



CHAPTER cxcv.

An Act for making a Railway from Skipton to Grassington in the West Riding of the County of York and for other purposes. [6th August 1897.] A.D. 1897.

WHEREAS the construction of the railways herein-after described in the West Riding of the county of York would be of public and local advantage :

And whereas the several persons in this Act named with others are willing to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the Company so to be incorporated (herein-after referred to as "the Company") be authorised to run over and use the railways and portions of railway herein-after mentioned :

And whereas it is expedient that the agreement with the Midland Railway Company set out in the schedule to this Act should be confirmed :

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of shares in their capital as by this Act provided :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are herein-after referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

[Ch. cxcv.] *Yorkshire Dales Railway (Skipton to Grassington) Act, 1897.* [60 & 61 Vict.]

A.D. 1897. — 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 as follows:—

Short title. 1. This Act may be cited as the Yorkshire Dales Railway (Skipton to Grassington) Act 1897.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated. 4. Sir Mathew Wharton Wilson Baronet George Kendall James Lambert William Atkinson Procter John Scott the younger and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Yorkshire Dales Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways. 5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the

deposited plans and sections the railways herein-after described with all proper bridges viaducts stations sidings approaches junctions roads buildings yards works and conveniences connected therewith and incidental thereto respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act will be wholly situate in the West Riding of the county of York and are—

Railway No. 1 one furlong and six chains in length to be wholly situate in the parish of Skipton commencing by a junction with the Midland Railway (Skipton to Ilkley) at a point distant fourteen chains or thereabouts measured in a northerly direction from the northern face of the tunnel on that railway passing under the Haw Bank and terminating in a field No. 302 on the $\frac{1}{2500}$ Ordnance map of Embsay-with-Eastby at a point distant two chains or thereabouts from the western boundary of that field and three chains or thereabouts from the southern boundary thereof :

Railway No. 2 eight miles three furlongs six chains and seventy-five links in length commencing in the parish of Skipton township of Embsay-with-Eastby by a junction with the said intended Railway No. 1 at the point of termination thereof as herein-before described and terminating in the parish of Linton in the township of Threshfield in a field No. 68 on the $\frac{1}{2500}$ Ordnance map of Threshfield at a point in the north-eastern corner of the said field :

Railway No. 3 three furlongs three chains and thirty links in length to be situate wholly in the parish of Skipton commencing by a junction with the Midland Railway (Skipton to Ilkley) at the western end of the platforms of the Embsay Station and terminating at the point of commencement of the intended Railway No. 2 as herein-before described.

6. In the execution of the works and in the exercise of the powers by this Act authorised the following provisions for the protection of the county council of the West Riding of the county of York (in this section called "the council") shall (notwithstanding anything shown on the deposited plans and sections or contained in this Act) have effect unless otherwise agreed in writing between the Company and the council (that is to say):—

For protection of county council of West Riding of Yorkshire.

(1) The alteration of the level of the Skipton and Cracoe main road and of any other main roads under the jurisdiction of the council shall be so made that the altered portions shall not in

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any part thereof have a steeper gradient than one in forty. On one side of the said road for the whole length of the diversion the Company shall construct a footpath five feet wide with a rough kerb of stone. The bridge to carry the said road over the proposed railway and the approaches thereto shall be of the full width of the existing road between the fences thereof. The said altered portions of the said main roads shall be efficiently channelled and drained to the reasonable satisfaction of the surveyor of the council :

- (2) The Company shall construct to the reasonable satisfaction of the surveyor of the council all such works and do all such things as may be necessary to prevent any subsidence of the surface of the Skipton and Cracoe main road and of any other main roads under the jurisdiction of the council where the railway will be constructed underneath the same :
- (3) The Company shall construct and maintain on both sides of the said main roads at the point of crossing and for such distance in continuation thereof or by the sides of the said railway as the council shall require a substantial parapet or close screen of the height of six feet at least and such parapet or close screen shall not be used for the purpose of posting bills or advertising purposes by means of posters or placards on the sides facing the said main roads :
- (4) All such parapets or close screens shall be constructed in such manner as the council shall reasonably approve :
- (5) The Company shall not commence to execute any works which will interfere with any of the said main roads or county bridges nor to construct any temporary or substituted road until they shall have given to the surveyor of the council not less than twenty-eight days' notice in writing of their intention so to commence such works accompanied by plans sections and specifications showing the nature of the said works proposed to be executed and the position width and mode of formation of the said road nor until the said surveyor shall have signified in writing his approval of the proposed temporary and substituted road and the mode of executing the said works unless the said surveyor does not within twenty-eight days after service of the said notice plans sections and specifications signify in writing his approval or disapproval thereof or other his directions in relation thereto and the Company shall comply with all such directions and requirements of the said surveyor in relation to the said road and the mode of execution of the said works :

- (6) All temporary or substituted roads shall be properly drained and kept in repair by the Company to the reasonable satisfaction of the said surveyor:
- (7) Any road over the railway and all embankments arches bridges viaducts and works whereby any such road is carried over the railway shall be maintained in good and substantial repair by the Company to the reasonable satisfaction of the said surveyor and if default be made herein and for a space of fourteen days after notice in writing in that behalf given by the said surveyor to the Company the Company fail to commence the necessary works to remedy such default or having commenced fail to carry on the same with reasonable despatch the council may themselves execute and do the same and recover the cost thereof from the Company in any court of competent jurisdiction:
- (8) The traffic of the said roads and bridges shall not during the construction of the said railway or any works in connexion therewith or during any subsequent repairing thereof be obstructed or interfered with All works affecting the said main roads or any of them or any county bridge or the said temporary or substituted roads shall be executed under the superintendence and to the reasonable satisfaction of the said surveyor but in all things at the expense of the Company and they shall pay the reasonable costs incurred by the council in and about such superintendence and in and about the inspection approval or disapproval of plans sections and specifications as aforesaid:
- (9) The Company shall repay to the council any extra cost incurred by them in the maintenance of any road if incurred by reason of any alteration thereof made under the powers of this Act:
- (10) If any difference arise between the Company and the council as to the true intent and meaning of any of the provisions of this Act in relation to any works to be executed or any powers to be exercised affecting the said main roads or any of them or the said temporary or substituted roads or any of them such difference shall be settled by an engineer to be agreed on between the parties or failing agreement to be appointed by the Board of Trade on the application of either of the parties in difference.

7. The capital of the Company shall be forty-five thousand Capital. pounds in four thousand five hundred shares of ten pounds each.

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Shares not
to be issued
until one-
fifth paid.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

9. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in
case of
persons not
sui juris.

10. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to
divide
shares.

11. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called preferred half share and the other shall be called deferred half share but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividend on
half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividends after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on
preferred
shares to be
paid out of

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share

bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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profits of the year only.

14. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificate.

16. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

18. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

19. The Company may borrow on mortgage of the undertaking any sums not exceeding in the whole fifteen thousand pounds but

Power to borrow.

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A.D. 1897. — no part thereof shall be borrowed until the whole capital of forty-five thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

20. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

22. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

24. The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three or more than five.

25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification of directors.

26. The quorum of a meeting of directors shall be three. Quorum.

27. Sir Mathew Wharton Wilson Baronet George Kendall James Lambert William Atkinson Procter and John Scott the younger shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. Lands for extraordinary purposes.

29. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

30. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which others than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and Power to take easements &c. by agreement.

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A.D. 1897. apply to such grants and to such easements rights and privileges as aforesaid respectively.

Inclination of roads.

31. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
40	Township of Rilstone parish of Burnsall.	Public road -	1 in 15

Height and span of bridges.

32. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
3	Township and parish of Skipton.	Public road	15 feet -	30 feet.
RAILWAY No. 2.				
12	Township of Embsay-with-Eastby parish of Skipton.	Public road	15 feet -	15 feet.
40	Township of Rilstone parish of Burnsall.	Public road	15 feet -	20 feet.
2	Township of Threshfield parish of Linton.	Public road	15 feet -	20 feet.
RAILWAY No. 3.				
3	Township and parish of Skipton.	Public road	15 feet -	30 feet.

Widths of certain roadways.

33. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not

being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):— A.D. 1897.

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
RAILWAY No. 2.			
47	Township of Cracoe parish of Burnsall.	Public road -	20 feet.
7	Township and parish of Linton	Public road -	20 feet.
28	Township and parish of Linton	Public road -	12 feet.

34. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway herein-after mentioned carry the same with a single line only whilst such railway shall consist of a single line and afterwards with a double line only across and on the level of the road next herein-after mentioned (that is to say):—

Power to cross a certain road on the level.

No. on Plan.	Parish.	Description of Road.
RAILWAY No. 2.		
51	Township of Rilstone parish of Burnsall	Public road

35. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Power to divert roads as shown on deposited plan.

Railway.	Parish.	No. of Road on Plan.
Railway No. 2	Township of Embsay-with-Eastby parish of Skipton.	12
"	Township of Stirton-with-Thorlby parish of Skipton.	6
"	Township of Cracoe parish of Burnsall.	47
"	Township of Linton parish of Linton	7

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A.D. 1897. — And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road so stopped up as far as the same is bounded on both sides by lands of the Company.

Restriction on taking houses of labouring class.

36. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December last but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Deposit money not to be repaid except so far as railway is opened.

37. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand two hundred and forty-one pounds eight shillings being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of

the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

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38. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Application of deposit.

39. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the

Period for completion of works.

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Tolls for
use of rail-
way.

40. The Company may demand and take for the use of the railway by any other company or persons with engines and carriages such reasonable tolls as they think fit.

Maximum
rates for
passengers.

41. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say) :—

For every passenger conveyed in a first-class carriage the sum of threepence per mile ;

For every passenger conveyed in a second-class carriage the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage the sum of one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Passengers'
luggage.

42. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Foregoing
charges not
to apply to
special
trains.

43. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Charges for
small parcels.

44. With respect to small parcels not exceeding five hundred pounds in weight conveyed on the railway by passenger train other than perishable merchandise exceeding fifty-six pounds in weight the Company may demand and take any charges not exceeding the following (that is to say) :—

For the carriage of small parcels—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight nine pence ; A.D. 1897.

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

45. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto (including perishable merchandise by passenger train) and the regulations and provisions contained in the schedule to the Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if the same were one of the railway companies named in the schedule to the said Order :

Rates for merchandise.

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

46. The Company if and so long as it shall at any time hereafter work the railways authorised by this Act may run over and use with their engines carriages and waggons and officers and servants for the purposes of traffic of every description—

Power to use portion of other railway.

So much of the Midland Railway (Skipton and Ilkley Branch) as lies between the junction therewith of the intended railway No. 1 and Skipton Station including the use of that station :

Together with the use of all roads signals water watering places engine and carriage sheds offices warehouses sidings junctions works and conveniences of or connected with such railway and portion of railway.

47. The terms and conditions and regulations to be observed and fulfilled and the tolls rates charges rent or other consideration to be paid by the Company for and in respect of the use of the said railway portion of railway stations sidings works and conveniences shall be such as are from time to time agreed upon between the owners thereof respectively and the Company or failing agreement as may from time to time be determined by the railway and canal commissioners on the application of either of the companies or parties interested and the cost of the determination of any such

Terms of such user.

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A.D. 1897. — difference shall be in the discretion of the commissioners and their decisions shall be final and binding on all parties.

Rates on portion of railway run over.

48. The Company if and so long as it shall at any time hereafter work the railways authorised by this Act may demand and take for all passengers animals minerals and goods conveyed by them on the said railway and portion of railway and for the use of the stations and works respectively and for carriages waggons and trucks and for locomotive engine and other power and for all services performed by them and for all other matters in respect to traffic thereon a like amount of fares rates or other charges as by the several Acts relating to the said railway portion of railway stations and works respectively are authorised to be demanded and taken for like traffic services and matters respectively and in like manner and with and subject to like powers and provisions and where applicable like limitation of maximum charges in all respects.

Byelaws to be observed.

49. In running over and using the said railway and portion of railway and in using the stations sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such regulations and byelaws shall be applicable.

Confirmation of agreement.

50. The agreement dated the fifth day of July one thousand eight hundred and ninety-seven and set out in the schedule to this Act is hereby confirmed and made binding upon the Company and the Midland Railway Company respectively.

Saving for Postmaster-General.

51. Nothing in this Act or in the agreement set out in the schedule to this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Midland Railway Company.

Rates on traffic conveyed partly on the railway and partly on any other railway.

52. During the exercise of the running powers authorised by this Act or the continuance of the agreement set forth in the schedule to this Act for the working or use of the railways or any part thereof by the Midland Railway Company the railways of the Company and of the Midland Railway Company shall for the purpose of short distance rates and charges be considered as one railway

and in estimating the amount of rates fares and charges in respect of passengers conveyed by passenger train partly on the railway of the Company and partly on the railway of the Midland Railway Company for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic including perishable merchandise by passenger train exceeding fifty-six pounds in weight conveyed partly on the railway of the Company and partly on the railway of the Midland Railway Company the Company shall be deemed to be a company connected with the Midland Railway Company and specified in the appendix to the schedule to the Midland Railway Company (Rates and Charges) Order 1891 confirmed by the Midland Railway Company (Rates and Charges) Order Confirmation Act 1891.

A.D. 1897.

53. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

Power to pay interest out of capital during construction.

- (a) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:
- (b) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:
- (c) The aggregate amount to be so paid for interest shall not exceed four thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:
- (d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or

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other document of the Company inviting subscriptions for shares and in every certificate of shares :

- (e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

54. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

55. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

56. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE.

A.D. 1897.

ARTICLES OF AGREEMENT made the fifth day of July one thousand eight hundred and ninety-seven between Sir MATHEW WHARTON WILSON of Eshton near Gargrave in the county of York Baronet GEORGE KENDALL of Skipton in the said county gentleman and WILLIAM ATKINSON PROCTER of Rilstone near Skipton aforesaid gentleman being three of the promoters of the Yorkshire Dales Railway (and herein-after called "the Owing Company") of the one part and THE MIDLAND RAILWAY COMPANY (herein-after called "the Working Company") of the other part.

WHEREAS the above-named Sir Mathew Wharton Wilson George Kendall and William Atkinson Procter are with others promoting a Bill in the present session of Parliament whereby they seek authority to incorporate the Owing Company with power to construct a Railway No. 1 one furlong and six chains in length commencing by a junction with the Skipton and Ilkley line of the Midland Railway fourteen chains or thereabouts from the northern face of the tunnel thereon passing under the Haw Bank and terminating in the township of Embsay-with-Eastby and a Railway No. 2 eight miles three furlongs six chains and seventy-five links in length commencing by a junction with the proposed Railway No. 1 at the termination thereof and terminating in the township of Threshfield And whereas the Working Company are willing to undertake to work the said railways when constructed according to the provisions of the intended Act and of this agreement :

Now it is hereby agreed between the parties hereto as follows :—

Article 1.—The Owing Company shall at their own expense acquire in fee simple in consideration of sums paid in gross and free from all incumbrances rentcharges land tax rents and outgoings (except a duly apportioned amount of tithe commutation rentcharge) all the necessary land and properties for forming the site of the said railways and for forming the site of the several stations approaches works and conveniences necessary and proper to be made in connexion therewith which railways works and conveniences are in these articles comprised under the expression "the said railways."

Article 2.—The said railways—

- (A) Shall be constructed on the gauge of four feet eight inches and a half exclusively ;
- (B) Shall be at least proper and sufficient for receiving carrying and accommodating the working plant of the Working Company of all descriptions and all traffic upon or over the railway no bridges or other structures except station buildings being constructed of timber ;
- (C) Shall be constructed as authorised by the intended Act and the junctions with the railways of the Working Company shall be formed with their

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- incidental signals and signal and point apparatus and block or electrical apparatus by the Working Company at the expense according to cost price of the Owing Company within the limits respectively authorised by the intended Act and the details incidental to the same junctions respectively and the exact points and mode of forming the same junctions shall be fixed by the Working Company but subject to and so as to receive the approval of the Board of Trade ;
- (D) Shall be constructed finished and completed as single lines of railway with proper passing places (if any) to be approved by the Working Company and with all incidental works and conveniences including proper and efficient stations but no station shall be placed on a steeper gradient than 1 in 300 the signals signal-boxes and all appliances connected therewith required by the Board of Trade or reasonably by the Working Company telegraphic communication and the electric block system to be supplied constructed and completed at cost price by the Working Company at the expense of the Owing Company ;
- (E) Shall also include proper and sufficient station and gate-houses waiting sheds station yards and approaches station buildings with all usual necessary and proper accommodation goods sheds sidings turn-tables cranes water supply water tanks and cranes and other works and conveniences such as in all respects the Owing Company would have had to construct if they had been about to work the railways as designed in connexion with the Midland Railway ;
- (F) Shall be constructed with rails fish plates chairs fastenings and sleepers in every respect subject to the approval of the engineer of the Working Company ;
- (G) Shall be properly ballasted with good clean ballast for a thickness of not less than fourteen inches of which eight inches shall be also the level of the bottom of the sleepers and an average width of not less than twelve feet ;
- (H) Shall be completed by and at the expense of the Owing Company in the particulars in this article enumerated and in every other respect so as to be fit and safe for traffic of all descriptions and to the satisfaction of the Board of Trade and to the reasonable satisfaction of the said engineer of the Working Company.

Article 3.—The said railways shall at the expense of the Owing Company comprise all works lawfully required by landowners commissioners boards turnpike trustees surveyors and others under any statutory right or under any agreement and all works rendered necessary by reason of the roads being interfered with by the railways or either of them and all accommodation and other works whatsoever which on the opening of the railways or at any time thereafter are or may be necessary or proper for the purposes of the railways and the traffic thereon respectively and which the Owing Company would have had to construct if the line were worked by themselves.

Article 4.—The Owing Company shall at their own expense during one year after the opening of the said railways for public traffic uphold maintain and repair the structural works and embankments of the same and all buildings and works and conveniences of the railways except those in this article named

to be maintained and repaired by the Working Company the workmen engaged in the maintenance to be approved by and be under the control of the Working Company The Working Company to maintain and repair the permanent way and all other works and conveniences connected therewith from such day of opening at their own expense.

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Article 5.—From and after the completion or opening of the said railways for public traffic the Working Company shall (subject to the restrictions mentioned in these articles) have in perpetuity the exclusive privilege and discharge the duty of working equipping with all rolling stock and locomotive power tools and stores adequate and proper or required by the Working Company manning managing and maintaining and shall at their own expense exclusively and in perpetuity work equip as aforesaid man manage and (but subject and without prejudice to the obligation of the Owing Company as aforesaid in Article 4) maintain the railways and the works and conveniences thereof as effectively as if the railways were part of their own system of railways and the Working Company shall pay all rates properly chargeable on the occupiers of the railways including the apportioned tithe commutation rent-charge and shall indemnify the Owing Company therefrom.

Article 6.—From the opening of the said railways for public traffic the Working Company will run daily throughout the year at least four passenger trains from Grassington to Skipton and four passenger trains from Skipton to Grassington in addition to an early morning market train from Grassington to Skipton every Monday and Saturday.

Article 7.—From the opening of the said railways for public traffic and thenceforth during the continuance of this agreement there shall be formed a fund to be called the Yorkshire Dales Revenue Fund which shall from time to time be credited with the following sums:—

- (A) The gross receipts of the Working Company in respect of local traffic arising and terminating on the said railways;
- (B) The mileage proportion due to the said railways of the Working Company's receipts in respect of through traffic passing over the said railways or any portion thereof; and
- (C) The usual terminal allowances on through traffic arising or terminating on the said railways;
- (D) The receipts due to the said railways from all other sources of revenue whatsoever including tolls (if any) paid by other companies.

Article 8.—The Yorkshire Dales Revenue Fund shall be made up half-yearly on the thirtieth day of June and the thirty-first day of December in each year and the Owing Company shall receive forty per cent. thereof and the Working Company shall retain the remaining sixty per cent. payments to the Owing Company being made on the fifteenth day of August and the fifteenth day of February in respect of the period ending the previous June and December Provided that whenever the Owing Company's share of the said fund shall be insufficient in any year to pay four per cent. on the share capital authorised by the intended Act after allowing for interest on loan capital at a rate not exceeding four per cent. the Working Company will make to the Owing Company an allowance of five per cent. on the Working Company's proportion of the receipts upon their own railway in respect of through traffic arising or

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A.D. 1897. terminating on the said railways and carried by the Working Company ten
miles or more on the Working Company's railways but such allowance shall
not in any case exceed the amount necessary to make up the Owing Company's
dividend to four per cent. on their share capital as authorised by the intended
Act.

Article 9.—Any question of difference arising between the Owing Company
and the Working Company under this agreement shall be determined by
arbitration according to the provisions of the Arbitration Act 1889.

Article 10.—Within two months after the Bill shall have received the Royal
Assent a part of this agreement executed under the common seal of the Owing
Company shall be delivered to the Working Company.

In witness whereof the said promoters on behalf of the Owing Company
have hereto set their hands and seals and the Working Company have
hereto affixed their common seal the day and year first above written.

Signed sealed and delivered by
the said Sir Mathew Wharton
Wilson in the presence of
EDWARD ROWLAND
Eshton Hall Gargrave
Butler.

MATHEW W. WILSON. L.S.

Signed sealed and delivered by
the said George Kendall in the
presence of
CHAS. W. WRIGHT
Solicitor
Skipton.

GEORGE KENDALL. L.S.

Signed sealed and delivered by
the said William Atkinson
Procter in the presence of
CHAS. W. WRIGHT.

W. A. PROCTER. L.S.

The common seal of the Midland
Railway Company was hereunto
affixed in the presence of

T. C. FARRER
Director of the Midland
Railway Company 24A
Bryanston Square Lon-
don W. L.S.

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