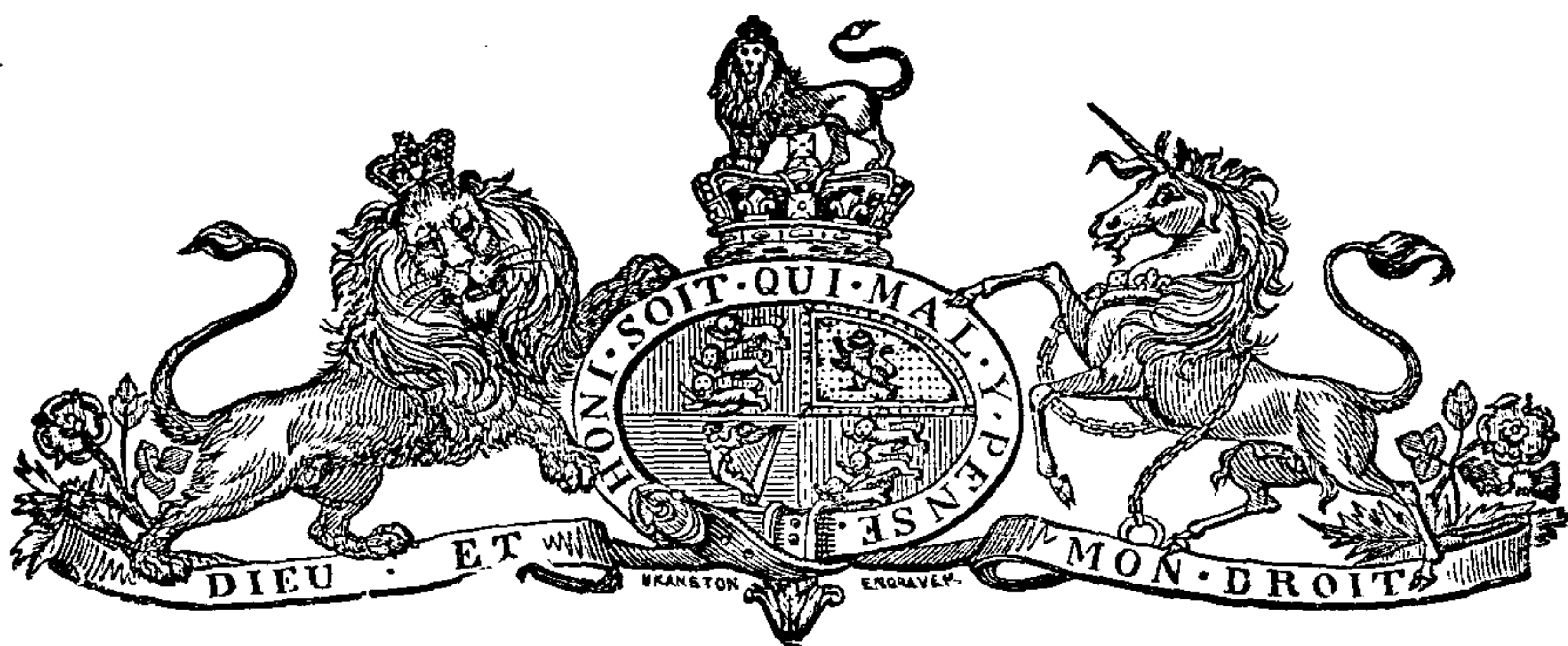




ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxi.

An Act for enabling the *York and North Midland* Railway Company to extend the Line of their *Harrogate* Branch Railway and make a Station at *Harrogate*. [9th July 1847.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the City of York to and into the Township of Altofts, with various Branches of Railway, all in the West Riding of the County of York or County of the said City*, whereby several Persons were incorporated by the Name of "*The York and North Midland Railway Company*:" And whereas the Provisions of the said recited Act have been amended and enlarged by several subsequent Acts relating to the said Company, passed respectively in the First, Fourth, Seventh, Eighth, Ninth, and Tenth Years of the Reign of Her present Majesty: And whereas it would be attended with local and public Advantage if the Line of the *Church Fenton and Harrogate* Railway belonging to the said Company were altered or extended at or near *Harrogate*, and if a convenient Station were formed at the Terminus of the said intended Railway at *Harrogate*, with proper Conveniences and Approaches thereto: And whereas the *York and North Midland* Railway Company are willing to execute the said Branch Extension, Station, and Works; but such Objects

6 & 7 W. 4.
c. 81.

[*Local.*]

21 C

cannot

Provisions of
recited Act
extended to
this Act.

cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions contained in the first-recited Act, or in any other Act which has subsequently been passed relating to the *York and North Midland* Railway, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Acts and this Act shall be construed and read together as forming One Act.

Provisions of
8 & 9 Vict.
cc. 18. and
20. extended
to this Act.

II. And be it enacted, That so much of the Lands Clauses Consolidation Act, 1845, and of the Railways Clauses Consolidation Act, 1845, as are applicable to and are not modified by this Act, or inconsistent with the Provisions hereof, shall be held to apply to the Railway and Station and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

Power to
borrow
Money on
Mortgage.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by the said recited Acts limited or authorized to be raised (exclusive of the Money thereby authorized to be raised by Creation of new Shares instead of borrowing) shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the said Company to borrow on Mortgage or Bond for the Purposes of this Act, and for the general Purposes of the Company, such Sum or Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding (in addition to the Sums which the Company are authorized to borrow by virtue of the said recited Acts or may be authorized to borrow by any Act to be passed in the present Session of Parliament, and the Power to borrow which it is hereby declared shall not be prejudiced) the Sum of Thirty-five thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of their Undertaking, and of the Rates, Tolls, Duties, and Revenue arising therefrom, or by Bond, in the Manner directed or authorized by the Provisions of the Companies Clauses Consolidation Act, 1845, herein-after incorporated herewith: Provided always, that it shall not be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money which, together with such Sum as may be due and owing by the said Company on Mortgage of their Undertaking or on Bond at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the Capital for the Time being of the Company in Shares or Stock.

Prior Mort-
gages not to
be affected.

IV. Provided always, and be it enacted, That nothing herein contained shall be held to affect the Validity of any Mortgages on the said

said Undertaking which may be subsisting at the Time of the passing of this Act, but all such Mortgages shall during the Continuance thereof have Priority over the Mortgages or any of them which may be created under the Powers of this Act.

V. And be it enacted, That all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by a Company on Mortgage or Bond, and with respect to the Conversion of Money borrowed into Capital, shall be incorporated with this Act, and shall be applicable to the borrowing by the said Company of the Monies hereby authorized to be borrowed by them, and to the Conversion thereof into Capital.

Provisions of 8 & 9 Vict. c. 16. as to borrowing Money to apply to this Act.

VI. And be it enacted, That it shall be lawful for the said Company to apply for or towards the Purposes this Act any Sum of Money which they may have raised or may raise under the Powers, and which shall not have been applied for the Purposes, of their said recited Acts or any of them, or of any Act to be passed in the present Session of Parliament relating to the said Company.

Company may employ existing Funds for the Purposes of this Act.

VII. And whereas Plans and Sections of the said intended Railway and Station and Works showing the Line and Level of the said Railway and the Limits of the said Station and other Works, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Be it enacted, That, subject to the Provisions of this Act, and to the several Provisions of the recited and before mentioned Acts, which have been extended to and made applicable to the Purposes of this Act, it shall be lawful for the Company to alter the Line of their *Harrogate* Branch Railway, and to make and maintain the said intended Railway and Station and Works, with all proper Conveniences and Approaches thereto, in the Line and Situation and according to the Levels described on the said Section, and upon the Lands delineated in the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes or any of them, any thing in the Act authorizing the Construction of the said *Church Fenton and Harrogate* Railway to the contrary notwithstanding.

Power to make Railway, &c. according to deposited Plans.

VIII. And be it enacted, That the said intended Railway shall commence by a Junction with the said *Harrogate* Branch Railway at or near the North-western End of the *Crimple* Viaduct for the same Branch Railway now in course of Construction in the Township and Parish of *Pannal* in the West Riding of the County of *York*, thence passing from, in, through, or into the Townships, Parishes, and Extra-parochial or other Places of *Pannal*, *High Harrogate*, *Low Harrogate*, *Bilton*, *Bilton with Harrogate*, *Scriven*, *Scriven with Tentergate*, and *Knaresborough*, in the said West Riding of the County of *York*, or some of them, and shall terminate in a Close or Parcel of Ground belonging to the Right Honourable the Earl of *Rosslyn*, marked A. on the said Plans so deposited as aforesaid, and which Close is situate in the

Line of Railway.

the Angle formed by the Junction of the *Otley* Turnpike Road with the *Leeds and Knaresborough* Turnpike Road in the Parish of *Knaresborough* in the said West Riding of the County of *York*, near the House known as the *Brunswick Hotel*.

Inclination
of public
Roads.

IX. And be it enacted, That where the Level of any public Carriage Road shall be altered for the Purpose of carrying such Road either under or over the Railway authorized by this Act, the Descent made in such Road to carry the same under the Railway, or the Ascent made in such Road or in the Approaches to the Bridge, to carry the same over the Railway, shall not be more than One Foot in Thirty Feet, anything in the Railways Clauses Consolidation Act, 1845, to the contrary thereof notwithstanding.

Land for ex-
traordinary
Purposes.

X. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes connected with the Railway and Station and Works by this Act authorized not exceeding Five Acres.

Company, if
required, to
purchase
certain
Lands be-
longing to
the Eccle-
siastical
Commis-
sioners.

XI. And whereas the Ecclesiastical Commissioners of *England* and *Wales* are or claim to be the Owners of certain Lands situate in the Township of *Bilton with Harrogate* and *Pannal*, or one of them, Part whereof will be required for the Site of the said proposed Station and the Railway and Works connected therewith, and the said Commissioners are of opinion that the said Lands will be injuriously affected thereby: Be it therefore enacted, That the said Company shall purchase and take, in addition to that Portion of the Lands belonging to the said Commissioners which will be required for the said Station, Railway, and Works, the whole or such other Portion of the Lands belonging to the said Commissioners, lying contiguous to the said proposed Station, Railway, and Works as the said Commissioners shall require the said Company to purchase and take, the Price thereof to be ascertained and fixed in the Manner provided by the Lands Clauses Consolidation Act, 1845.

Period
within which
Lands are to
be pur-
chased.

XII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Period for
Completion
of Works.

XIII. And be it enacted, That the Railway and Station and Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith or extended hereto, granted to the Company for executing the same Railways and Station and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railways and Station and Works as shall then have been completed, and except such Powers as are by the same Acts or any of them declared to be continued for a longer Period.

Company to
take same
Tolls as are

XIV. And be it enacted, That the Company may, subject to the Provisions in this Act and in the *Hull and Selby* Railway Purchase Act,

Act, 1846, contained, lawfully demand and receive, for and in respect of Passengers and Animals, and of all Articles, Matters, and Things, conveyed upon the Railway by this Act authorized, or any Part thereof, and for the Use of Carriages and of Locomotive Engines or other Power supplied by the Company thereon, such Amount of Rates, Tolls, or other Charges as by the *Hull and Selby Railway Purchase Act*, 1846, are authorized to be demanded and received for the like Passengers and Animals, Matters, and Things conveyed upon the Railways therein mentioned or referred to, and for the Use of the like Carriages and Locomotive Engines or other Power supplied on the same Railways under the Authority of the said Act.

allowed by
the Hull and
Selby Rail-
way Pur-
chase Act,
1846.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the Company's *Clauses Consolidation Act*, 1845, in that Behalf contained.

Interest not
to be paid
on Calls
paid up.

XVI. And be it enacted, That it shall not be lawful for the said Company out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

XVII. And whereas by the said Act authorizing the Construction of the said *Church Fenton and Harrogate Railway* the Provisions contained in the first-recited Act and in any other Act which had then been passed relating to the *York and North Midland Railway*, so far as the same were or might be applicable and then in force, and except such of them as were by that Act or the *Lands Clauses Consolidation Act*, 1845, or the *Railways Clauses Consolidation Act*, 1845, repealed, altered, or otherwise provided for, were extended to the said Act and to the several Purposes thereof, but the Provisions of the said *Lands Clauses Consolidation Act*, 1845, were not incorporated with the said Act, and Doubts are entertained whether the Provisions of the *Railways Clauses Consolidation Act*, 1845, are effectually extended thereto; for Remedy whereof be it enacted, That so much of the said Act authorizing the Construction of the said *Church Fenton and Harrogate Railway* as purports to extend the Provisions of the *Railways Clauses Consolidation Act*, 1845, to the Purposes of the said Act shall be repealed, and that the *Lands Clauses Consolidation Act*, 1845, and the *Railways Clauses Consolidation Act*, 1845, shall, so far

Amending
Clause of
the Church
Fenton and
Harrogate
Railway Act
extending
8 & 9 Vict.
cc. 18. & 20.
thereto.

as the same are applicable and are not modified by the said Act authorizing the Construction of the said *Church Fenton and Harrogate* Railway, or inconsistent with the Provisions thereof as amended by this Act, be held to apply to the Railway and Works authorized by the said last-mentioned Act, and shall be read and construed as forming Part thereof.

Authorizing
Sale of Lands
belonging to
the Duchy of
Lancaster,
and pro-
viding for
Application
of Purchase
Money.

48 G. 3. c. 73.

57 G. 3. c. 97.

XVIII. And whereas Part of the Lands which may be required for the Purposes of this Act belong to the Queen's most Excellent Majesty in Right of Her Duchy of *Lancaster*: Be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in Right of Her said Duchy which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Chancellor and Council and the said Company, and, upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands and the Fee Simple and Inheritance thereof to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same; and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy, under the therein recited Acts, or the same or any Part thereof may either, without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments Part of the Possessions of the said Duchy, be laid out according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable Henry Hale Viscount Gage and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out

and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster*, in the same Act particularly mentioned or referred to, and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in Right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right, and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents, and be subject to the same Application, to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form in the Schedule to this Act annexed, or as near thereto as may be.

XIX. And be it enacted, That every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster* by virtue of the Powers of this Act, being enrolled in the Court of the Duchy Chamber of *Lancaster*, within Six Calendar Months from the Date thereof, shall be effectual to vest in the said Company the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, anything contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household and the Honour and Dignity of the Crown*, or in any other Act to the contrary in anywise notwithstanding.

For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

13 W. 3. & 1 Anne, c. 7.

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

Saving Rights of the Crown and the Duchy of Lancaster.

XXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Year of Her present Majesty's Reign, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway hereby authorized, or the said Company in respect thereof, from the Provisions of the same several

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

several Acts respectively, but that such Provisions shall be in force with reference to the same Railway, and to the said Company in respect thereof so far as the same are applicable.

Railways to
be subject to
Provisions
of future
general
Act.

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of
Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title.

XXIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it as "The *York and North Midland (Harrogate Station)* Railway Act, 1847."

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The SCHEDULE referred to by the foregoing Act.

Form of Conveyance to Her Majesty in Right of Her Duchy of Lancaster.

THESE are to witness, That in consideration of the Sum of £
paid to *A.B.* of by *C.D.*
the Receiver General of the Revenues of the Duchy of Lancaster, on
behalf of Her Majesty, he the said *A.B.*

doth by these Presents grant, convey, and
assure unto the said *C.D.* his Heirs
and Assigns, all that , to have and to hold
the same unto the said *C.D.* his Heirs and
Assigns, to the Use of Her said Majesty, Her Heirs and Successors,
in Right of Her said Duchy.

In witness, &c.