CHAPTER xxxii.

An Act for authorising the Undertakers of the Navigation of the rivers of Aire and Calder, in the West Riding of the county of York, to construct certain Works and acquire Lands in the county of York, in connexion with their undertaking; for abandoning certain Railways and stopping up a portion of St. John Street, in Goole; for confirming certain agreements; for amending and enlarging the Acts relating to the Undertakers and for conferring further powers upon them; and for other purposes. [24th June 1889.] A.D. 1889.

WHEREAS by Acts (local and personal) passed respectively in the tenth and eleventh years of the reign of King William the Third (chapter nineteen), the fourteenth year of the reign of King George the Third (chapter ninety-six) (herein-after called "the Act of 1774"), the first year of the reign of King George the Fourth (chapter thirty-nine) (herein-after called "the Act of 1820"), and the ninth year of the reign of King George the Fourth (chapter ninety-eight) (herein-after called "the Act of 1828"), powers for making and keeping navigable the Rivers Aire and Calder, in the county of York, and constructing certain cuts, canals, railways, docks and works, including a canal from Knottingley to Goole and docks and basins at Goole, were conferred on the Undertakers of the navigation of the rivers of Aire and Calder, in the West Riding of the county of York (herein-after called "the Undertakers"):

10 & 11 Wm. III., cap 19. 14 Geo. III., cap. 96. 1 Geo. IV., cap. xxxix. 9 Geo. IV., cap. xcviii.

And whereas, by the Wakefield, Pontefract and Goole Railway Act, 1845 (herein-after called "the Act of 1845"), the Wakefield, Pontefract and Goole Railway Company were incorporated and authorised to make a railway from Wakefield to Pontefract and Goole, and to the docks at Goole; and after reciting (section forty-seven) that the Undertakers had, by virtue of the Acts of 1820 and 1828, completed the said cut or canal from Knottingley to Goole, as

8 & 9 Vict., cap. clxxii.

A.D. 1889.

well as divers other canals and works, and had also, by virtue of the same Acts, purchased (amongst other things) all the lands in the township of Goole lying on the north side of the Dutch River, and also other lands of considerable extent in the township of Hook, upon part of which lands in each of the same townships they had, in pursuance of the same Acts or one of them, made and constructed divers extensive docks, wharfs, quays, warehouses and other works and conveniences for shipping, and other parts of which lands still remained vested in the Undertakers or their trustees for the uses and purposes of the same Acts, and more especially for the purpose of enabling them, the Undertakers, to make new and other docks, wharfs, quays and warehouses, works and conveniences for shipping at or near Goole aforesaid, or to enlarge or alter the present docks, wharfs, quays, warehouses, works and conveniences there, when and as occasion might require, it was by the said Act provided (section fifty-two) that such portions of the main line thereby authorised, and such stations, sheds, erections, works and conveniences connected therewith, as should be made within the estate or property of the Undertakers, in the said townships of Hook and Goole, should, as the same were made, become and be the property of and vested in the trustees of the Undertakers in trust for the Undertakers, and that the Undertakers should in consideration thereof pay to the Company, by the said Act incorporated, such price as should be fixed in manner in the said Act in that behalf provided; and by section fifty-four power was conferred on the Undertakers or their trustees to grant to the said Company leases of such portions of the said railways and works as should become vested in the trustees of the Undertakers as aforesaid:

And provisions were also made by the same Act (section fifty-six) that if at any time or times thereafter the Undertakers should deem it expedient to enlarge, increase or alter any of their docks or other works at Goole or Hook aforesaid, or to make or construct any new or other docks or works there, it should be lawful for them from time to time, at their discretion, so to do upon any of the lands in Goole and Hook aforesaid then already purchased by and remaining vested in them or their trustees, as therein-before mentioned: And in case any of the said lines of railway and works so to be vested in the trustees of the Undertakers as aforesaid, or any part thereof, should be found by the Undertakers to prevent or impede them in so doing, provisions were made in the said Act empowering the Undertakers to alter, vary or remove such lines of railway and works and substitute others for the public accommodation, and to appropriate the old line or lines of railway and works for the above purposes:

A.D. 1889.

And whereas, in pursuance of the provisions of the Act of 1845, the portions of the railways and works constructed under that Act, within the estate and property of the Undertakers in Goole and Hook aforesaid, and vested in their trustees, have been demised by the said trustees to the Lancashire and Yorkshire Railway Company (who have acquired the undertaking of the Wakefield, Pontefract and Goole Railway Company), for a long term of years, subject to a reservation of the rights of the Undertakers under the fifty-sixth and other sections of the Act of 1845; and other dock lines since constructed within their estate have also been let by the Undertakers or their trustees to the said railway company:

And whereas the trade of the port of Goole is increasing, and the Undertakers are about to provide a new dock for the better accommodation of such trade, and in order to facilitate the construction of such dock, and of the approaches thereto, it is expedient that a portion of St. John Street, in Goole, should be stopped up, and that the Undertakers should be authorised to construct a new road in lieu thereof; and that the portion herein-after described of the railways and dock lines belonging to the Undertakers in Goole, and demised or let to the Lancashire and Yorkshire Railway Company as aforesaid, should be abandoned, and the railways herein-after mentioned constructed in place of the same:

And whereas by certain agreements, dated the first day of March, one thousand eight hundred and eighty-one, between the trustees of the Undertakers and the Goole Local Board, and confirmed by the Goole and District Gas and Water Act, 1881, whereby St. John Street, Bridge Street, and certain other streets in Goole, and the sewers therein, which had been constructed by the Undertakers upon their estate, and theretofore maintained by them, were agreed to be transferred to the local board, provisions were made to facilitate the alteration and stopping up of such streets and sewers, and appropriation of the site of such streets by the Undertakers, at any time, for the purpose of extending the existing or constructing new docks at Goole, upon the Undertakers substituting other streets and sewers, as provided by such agreements, and also to facilitate the alteration by the Undertakers of the bridge over the Knottingley and Goole Canal herein-after authorised to be altered:

44 & 45 Vict., cap. lxxx.

And whereas under or by virtue of the Barnsley Canal Transfer Act, 1871, the Undertakers were authorised to purchase and have since acquired the Barnsley Canal Navigation, which communicates with the navigation of the Undertakers near Wakefield:

34 & 35 Vict., cap. cxcv.

And whereas it is expedient in connexion with the improvements now being made on the navigation of the Undertakers

A.D. 1889.

between Wakefield, Leeds and Goole, and on the Barnsley Canal, that the Undertakers should be authorised to alter the bridges and widen the canals thereunder, and make the new roads herein-after mentioned, and that they should be empowered to make the inclined plane on the said Barnsley Canal, and the connecting cuts or canals hereinafter described, to facilitate the traffic along that canal, which now has to pass through a long flight of locks at Walton:

And whereas it is expedient that the Undertakers should be authorised to acquire for the purposes of this Act the lands and premises by this Act authorised to be acquired by them:

And whereas the Undertakers have entered into the agreement, set forth in the first schedule to this Act, with reference to the Murham or Murham Lane Staith and the Constables Banking at Goole, and the construction of a new landing place in lieu thereof, and it is expedient that they should be authorised to construct such new landing place, and that the agreement should be confirmed and provisions made for carrying the same into effect:

And whereas the Undertakers and the guardians of the poor of the Pontefract, Goole and Selby Unions, in the said county of York, have entered into the deed or agreement set forth in the second schedule to this Act in reference to the rating to poor and other parochial rates and taxes of their canals, docks, basins, and works in those unions, and it is expedient that such deed or agreement should be confirmed and provisions made for carrying the same into effect:

47 & 48 Vict. cap. clxi.

And whereas, by the Ouse (Lower) Improvement Act, 1884 (herein-after called "the Act of 1884"), the Undertakers were authorised to improve the lower portion of the navigation of the river Ouse, upon which the port of Goole is situate; and to construct certain works of improvement in that river; and it is expedient that the Undertakers should be authorised, in connexion with such works, to make the new drain near Swinefleet, herein-after described as a diversion of the Shipcote Drain, and that provisions should be made for better securing the payment of the tolls, rates and charges payable under the Act of 1884, and for adjusting the accounts of the Undertakers in connexion with their general undertaking and the undertaking authorised by the Act of 1884:

And whereas it is expedient that the Acts relating to the Undertakers should, in other respects, be altered, amended and enlarged; and that the provisions herein-after contained should be made in reference to the Undertakers and their undertaking:

And whereas plans and sections, showing the lines and levels of the works by this Act authorised to be constructed, and the lands to be taken for the purposes thereof, and plans of the other lands by this

Act authorised to be acquired, and books of reference to the said plans, 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 respectively 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:

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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Aire and Calder Navigation Act, 1889.

Incorporation of Acts.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act (that is to say):—

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as amended by the Lands Clauses (Umpire) Act, 1883; and

The Railways Clauses Consolidation Act, 1845; and Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863: Provided that except as regards the new drain by this Act authorised, to which the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, shall apply, and except where otherwise expressly mentioned, the incorporated provisions of the two last-mentioned Acts shall only apply to the railways by this Act authorised.

Interpretation of terms.

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; and

The expression "the Undertakers" means the Undertakers of the navigation of the rivers of Aire and Calder, in the West Riding of the county of York;

The expression "the trustees of the Undertakers" means the trustees in whom are vested, for the time being, the lands and hereditaments and other property of the Undertakers:

In the Acts wholly or partially incorporated with this Act;

A.D. 1889.

The expression "the Special Act" means this Act;

The expressions "the company" and "the railway company" respectively mean the Undertakers;

The expressions "the railway" and "the undertaking," in the Railways Clauses Consolidation Act, 1845, and the provisions of the Railways Clauses Act, 1863, incorporated herewith, mean respectively the railways and new drain authorised by this Act;

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.

Power to make works.

4. Subject to the provisions of this Act the Undertakers may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all proper sidings, turntables, junctions, level crossings, approaches, gates, sewers, drains, banks, rails, piers, fences, stairs, bridges, foot-bridges, machinery, culverts, arches, retaining and other walls, flood-doors, gates, cloughs, buildings, and other works and conveniences connected therewith, and may exercise the powers herein-after mentioned, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto, as may be required for those purposes.

The works and powers herein-before referred to and authorised by this Act are:—

Road in lieu of St. John Street.

(1.) A new road at Goole, in the parish of Snaith, in the county of York, in substitution for St. John Street, commencing by a junction with Upper Bridge Street, at the northern end of that street, about ninety-four yards northward of the junction of St. John Street with Bridge street and Upper Bridge Street, and extending thence in a northerly direction for about one hundred and twenty-seven yards to the Ropery Walk, and thence in an easterly direction to and terminating by a junction with Booth Ferry Road, about forty-five yards eastward of the south-eastern corner of the Parsonage House of the Church of St. John the Evangelist;

Railways at Goole.

(2.) A railway No. 1 (five furlongs three chains and fourteen yards in length), at Goole, in the said parish of Snaith, commencing by a junction with the railway authorised by the

Act of 1845, and vested in the trustees of the Undertakers, and demised by them to the Lancashire and Yorkshire Railway Company as aforesaid, at a point about one hundred and eighty-three yards southward of the south-west corner of the Minorca Cottages, and terminating near the northern end of the Aldam Dock by a junction with the Undertakers' dock lines, about twenty-eight yards south-eastward of the south-west corner of the boundary wall of the yard or enclosure of the said Church of St. John the Evangelist;

(3.) A railway No. 2 (two chains and nine yards in length), at Goole, in the said parish of Snaith, commencing by a junction with Railway No. 1, at a point about seventy-three yards north-westward of the north-west corner of the Aldam Dock, and terminating by a junction with the Undertakers' dock lines, at a point about twenty-four yards north-westward of the same corner of the said dock;

Pollington Bridge.

(4.) An alteration of the bridge and the approaches thereof in the said parish of Snaith, known as the Pollington Bridge, which carries the Baln Moor Road and the Baln Hall Road over the Knottingley and Goole Canal in that parish, such alteration commencing on the north side of the canal, about one hundred and twenty-two yards north-eastward from the north-west corner of the western parapet wall of the present Pollington Bridge, and terminating on the south side of the canal, in the direction of the Baln Moor Road, about ninety-three yards south-westward, and in the direction of the Baln Hall Road, about one hundred and twenty yards southward of the south-west corner of the said parapet wall; together with a widening of the said canal on the south side, under the said bridge, and for a distance of about seventeen yards on each side thereof;

(5.) A new road on the north side of the said Pollington Bridge, commencing on the northern approach of that bridge as proposed to be altered at a point about forty-four yards north-eastward of the said north-west corner of the western parapet wall of the present bridge, and extending in a south-westerly direction, and terminating about thirty-three yards north-westward from the said north-west corner of the said parapet wall;

Whitley Bridge.

(6.) An alteration of the bridge and the approaches thereof in the parish of Kellington, in the county of York, known as the Whitley Bridge, which carries the Doncaster and Selby Road

A.D. 1889.

over the Knottingley and Goole Canal, such alteration commencing on the north side of the canal, about one hundred and thirteen yards northward from the north-east corner of the eastern parapet wall of the present Whitley Bridge, and terminating on the south side of the canal, about one hundred and fifty-five yards southward from the south-east corner of the said parapet wall; together with a widening of the said canal on the south side, under the said bridge, and for a distance of about seventeen yards on the east side and twenty-three yards on the west side thereof;

(7.) A new road on the south side of the said Whitley Bridge, commencing on the southern approach of that bridge, as proposed to be altered, at a point about one hundred and forty-two yards southward from the said south-east corner of the eastern parapet wall of the present bridge, and extending in a northerly direction, and terminating at a point about nineteen yards westward of the said south-east corner of the said parapet wall;

Swillington Bridge.

(8.) An alteration of the bridge and the approaches thereof in the parish of Rothwell, in the county of York, known as the Swillington Bridge, which carries the Aberford and Wakefield and the Pottery Roads over the Undertaker's canal in that parish, such alteration commencing on the north side of the canal, about one hundred and six yards north-eastward from the north-west corner of the western parapet wall of the present Swillington Bridge, and terminating on the south side of the canal, in the direction of the said Aberford and Wakefield Road, about seventy-three yards south-westward and in the direction of the Pottery Road, about seventy-two yards westward from the south-west corner of the said parapet wall; together with a widening of the said canal on the north side, under the said bridge, and for a distance of about seventeen yards on each side thereof;

Fleet Bridge.

(9.) An alteration of the bridge and the approaches thereof in the said parish of Rothwell, known as the Fleet Bridge, which carries the Fleet Lane over the Undertakers' canal in that parish, such alteration commencing on the north side of the canal, about seventy-five yards north-eastward from the north-west corner of the western parapet wall of the present Fleet Bridge, and terminating on the south side of the canal, in the direction of Oulton about seventy-two yards south-westward, and in the direction of Methley about sixty-seven yards south-eastward from the south-west corner of the said parapet wall;

together with a widening of the said canal on the south side, under the said bridge, and for a distance of about thirteen yards on each side thereof;

Cold Hiendley Bridge.

(10.) An alteration of the bridge and the approaches thereof in the parish of Felkirk, in the county of York, known as the Cold Hiendley Bridge, which carries the Cold Hiendley Common Lane over the Barnsley Canal in that parish, such alteration commencing at a point about nine yards northward of the south-west corner of the western parapet wall of the present Cold Hiendley Bridge, and terminating on the south side of the canal, about fourteen yards south-eastwards from the said south-west corner of the said parapet wall; together with a widening of the said canal on the south side, under the said bridge, and for a distance of about six yards on each side thereof;

Oakenshaw Bridge.

(11.) An alteration of the bridge and the approaches thereof in the parishes of Crofton and Sandal Magna, in the county of York, known as the Oakenshaw Bridge, which carries the Oakenshaw Lane over the Barnsley Canal in the parish of Crofton, such alteration commencing on the north side of the canal, about thirty-eight yards north-eastward from the north-west corner of the western parapet wall of the present Oakenshaw Bridge, and terminating on the south side of the canal, about seventy-one yards southward from the south-west corner of the said parapet wall; together with a widening of the said canal on the north side, under the said bridge, and for a distance of about one yard on each side thereof;

Bridge at Goole.

(12.) An alteration of the opening bridge and approaches thereof at Goole, in the said parish of Snaith, carrying Bridge Street over the Knottingley and Goole Canal, such alteration commencing on the northern side of the canal, at the junction of Victoria Street with Bridge Street, and terminating on the southern side of the canal, at a point about forty-six yards northward from the junction of Doyle Street and South Street with Bridge Street aforesaid; together with a widening of the said canal on the north side, under the said bridge, and for a distance of about ten yards on each side thereof;

Walton incline.

(13.) A cut or canal (herein-after called Cut No. 1) in the parish of Sandal Magna, commencing by a junction with the Barnsley Canal, at a point about fifty yards northward from the bridge carrying the road from Walton to Walton Hall across the said canal, and terminating near the northern end of the third lock on the Barnsley Canal below such bridge; and an inclined

A.D. 1889.

plane in the same parish for the transport of boats and other vessels, commencing at the point of termination of the last-mentioned cut or canal, and terminating at a point about three hundred yards south-eastward from the northern end of the lowest Walton Lock on the said canal; and another cut or canal (herein-after called Cut No. 2) in the same parish, commencing at the point of termination of such inclined plane, and terminating by a junction with the Barnsley Canal immediately below the said lowest Walton Lock, with all necessary hydraulic and other engines, machinery and appliances, rails, cradles, sluices, and works for working the said inclined plane;

Hook Landing and road of access.

(14.) A landing place on the bank and foreshore of the river Ouse at Goole, in the said parish of Snaith, about fifteen yards in width, commencing at a point on the flood bank of that river, known as the Hook Bank, about three hundred and seventy yards, measured in a straight line in a north-easterly direction, from the Murham Lane Outfall Clough at Goole, and extending along such bank in a north-easterly direction, and terminating at a point thereon, about forty yards from the said point of commencement, together with a road of access to such landing place from the Hook Road, such road of access commencing by a junction with the said Hook Road at a point about one hundred and ten yards south-westward of the junction of Marshfield Lane with the Hook Road, and terminating on the said landing place at or near the middle of the north-western side thereof, about eighty-seven yards south-westward of the said junction of Marshfield Lane with the Hook Road;

Shipcote Drain diversion.

(15.) A new drain (being a diversion of Shipcote Drain) in the said parish of Snaith, commencing by a junction with the present Shipcote Drain at a point about three hundred and sixty-three yards southward from the outfall sluice into the River Ouse of the present Shipcote Drain near Goole Windmill, and terminating with an outfall sluice in the River Ouse, at a point about one hundred and eighty-three yards south-westward from the outfall sluice into that river of the Swinefleet Warping Drain; and the Undertakers may discharge the waters from the said Shipcote Drain into the said river through the said new drain, and upon the completion of such new drain may stop up, discontinue and remove the present outfall into the river of the said Shipcote Drain.

Power to cross, divert streams, &c.

5. The Undertakers may within the limits of deviation shown on the deposited plans, cross, divert, alter, stop up, remove, or other-

wise interfere with, either temporarily or permanently, canals, rivers, streams, watercourses, drains, culverts, sewers, flood gates, flood banks, sluices, cloughs, staiths, jetties, landings, wharfs, gas and water mains and pipes, telegraphic, telephonic, electric and other wires, pipes and apparatus and other works, so far as may be necessary or desirable for the purposes of the works by this Act authorised, the Undertakers providing or causing to be provided a proper substitute before interrupting the flow of water or sewage in any of the premises, and in the exercise of any of such powers the Undertakers shall do as little damage as may be, and shall make full compensation to all parties entitled thereto for any damage by them sustained by reason of the exercise of such powers, the amount thereof to be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation: Provided that the Undertakers shall not remove, alter, or in any way interfere with any telegraphic apparatus belonging to or used by the Postmaster-General, except in accordance with and subject to the provisions of the Telegraph Act, 1878: Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act, 1882, to which the provisions of section fifteen of the said Act apply.

Power to carry railway across new road in Goole on level.

6. Subject to the provisions contained in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, in reference to the crossing of roads on the level, the Undertakers may, in the construction of the Railway No. 1 by this Act authorised, carry the same, with not more than four pairs of rails, across and on the level of the new road in Goole by this Act authorised to be constructed in substitution for St. John Street: Provided that the Undertakers shall at all times provide a substantial footbridge over the said railway at the site of such level crossing.

Provisions as to opening bridge at Goole.

7. The bridge at Goole, carrying Bridge Street across the Knottingley and Goole Canal by this Act authorised to be altered, may be made and thenceforth maintained by the Undertakers as an opening or swing bridge, with an opening span of not more than fifty feet, and such opening or swing bridge shall at all times be worked by or at the expense of the Undertakers: Provided that no unnecessary interference or delay shall be occasioned at any time to the traffic using Bridge Street, and that the said bridge shall at all times be kept closed across the canal, except when required to be opened for the passage of vessels through the same, or for necessary repairs.

A.D. 1889.

Provisions as to new Shipcote Drain.

8. In constructing the new drain by this Act authorised, the Undertakers shall, subject to the proviso herein-after contained, make the same of a width of four feet at the bottom, with proper slopes and with an outfall sluice into the said River Ouse of not less than four feet square in the clear, and fitted with self-acting doors, and so that the top of the sill of the new sluice shall not be less than eighteen inches below the level of the top of the sill of the existing outfall sluice of Shipcote Drain; and the Undertakers shall make good, in connexion with the new drain, the drainage of the lands which now drain through the present Shipcote Drain Outfall where such drainage is interfered with by the works of the Undertakers, and shall also, if and when required by the owner of any lands through which the said new drain passes, construct for the use of the lands of such owner a bridge across the said drain of such description and dimensions (not exceeding twelve feet in width and four feet in span), and in such position as may be agreed upon between such owner and the Undertakers, or be determined by a justice in manner provided by section one hundred and forty-two of the Railways Clauses Consolidation Act, 1845: Provided always that if any drainage board now or hereafter to be constituted for the district of Goole Fields, or a majority in acreage of the owners of lands situate in such district, shall, within one month from the passing of this Act, or such other period as may be agreed upon, undertake to pay, within twelve months from the passing of this Act, to the Undertakers a sum of not less than one thousand three hundred pounds as a contribution towards making the new drain of such increased dimensions as herein-after mentioned, so as to be sufficient for the drainage of the whole of the said district of Goole Fields, which contribution the drainage board is hereby empowered to make as part of the expenses to be lawfully incurred by them in connexion with the drainage of the district, then the following provisions shall apply:—

(1.) The Undertakers shall make the new drain in the line shown on the deposited plans, and shall make the outfall sluice seven feet in width and five feet in height, and so that the top of the sill of the sluice shall be one foot nine inches below the level of the top of the sill of the outfall sluice of the present Shipcote Drain;

(2.) The Undertakers shall make the new drain from the said outfall sluice to the junction of the new drain with the present Shipcote Drain of a width of seven feet at the bottom, and the span of the bridges across the new drain shall be of corresponding dimensions;

(3.) Unless the said Drainage Board, within six months after the passing of this Act, or within such other period as may be agreed upon, undertake the scouring and maintenance of the outfall from the said sluice to the training walls in the River Ouse (as they are hereby authorised to do), the Undertakers shall, at all times hereafter, scour and maintain the same, but, notwithstanding anything in this Act contained to the contrary, the Undertakers shall be under no liability for the maintenance of the said sluice, or of the doors or works thereof, or any portion of the said drain from the said sluice to the junction with the present Shipcote Drain, all which shall be maintained by the said Drainage Board or the parties now liable to maintain the present drain and outfall;

(4.) Except, so far as altered by this proviso, the other provisions of this section shall remain in full force.

Power to deviate

9. Except as in this Act otherwise provided the Undertakers may, in constructing the works by this Act authorised, deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans in reference thereto respectively, and may deviate from the levels of such works, as shown on the deposited sections, to any extent not exceeding five feet, but they shall not make any such vertical deviation so as to increase the rate of inclination of any road as shown on the deposited sections.

Restricting limits of lateral deviation.

10. The Undertakers shall not, in constructing any work in, over, through or across any tidal lands, deviate from the lines thereof as shown on the deposited plans, even within the limits of deviation shown on such plans, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

Period for completion of works.

11. If the railways by this Act authorised are not completed within five years, and if the other works by this Act authorised are not completed within seven years from the passing of this Act, then, on the expiration of those periods respectively, the powers by this Act granted to the Undertakers for making and completing the said railways and works respectively, or otherwise in relation thereto, shall cease, except as to so much thereof as is then completed.

Power to take easements, &c. by agreement.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Undertakers any easement, right or privilege (not being an easement of water), required for the purposes of this Act, in, over or affecting any such lands; and the provisions of the said Acts, with respect to

A.D. 1889.

lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights and privileges, as aforesaid respectively.

Power to acquire additional lands for general purposes.

13. Subject to the provisions of this Act, and in addition to the other lands which they are by this Act authorised to acquire, the Undertakers may, from time to time, enter upon, take, use and appropriate for the purposes of sidings, warehouses, workshops, sheds, depôts, deposit of spoil, road approaches, wharfs, works, and other purposes of their undertaking, and works connected therewith, all or any part of the lands and premises hereafter described and delineated on the deposited plans, and described in the deposited books of reference, and the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, shall not apply to such lands and premises (that is to say) :—

(A) Certain lands in the parish of Snaith, in the township of Hook, in the county of York, belonging or reputed to belong to Joseph John Dunnington Jefferson, and situate on the south side of the North Eastern Railway (Hull and Doncaster Branch) and bounded on the east and south by lands belonging or reputed to belong to the Undertakers, and on the west by the township of Armyn, and extending in a southerly direction from the said railway for a distance of about one hundred and sixty-three yards ;

(B) Certain other lands, in the said parish of Snaith, in the township of Snaith and Cowick, forming part of the western side of the northern approach to the bridge carrying the Cowick Road or Sykehouse Lane over the Knottingley and Goole Canal, known as Beevor's Bridge, and extending northward from a point about sixteen yards north of the north-west corner of the western parapet wall of the said bridge for a distance of about fifty-five yards ;

(C) Certain other lands, in the said parish of Snaith, in the township of Hook, forming part of the bank known as the Hook Bank, on the River Ouse, and the waste lands adjoining thereto, and extending from the northern end of that part of the said bank called the Constables Banking, in a north-easterly direction for a distance of two hundred and fifty-eight yards or thereabouts.

Period for compulsory purchase of lands.

14. The powers of this Act, for the compulsory purchase of lands, shall cease after the expiration of three years from the passing of this Act.

Omission or mis-statement in plans

15. If there be any omission, mis-statement or erroneous description of any lands, or of the owners, lessees or occupiers of any lands,

shown on the deposited plans or described in the deposited books of reference, the Undertakers may, after giving ten days' notice to the owners, lessees and occupiers affected by such proposed correction, apply to two justices for the correction thereof; and if it appear to the justices that such omission, mis-statement or erroneous description arose from accident or mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is mis-stated or erroneously described, and the decision of the justices in such matter shall be final.

or books of reference may be corrected.

16. The certificate of the justices shall be deposited in the office of the clerk of the peace for the West Riding of the county of York, and a duplicate thereof shall be deposited with the parish clerk of the parish in which the lands are situate in respect to which, or to the owners, lessees or occupiers whereof, the omission, mis-statement or erroneous description occurred; and such certificate and duplicate shall be kept by such clerk of the peace and parish clerk respectively, along with the other documents to which they relate; and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate; and the Undertakers may purchase, take and use any lands, in accordance with such certificate, as if such omission, mis-statement or erroneous description had not been made.

Certificates to be deposited.

17. The Undertakers shall not, under the powers of this Act, without the consent of the Local Government Board, take ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were occupied, either wholly or partially, by persons belonging to the labouring class as tenants or lodgers. For the purposes of this section the expression "labouring class" 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.

Restriction on taking houses occupied by labouring class.

18. The Undertakers may from time to time appropriate and use for the purposes of this Act any lands and premises now belonging to or vested in them or their trustees.

Power to appropriate lands.

19. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth year of the reign of Her present Majesty, cap. 20, a sum of three thousand one hundred and ninety-one pounds seventeen

Railway deposit not to be repaid except so far as railways opened, &c.

A.D. 1889.

shillings has been deposited with the paymaster-general for and on behalf of the Supreme Court of Judicature, in England, in respect of the application to Parliament for this Act, of which sum six hundred and thirty-three pounds representing five per centum on the amount of the estimate in respect of the railways authorised by this Act, is herein-after referred to as "the railway deposit fund," and the remainder thereof is herein-after referred to as "the general deposit fund": Be it enacted, that notwithstanding anything contained in the said recited Act, the railway deposit fund shall not be paid 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 Undertakers shall, within five years after the passing of this Act, open the railways as dock lines for goods and mineral traffic: Provided that, if within such period as aforesaid, the Undertakers open any portion of the railways for such traffic, then, on production of a certificate of the Board of Trade, specifying the length of the portion of the railways opened as aforesaid, and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways, the High Court of Justice in England shall, on the application of the depositors, or the majority of them, order the said portion of the railway deposit fund so specified in the certificate to be paid 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 above-mentioned Act to the contrary notwithstanding.

Application of railway deposit.

20. If the Undertakers do not, within five years after the passing of this Act, complete and open the railways as aforesaid, then, and in every such case, the railway deposit fund, or so much thereof as shall not have been paid, or ordered to be 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 may have been interfered with, or otherwise rendered less valuable by the commencement, construction or abandonment of the railways, or any portion thereof, or who may have been subjected to injury or loss, in consequence of the compulsory powers of taking property conferred upon the Undertakers by this Act for the purposes of the railways, and for which injury or loss no compensation, or inadequate compensation, shall have 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 of Justice in England may seem fit; and if no such compensation shall be payable, or if a portion of the railway deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the railway deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer, in such manner as the court thinks fit to order, on the application of the solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Undertakers are insolvent, or a receiver has been appointed, shall wholly or in part be paid to such receiver, or be otherwise applied as part of the assets of the Undertakers for the benefit of their creditors: Provided that until the railway 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.

Release of general deposit fund.

21. On the application of the depositors, at any time after the passing of this Act, the court may and shall order that the general deposit fund, and the interest and dividends thereon, be repaid to them, or to any other person or persons whom they may appoint in that behalf.

Railways to be abandoned.

22. If and when the Undertakers so require, so much of the old Aire Street passenger lines of railways, and the dock and other railways and sidings alongside thereof at Goole, as lie between the junction of such railways and sidings with the goods lines of the Undertakers on the west, and the point of termination of Railway No. 1, by this Act authorised on the east, and which are shown on the deposited plans as to be abandoned, shall be abandoned, and thereupon the lease of such railways to the Lancashire and Yorkshire Railway Company shall determine, and the Undertakers may remove the rails and works of such railways and sidings, and re-enter into possession of the site thereof (except so much thereof as forms part of Bridge Street), and appropriate such site to the purposes of their undertaking.

Provisions as to tolls, &c., on new railways.

23. Subject to the provisions of this Act the railways by this Act authorised shall, for the purposes of tolls and for all other purposes whatsoever, be deemed and treated as if the same had been part of the railways authorised by the Act of 1845, and vested in the trustees of the Undertakers, as provided in that Act: Provided that subject to any lease of or license to use the said railways to be granted by the Undertakers, the Undertakers may use and work the

A.D. 1889.

said railways, and demand and take the tolls, rates and charges, and exercise the powers in respect thereof mentioned in the Act of 1845.

For the protection of the West Riding Railway Committee.

24. For the protection of the West Riding Railway Committee (in this section called "the committee") the following provisions shall have effect, that is to say:—

(1.) In this section the expression "the works" means and includes the works in the parish of Sandal Magna, in this Act called respectively "Cut No. 1" and "Cut No. 2," and the inclined plane connecting those two cuts, and the sluices, machinery, appliances and works for working the said inclined plane;

(2.) If by reason of the execution of any of the works, or any subsequent alteration or repairs thereof, or any failure of or any defect in any of the works, or any act or omission of the Undertakers or of their contractors, or of any person in the employ of the Undertakers or their contractors, or if by reason of the user of any of the works the railway of the committee shall be injured or damaged, such injury or damage shall be forthwith made good to the reasonable satisfaction of the committee by the Undertakers at their own expense; and in the event of their failing so to do, then the committee may make good the same, and recover the expenses thereof from the Undertakers;

(3.) If by reason of any of the matters or causes aforesaid any obstruction, interruption or delay shall be occasioned to the traffic of or upon the railway of the committee, the Undertakers shall pay to the committee, by way of liquidated damages, the sum of fifty pounds for every hour or part of an hour during which such obstruction, interruption or delay shall continue;

(4.) The Undertakers shall also pay to the committee (over and above the amount of the said liquidated damages) all damages, costs, charges and expenses which the committee may be liable to pay, or to which they may be put by reason of any of the matters or causes aforesaid, and the Undertakers shall effectually indemnify the committee from and against all claims and demands in any way arising thereby;

(5.) All damages, costs, charges and expenses, payable to the committee under the provisions of this section, may be sued for and recovered, with full costs of suit, by the committee from the Undertakers in any court of competent jurisdiction.

For the protection of the Lancashire

25. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following

provisions shall have effect unless otherwise agreed between the Undertakers and the company, that is to say :—

(1.) The Undertakers shall construct railways Nos. 1 and 2 by this Act authorised, with all proper junctions, works and conveniences necessary for connecting the same with the existing lines of railway and dock lines as shown on the deposited plans, and they shall construct Railway No. 1 from the commencement of such railway to the western side of that portion of the new road, authorised to be constructed by the Undertakers in substitution for St. John Street, which forms an extension of Upper Bridge Street, with not less than a double line of rails, and from the western side of such portion of the new road to the termination of the railway with four lines of rails. They shall also construct Railway No. 2 with two lines of rails. The Undertakers shall also provide, in connexion with Railway No. 1 on the western side of the said portion of the new road to be substituted for St. John Street, in such position as the Undertakers and the company may agree, sidings of equal value, extent and convenience with, and in substitution for, the sidings constructed by the company at their own cost on the west side of Bridge Street alongside the existing railway proposed to be abandoned;

(2.) The said railways and sidings shall, when completed, be held and worked by the company for the term herein-after mentioned in lieu of and in full satisfaction for the railways and sidings by this Act authorised to be abandoned;

(3.) Upon the completion of the said Railways Nos. 1 and 2, the company shall (notwithstanding anything in this Act contained) thenceforth during the term herein-after mentioned, maintain and keep such railways and sidings, and all junctions, works and conveniences connected therewith, in good and effectual repair and working condition;

(4.) The Undertakers shall, whenever required so to do by the company, grant to the company a lease of the said railways, junctions, works and conveniences, including the land on which the substituted sidings referred to in subsection (1) shall be constructed, for a term of years equal to the term unexpired at the time of the granting of such lease for which the railways included in a certain indenture of lease dated the twenty-seventh day of September, one thousand eight hundred and fifty-eight, and made between the then trustees of the Undertakers of the one part, and the company of the other part, and by this Act authorised to be abandoned, are held by the company, and at and for the same rents, payments and other considerations, and

A.D. 1889.

upon and subject to the same covenants, conditions and agreements in all respects as if the said Railways Nos. 1 and 2, and the junctions, works, and conveniences, and the site of the substituted sidings had been originally included in such lease, except that the rent reserved by such lease shall be increased in respect of the site of the substituted sidings to the extent of the rent now paid by the company in respect of the existing sidings for which such new sidings are a substitute, and in the meantime until such lease shall be granted, the said railways, junctions, works, sidings and conveniences may be held and worked by the company upon the terms to be contained in such lease;

(5.) Notwithstanding anything in this Act contained or shown on the deposited plans, the Undertakers shall not under the powers of this Act abandon any portion of the low level mineral line now leading to the hydraulic lift on the west side of the railway dock, or of the goods lines (which pass under the high level mineral line) now leading to the docks and used for the town traffic and other purposes, nor shall they, unless and until the Railways Nos. 1 and 2 by this Act authorised, together with the substituted sidings, shall have been completed and opened for public traffic, abandon any part of the railways, lines and sidings by this Act authorised to be abandoned;

(6.) Nothing in this section contained shall prejudice, alter or restrict the rights and powers of the Undertakers under the 56th, 57th, and 58th sections of the Act of 1845, with reference to the alteration, variation or removal of any of the railways and works included in the lease herein-before mentioned, or any other rights or powers of the Undertakers under that Act, or under the Wakefield, Pontefract and Goole Railway and Port of Goole Act, 1846, and such rights and powers shall apply also to the Railways Nos. 1 and 2 by this Act authorised, and the junctions, works, sidings and conveniences connected therewith, as if the same had been originally authorised by the Act of 1845;

(7.) In carrying out the alteration of Whitley Bridge and the approaches thereof by this Act authorised, the Undertakers shall, so far as regards the works on the northern side of the Knottingley and Goole Canal, execute the same in accordance with the deposited plans and sections to the reasonable satisfaction of the principal engineer of the company, and in all things by and at the expense of the Undertakers, who also shall at the like expense and to the like satisfaction make good

the entrances and approaches to the company's passenger station, goods station, yards, engine house, water tank and premises at Whitley Bridge, which may be disturbed or interfered with by reason of the works or operations of the Undertakers; and all such works and operations shall be done and executed by the Undertakers so as to cause as little injury to such approaches or entrances, or interruption to the traffic thereat, as may be, and if any injury or unnecessary interruption shall arise from, or owing to any acts, works or operations of the Undertakers, they shall make compensation in respect thereof to the company, the amount of such compensation, together with full costs, to be recoverable from the Undertakers by all and the same means as a simple contract debt of like amount is recoverable;

(8.) If any difference shall arise between the Undertakers and the company under this section or with reference thereto, the same shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act, 1859, for the settlement of disputes by arbitration, and for the purposes of any such arbitration the Undertakers shall be deemed to be a railway company.

Saving rights of the Postmaster-General.

26. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act, 1878, to place and maintain telegraphic lines in, under, upon, along, over or across the said railways, sidings, junctions and works by this Act required to be leased to the Lancashire and Yorkshire Railway Company, and from time to time to alter such telegraphic lines, and to enter upon the land and works on which the said railways, sidings, junctions and works are constructed for the purposes in the Telegraph Act, 1878, specified, and the Postmaster-General shall, after the passing of this Act, be at liberty to exercise all the rights aforesaid, notwithstanding that the said railways, sidings, junctions and works are leased to or worked by the said company.

Stopping up of St. John Street in Goole.

27. The Undertakers may stop up the portion of St. John Street in Goole which is shown on the deposited plans as to be stopped up, that is to say:—So much of St. John Street as lies between the south-eastern corner of the yard or enclosure belonging to the Church of St. John the Evangelist on the east, and the junction of St. John Street with Bridge Street and Upper Bridge Street on the west; but such portion of street shall not be stopped up until the new road by this Act authorised to be constructed in substitution therefor is completed and opened for traffic, or until the Undertakers have, to the reasonable satisfaction of the Goole Local Board, made

A.D. 1889.

other provision for the traffic using the portion of St. John Street to be stopped up as aforesaid.

For protection of the Goole United Methodist Free Church.

28. Notwithstanding anything in this Act contained to the contrary, the Undertakers shall, unless otherwise agreed between them and the trustees for the time being of the United Methodist Free Church herein-after mentioned, or their assigns, keep open St. John Street, at the western end thereof, for a distance of thirty-four yards eastward from the south-west corner of the building of the Goole United Methodist Free Church, with a width of not less than thirty-six feet, as an access to that church, and premises belonging to the said trustees adjoining thereto, and shall also (unless otherwise agreed as aforesaid) keep open for the use of such premises the occupation road running northward out of St. John Street, and numbered on the deposited plans 46, in the parish of Snaith, with a width of not less than twelve feet, measured from the front of the buildings in such road.

Extinguishment of rights of way on road stopped up, &c.

29. All rights of way over and along the portion of street which the Undertakers are by this Act empowered to stop up shall from the time of the stopping up thereof cease, and the same are by this Act extinguished, and the Undertakers may appropriate and use for the purposes of their undertaking the site of the said street so far as the same is bounded on both sides by lands of the Undertakers, and they may upon such stopping up alter, remove, and appropriate the materials of all footways, sewers, drains, pipes, and other works in or under the said portion of street.

Provisions as to repair of new roads.

30. Subject to the provisions of this Act, the new road in Goole by this Act authorised to be made in substitution for St. John Street shall, after the same shall have been completed for the space of one year, be thenceforth from time to time maintained by the Goole Local Board, or other road authority liable for the time being to maintain the other public streets and highways in Goole; and the several bridges and approaches thereof, by this Act authorised to be altered as aforesaid, shall, when the alterations are completed, be from thenceforth maintained by and at the expense of the same parties, and to the same extent, as are liable to maintain the present bridges and approaches. If any question shall arise between the Undertakers and any of such parties as to the due completion of the alteration of any of the said bridges or approaches thereof, such question shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days' notice to both parties of the sitting of such justices for the purpose; and the certificate of such justices

of the due completion of such alterations shall be conclusive evidence of the fact so certified.

For the protection of the Snaith Highway Board.

31. For the protection of the Snaith Highway Board (hereinafter called the highway board), the following provisions shall, unless otherwise agreed between the highway board and the Undertakers, have effect in connexion with the alterations of Whitley Bridge and Pollington Bridge, and the approaches thereto, by this Act authorised, that is to say:—

(1.) The approaches to Whitley Bridge shall be made of gradients not less than one in twenty on the north side of the said bridge, and one in twenty-five on the south side of the said bridge, and the Undertakers shall so arrange the level of the main girders of the said bridge where they rest upon the present northern abutment that their under-side shall not be more than thirteen feet six inches above ordinary top-water level of the canal at the said abutment, so as to give as great a length as possible of level at the end of the northern approach of the said bridge nearest to the gates of the level crossing of the Lancashire and Yorkshire Railway;

(2.) The approaches to Pollington Bridge, on each side of the canal, shall be made of gradients as nearly one in twenty as the powers of the Undertakers under this Act, or any facilities the highway board can afford, will enable the Undertakers to make such gradients;

(3.) The top of the said bridges shall have an upward curvature of not more than one foot in the width of the canal at the point of crossing, and allowance shall be made for easing off the junction of the gradients at either end of such bridges respectively;

(4.) The soffit or underside of the arches or girders of such bridges shall in no place be more than fifteen feet above the ordinary top-water level of the canal under such bridges respectively;

(5.) The approaches to the said bridges and the roadways over the same shall, so far as the same are affected by the alterations, be at all times maintained and properly fenced by and at the expense of the Undertakers, and to the reasonable satisfaction of the surveyor of the highway board;

(6.) If any difference shall arise between the Undertakers and the highway board or their surveyor, under this section, the same shall be settled by an engineer to be appointed by the Board of Trade on the application of either party.

A.D. 1889.

Power to divert water.

32. The Undertakers may divert into the new cuts or canals and canal widenings by this Act authorised the waters of the Barnsley Canal and of the Knottingley and Goole Canal respectively.

Power to make regulations for use of cuts and incline.

33. The inclined plane and the cuts or canals connecting the same with the Barnsley Canal by this Act authorised shall, subject to the provisions of this Act, be held to be part of the Barnsley Canal navigation, and the Undertakers may from time to time make, alter and enforce rules, byelaws and orders for determining what vessels may be navigated and conveyed by the said cuts or canals and inclined plane, and what vessels shall be prohibited from using the same, and the times when the said inclined plane may be closed for traffic, and for the use and regulation of the said cuts or canals and inclined plane and the traffic using the same; and such rules, byelaws and orders shall be made and enforced in the same manner as the Undertakers are authorised to make and enforce rules, byelaws and orders for the regulation of the said Barnsley Canal and the traffic thereon.

Tolls, &c., on traffic using cuts and inclined plane.

34. It shall be lawful for the Undertakers to demand and take in respect of boats, barges and other vessels using the said cuts or canals and inclined plane by this Act authorised, or any part of such cuts or canals or inclined plane, any sum or sums of money not exceeding the following, that is to say:—For every boat, barge or vessel, whether loaded, partially loaded or light, the sum of seven shillings and sixpence, or in the case of a loaded or partially loaded boat, barge or vessel laden with more than ninety tons of cargo the sum of one penny per ton of such cargo, and the Undertakers may recover the said sum or sums of money in the same manner as other tolls, rates and duties in respect of boats, barges and other vessels are authorised to be demanded and taken and made payable on the said Barnsley Canal: Provided that such sum or sums of money by this Act authorised to be demanded and taken shall be in addition to any other tolls, rates or charges payable by such boat, barge or vessel or the cargo thereof in respect of the use of or conveyance upon any other portion of the said Barnsley Canal.

Confirmation of agreement as to Murham Staith, and provisions relating thereto.

35. The agreement set forth in the First Schedule to this Act is hereby confirmed and made binding upon the Undertakers and their trustees, and the freeholders and copyholders within the manor and township of Hook, and other parties interested in the present Murham or Murham Lane Staith and Constables Banking, referred to in such agreement; and upon the completion of the landing place and road of access by this Act authorised, the said staith and banking shall, by virtue of this Act, be vested in the trustees of the Undertakers in trust for the Undertakers, in accordance with the

said agreement, and the landing place and road of access, by this Act authorised, shall constitute the new landing place and road of access referred to in the agreement, and may be used accordingly by the parties mentioned in such agreement.

Undertakers to maintain portions of Hook Bank vested in or acquired by them.

36. In the event of the Constables Banking becoming vested in the Undertakers, or of the Undertakers at any time acquiring any other portion of the Hook Bank mentioned in the Hook Inclosure Award, made in pursuance of an Act (private) passed in the eighth year of the reign of King George the Third, chapter twenty, the liability of maintaining and supporting such banking and portions of bank, in manner directed by the said inclosure award, shall thenceforth be imposed upon the Undertakers; and the persons liable to maintain and support the same, previously to the vesting thereof in or acquisition by the Undertakers, shall be relieved from all further liability in respect thereof.

Confirmation of agreement as to parochial rating.

37. The deed or agreement set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the Undertakers and the guardians of the poor of the several unions named therein and their respective successors, and the Undertakers shall hereafter be liable to pay, and the said guardians respectively may assess and recover from them all poor, parochial and other rates and taxes referred to in that deed or agreement in accordance with the provisions thereof.

Application of Undertakers' funds to purposes of Act.

38. The Undertakers may apply to the purposes of this Act (but, as respects any borrowed money, or the proceeds of the sale of surplus lands or other money in the nature of capital, only to purposes to which capital is properly applicable) any funds or moneys belonging to them, or which, under any of the recited Acts, they have borrowed or have power to borrow, and which are not required for the purposes of those Acts respectively, and the recited Acts and this Act shall be read and construed as if such funds or moneys were thereby authorised to be borrowed and applied for the purposes of any such Acts or of this Act.

Property to stand vested in trustees of navigation.

39. All lands purchased, taken or used, by virtue of the powers of this Act, for the purposes thereof, or directed to be vested in the trustees of the Undertakers, and all messuages, buildings and works erected or made under the powers of this Act, shall, subject to the provisions of this Act, stand vested and be held in trust for the purposes of this Act in and by the same trustees, their heirs and assigns, and with the like indemnification as the property in the navigation of the Rivers Aire and Calder, and the lands, buildings and hereditaments acquired and erected in connexion therewith, are,

A.D. 1889.

by virtue of the Acts heretofore passed relating to the said navigation, vested.

Provisions as to accounts.

40. The works by this Act authorised shall form part of the undertaking of the Undertakers, but subject to the following provisions, that is to say :—

(1.) Any moneys from time to time expended or received by the Undertakers in connexion with the new drain by this Act authorised, and the acquisition of land therefor, and any moneys from time to time expended or received in connexion with the landing place and road of access thereto on Hook Bank, herein-before authorised (except the original cost of such landing place and road of access and of the land therefor), shall be carried to the debit or credit, as the case may be, of the Lower Ouse Improvement Capital Account and the Lower Ouse Improvement Revenue Account respectively ;

(2.) Any other moneys (including such original cost as aforesaid) from time to time expended or received by the Undertakers in connexion with the works authorised by this Act, or with any land or property to be acquired by or vested in the Undertakers or their trustees under the powers of this Act, shall be carried to the debit or credit, as the case may be, of the capital and revenue accounts respectively of the general undertaking of the Undertakers :

And notwithstanding anything in the Act of 1884, any moneys from time to time expended or received by the Undertakers in connexion with any training walls, jetties or other works, constructed or to be constructed under the powers of that Act on the right side of the River Ouse, at Goole, between the said landing place on Hook Bank and the Dutch River, or any foreshore of the river acquired for the purpose of any such works, shall be carried to the debit or credit of the last-mentioned accounts, and not the Lower Ouse Improvement Accounts.

Power to vary number of directors.

41. The Undertakers may from time to time, at any general assembly, increase or reduce the number of persons who, together with the trustees of the Undertakers, shall be and constitute their committee of directors : Provided that the number of such committee shall not at any time exceed sixteen, or be less than twelve ; and whenever the number of such committee shall exceed twelve, the quorum at any meeting of the committee shall be five, and at other times four ; and the Act of 1820 is amended accordingly.

Remuneration of the directors.

42. The Undertakers may, at any general assembly, authorise the appropriation out of the profits of their undertaking of any

annual sum or sums of money to be applied in the remuneration of their committee of directors, and may from time to time, at any such meeting, increase or reduce the same, and any sum or sums of money so appropriated shall be distributed among the members of such committee in such manner as such committee may from time to time determine.

Clerk to be designated secretary.

43. From and after the passing of this Act the clerk of the Undertakers for the time being shall, for all purposes, be designated and referred to as the secretary of the Undertakers, and all acts, deeds, and other documents in which the clerk of the Undertakers is or shall be designated or referred to, shall be read as if, instead thereof, the secretary of the Undertakers had been designated or referred to therein.

Repeal of certain provisions of recited Acts.

44. The following provisions of the Acts herein-before recited are hereby repealed, that is to say :—

(1.) The provisions of section one hundred and nineteen of the Act of 1828, so far as they require the length and breadth of all locks on the cuts authorised by that Act, between Leeds and Ferrybridge, to be the same as those of the locks at that time built on the Knottingley and Goole Canal; and any locks of larger dimensions now constructed on those cuts, or on any other cuts or canals of the Undertakers, are hereby legalised.

(2.) The provisions of section seventy-five of the Act of 1820, and of section fifty-nine of the Act of 1828, so far as they specify the materials to be used in the construction of bridges and fences.

(3.) The provisions of section three of the Act of 1820 and section four of the Act of 1828, so far as they restrict the width of the lands, grounds and hereditaments to be taken and used for the canals, cuts, channels and drains to which such Acts respectively relate, and the towing paths, banks, ditches and fences thereof.

(4.) Section fifty-seven of the Act of 1774 and section seventy of the Act of 1820.

(5.) Section fifty-eight of the Act of 1820 and section forty-nine of the Act of 1828, and so much of section forty-seven of the Act of 1774 as exempts dung or stable manure from the payment of tolls or duty for passing or being carried on the rivers, canals, cuts, channels or works to which those Acts respectively relate.

(6.) The proviso to section forty-three of the Act of 1884.

A.D. 1889.

New provisions as to swing or drawbridges over navigation.

45. Section ninety-eight of the Act of 1820 is hereby repealed, and every swivel or draw bridge across any canal or cut belonging to the Undertakers to which such section relates shall at all times hereafter be kept open so as to leave the navigation of the said canal or cut free and unobstructed through the same, except at such times as any such bridge may be required to be closed for the passage of traffic over the said canal or cut, and no such bridge shall at any time be kept closed across the canal or cut longer than may be necessary for the passage of such traffic over the same as aforesaid.

Provision as to storage reservoirs.

46. Nothing in section six of the Act of 1820 or in section seven of the Act of 1828 shall be held or construed to prevent the Undertakers from constructing reservoirs or storage basins for impounding and storing the waters of any of their canals or navigations, and impounding and storing such waters therein, provided that no waters shall be taken into any such reservoirs or basins, except directly from or out of a canal or navigation belonging to the Undertakers.

Removal of sunken vessels and recovery of expenses thereof.

47. If any boat, barge or vessel shall be sunk in any part of the navigation, cuts, canals, docks, basins or locks of the Undertakers, or in the River Ouse within the limits of improvement defined by the Act of 1884, and the owner or person in charge of such boat, barge or vessel shall not forthwith weigh, draw up or remove the same, it shall be lawful for the Undertakers, by their agents or servants, to weigh, draw up or remove such boat, barge or vessel, and to detain and keep the same with her tackle and loading until payment be made of all the expenses relating thereto, or to sell such boat, barge or vessel, and the tackle and loading thereof, or a sufficient part thereof, and thereout to pay such expenses and the expenses of the sale, returning to the owner of such vessel the overplus, if any, on demand, or the Undertakers may, if they think fit, recover such expenses from the owner of such boat, barge or vessel in a court of summary jurisdiction.

Prohibition of use of unseaworthy vessels.

48. The Undertakers may at any time prohibit the use or employment in or upon their navigation, cuts, canals, docks, basins or locks, or the River Ouse within such limits as aforesaid, of any boat, barge or other vessel which may be unseaworthy, or otherwise liable to sink, or to obstruct the navigation, cuts, canals, docks, basins, locks or river. and may remove any such boat, barge or vessel from the said navigation, cuts, canals, docks, basins, locks or river, and recover the expenses of so doing in the same manner as the expenses of weighing, drawing up or removing sunken vessels are recoverable.

A.D. 1889.

Application of certain portion of Harbours, Docks and Piers Clauses Act, 1847, to Goole Docks.

49. From and after the passing of this Act, the provisions of the Harbours, Docks and Piers Clauses Act, 1847, with respect to the construction of works for the accommodation of the officers of customs, shall apply to all docks of the Undertakers at Goole, constructed under the authority of any Act of Parliament, and the several locks, works and conveniences connected therewith, as if such provisions had been included in section five of the Ouse (Lower) Improvement Act, 1884.

Amendment of Act of 1884 as to payment of the tolls, &c.

50. With respect to the tolls, rates and charges payable under the provisions of the Act of 1884, the following provisions shall have effect (that is to say) :—

(1.) All river tolls, and all rates and charges for lights, beacons and buoys, which may become payable in respect of an outward bound sea-going vessel in the docks or basins at Goole, which is about to use the river, as defined by that Act, shall be paid before such vessel leaves the docks or basins ; and in respect of an inward bound sea-going vessel which has used the river and entered the docks or basins upon such vessel entering the said docks or basins or before it again leaves the same ;

(2.) In the case of other sea-going vessels using the river, and any jetty or landing therein, in the case of inward bound vessels, upon their arrival at such jetty or landing, and in the case of outward bound vessels, previous to their leaving such jetty or landing ; or if the vessel aforesaid shall not use any such jetty or landing, then upon entering the river or arriving off the first jetty or landing in the river where any collector of rates shall be stationed ;

(3.) In the case of river craft, the tolls for use of the river shall be paid upon the vessel entering or leaving any dock, basin or canal of the Undertakers ;

(4.) All rates payable in respect of animals, goods, and other articles conveyed, or about to be conveyed, on the river, shall be paid as follows :—If such animals, goods, or other articles are to be shipped in the docks or basins at Goole, or at any jetty or landing in the river, the rates shall be paid before shipment ; or if such animals, goods or other articles are to be unshipped in such docks or basins, or at any jetty or landing in the river, the rates shall be paid before the removal of the animals, goods, or other articles from the premises of the Undertakers, or from such jetty or landing, and before the expiration of two months next after they are unshipped :

And the provisions of the Act of 1884, and of the Harbours, Docks and Piers Clauses Act, 1847, incorporated therewith, shall apply for the payment and recovery of such tolls, rates and charges accordingly.

A.D. 1889.

Penalty for striking gates, &c., in passing through Goole Dock entrances.

51. Whereas damage is frequently found to have been occasioned to the dock entrances and bridgeways at Goole, by the careless or negligent navigation of vessels through the same, but the damage cannot always be ascertained at the time, so as to enable the Undertakers to recover the damage from the persons causing the same, and it is expedient that further provisions should be made for the protection of such works: Therefore be it enacted, that every master, pilot or other person having charge of any vessel passing through any of the dock entrances or bridges at Goole, who shall carelessly or negligently cause or allow such vessel to strike the gates, walls, sills, bridges or other works of any such entrance or bridge, shall be liable to a penalty not exceeding five pounds, which shall be recoverable in manner provided by the Harbours Docks and Piers Clauses Act, 1847, for the recovery of penalities; and this provision shall be in addition to the other remedies of the Undertakers for actual damage done.

Works on shore of the sea, &c., not to be constructed without the consent of the Board of Trade.

52. The Undertakers shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and re-flows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work may have been constructed, the Undertakers shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition at the costs and charges of the Undertakers, and the amount of such costs and charges shall be a debt due from the Undertakers to the Crown, and shall be recoverable accordingly with costs.

Lights on works.

53. The Undertakers shall, on or near such of the works hereby authorised as may be below high-water mark, during the whole time of the constructing, altering or extending, exhibit and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time require or approve.

If the Undertakers fail to comply in any respect with the provisions of this section, they shall, for each night in which they so fail, be liable to a penalty not exceeding twenty pounds.

Undertakers to exhibit lights.

54. The Undertakers shall, at the outer extremity of such of their works hereby authorised as may be below high water, exhibit

and keep burning from sunset to sunrise such lights (if any) as the Board of Trade shall from time to time direct.

If the Undertakers fail to comply in any respect with the provisions of this section, they shall, for each night in which they so fail, be liable to a penalty not exceeding twenty pounds.

Survey of works by the Board of Trade.

55. If at any time the Board of Trade deems it expedient, for the purposes of this Act, to order a survey and examination of a work constructed by the Undertakers, under the powers of this Act, on, in, over, through or across tidal lands or tidal water, or of the intended site of any such work, the Undertakers shall defray the expense of the survey and examination; and the amount thereof shall be a debt due from the Undertakers to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Undertakers.

Abatement of works abandoned or decayed.

56. If any work constructed by the Undertakers, under the powers of this Act, on, in, over, through or across tidal lands or tidal water, is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work, or any part of it, and restore the site thereof to its former condition at the expense of the Undertakers; and the amount of such expense shall be a debt due from the Undertakers to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Undertakers.

Saving rights of Crown under Crown Lands Act.

57. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exercisable on behalf of Her Majesty, Her heirs or successors.

Saving rights of the Crown in the foreshore.

58. Nothing contained in this Act shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty, in right of Her Crown and under the management of the Board of Trade, without the previous consent, in writing, of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her heirs or successors.

Provision as to general

59. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the

A.D. 1889.

Railway Acts.

provisions 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 or alteration under the authority of Parliament of the maximum rates and charges authorised by this Act.

Reserving Merchant Shipping and General Acts.

60. Nothing contained in this Act shall exempt the Undertakers, or their docks at Goole, or the River Ouse within the limits of improvement defined by the Act of 1884, from the provisions of the Merchant Shipping Act, 1854, or of any general Act relating to docks or to dues on shipping, or on goods carried in ships, now in force, or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the dues authorised to be taken by the Undertakers.

Costs of Act.

61. The costs, charges and expenses of and incident to the preparing and applying for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Undertakers, and may be charged as respects one-fifth thereof to the debit of the Lower Ouse Improvement capital account.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Articles of Agreement made the eighteenth day of December, one thousand eight hundred and eighty-eight, between Andrew Montagu, of Ingmanthorpe Hall, Kirk Deighton, near Wetherby; William Aldham, of Frickley Hall, Clayton, near Doncaster; Walter Thomas William Spencer Stanhope, of Cannon Hall, Cawthorne; and Francis Darwin, of Creskeld Hall, Otley, all in the West Riding of the county of York, gentlemen, trustees for the time being of the Undertakers of the navigation of the rivers of Aire and Calder, in the county of York, for and on behalf of the said Undertakers of the one or first part; and Lampley Holmes, William Everatt Hind, William Jackson and James Armitage, all of Hook, in the said West Riding of the county of York, gentlemen, of the other or second part.

Whereas the Undertakers of the navigation of the rivers of Aire and Calder, in the county of York (herein-after called "the Undertakers"), require and are authorised to take for the purposes of the Ouse (Lower) Improvement Act, 1884, the staith, on the River Ouse, known as Murham Staith, and the portion of the Hook Bank, known as the Constables Banking, upon which the said staith abuts, situate in the manor and township of Hook, in the parish of Snaith, in the said West Riding, and numbered, on the plans and in the books of reference deposited in reference to the said Act, six, in the parish of Snaith, and also shown on the plan numbered two annexed to this agreement, and thereon coloured red. And whereas in pursuance of and in accordance with the requirements of the said Ouse (Lower) Improvement Act, 1884, and of the Lands Clauses Consolidation Act, 1845, incorporated therewith, the Undertakers convened a meeting, which was held on the 12th day of January one thousand eight hundred and eighty-seven, of the freeholders and copyholders within the said manor and township of Hook, in whom the soil of the said staith and banking is vested and other parties entitled to commonable rights or rights in the nature thereof in respect of the staith and banking, and at such meeting the parties hereto of the second part, together with James Robinson, of Hook, aforesaid, since deceased, were appointed a committee (herein-after referred to as "the said committee") to treat with the Undertakers for the compensation to be paid by the Undertakers for the rights of the said freeholders and copyholders and other parties in respect of such staith and banking. And whereas the freeholders and copyholders and other parties claiming rights in respect of

A.D. 1889.

the said staith and banking are very numerous, and comprise a large portion of the inhabitants of Goole and Hook, and the difficulty of apportioning a money compensation among them would involve great legal and other expense and delay. And whereas the construction of a new landing place with similar rights of free landing to those enjoyed at the present staith would be of greater advantage to the said freeholders and copyholders and other parties entitled as aforesaid, than the small sums of money compensation to which they might otherwise become respectively entitled. And whereas the Undertakers are willing to provide and maintain a new landing place upon the same being accepted in satisfaction of the compensation payable for and in respect of the present staith and upon the other terms and conditions herein-after contained. And whereas it is necessary for the carrying out of the works of improvement in connexion with the River Ouse and the docks at Goole, that the Undertakers should have immediate possession of the said present staith and banking. Now THESE PRESENTS WITNESS, and it is hereby agreed by and between the Undertakers and the parties hereto of the second part as such committee as aforesaid, in manner following, that is to say:—

1. The Undertakers having paid into Messrs. Leatham, Tew & Co's. bank, at Goole, in the joint names of Marmaduke Storr Hodson on behalf of the Undertakers, and of William Everatt Hind on behalf of the said committee, the sum of five hundred pounds, the Undertakers shall be at liberty to take and retain possession of the said Murham Staith and Constables Banking, as shown on the said plan numbered two annexed to this agreement, and thereon coloured red, and to remove the same and appropriate the site thereof, or any part of the same, for the purposes of their works or otherwise.

2. The Undertakers shall, in the next session of Parliament, apply to Parliament for, and use their best endeavours to obtain, an Act authorising them to construct in substitution for the said present staith a landing place on the River Ouse, with a road of access thereto from the Hook Road, such new landing place to be constructed of timber or such other material, and to be situate in the position shown on the plan numbered one annexed to this agreement, or in such other position on the said river above Goole Docks as the Undertakers may determine, and to be not less than one hundred and twenty feet in length, and such road of access to be of a width not less than fifteen feet: Provided that such landing place may, if the Undertakers so desire, be formed in a line and in connexion with and as part of the river training walls authorised by the said Ouse (Lower) Improvement Act, 1884.

3. If the Undertakers obtain powers to construct the new landing place as aforesaid they shall commence the construction of and complete the same, and the road of access thereto, without any unnecessary delay, after the passing of the Act authorising the same, and upon the completion thereof the said deposit of five hundred pounds, with all interest accrued thereon in the meantime, shall be repaid to the Undertakers.

4. The said new landing place and road of access shall, after completion, be maintained by the Undertakers.

5. From and after the completion of the said new landing place, and at all times thereafter, the said freeholders and copyholders and all other parties now entitled to or to use the present staith, or who would have been entitled to or

to use such staith if the same had been continued, shall have the right of using the new landing place, with the road of access thereto, for loading, unloading and depositing agricultural produce, bricks, drain tiles, coal, stone, sand or gravel, produced or to be used or consumed upon the property of the said freeholders and copyholders of Hook, and for mooring vessels alongside thereof free of all landing, wharfage or mooring rates, dues or charges payable to the Undertakers, but nothing in this agreement shall exempt any vessels passing along or using the River Ouse, within the limits of improvement as defined by the Ouse (Lower) Improvement Act, 1884, or any animals, goods or articles conveyed thereon, from payment of the river tolls, rates or charges authorised by the said last-mentioned Act, or any other tolls, rates or charges (except as aforesaid) payable to the Undertakers, or authorise any vessels of any description to lie or be moored at the said landing place in such manner as to interfere with the navigation of the river by other vessels, or obstruct the access into and exit from the Goole Docks, or exempt any traffic or vessels, or the persons in charge thereof using such landing place, from being subject to the byelaws for the time being in force for the regulation of the River Ouse and the works thereof and the traffic frequenting the same; and from and after the completion of the said new landing place as aforesaid, all claims of the said freeholders and copyholders and all other parties to money compensation, in respect to the acquisition by the Undertakers of the present staith and banking, shown in red on the said plan numbered two, and all their rights and property in, to or upon the same, shall cease and be extinguished, and the said staith and banking shall thereupon belong absolutely to the Undertakers for the purpose of their works, or otherwise, freed from all such claims, rights and property.

6. The Undertakers shall, upon the passing of the Act authorising the construction of the said new landing place, pay to the said committee the sum of one hundred pounds towards the legal and other expenses incurred and to be incurred by them in connexion with the negotiation for and the execution and carrying into effect of this agreement, and such sum shall be in full discharge of all costs payable by the Undertakers to the said committee.

7. This agreement shall be scheduled to the Bill to be applied for next session by the Undertakers as aforesaid, and the confirmation by Parliament thereof sought, so as to make the same binding upon the said freeholders and copyholders and all other parties interested in the present staith and banking, or if the Undertakers so desire, the arrangement herein contained may instead thereof be embodied in and sanctioned by clauses in such Bill, and such Bill may also contain such clauses and provisions in relation to the construction of the new landing place and road of access thereto, the purchase of land therefor, the vesting of the present staith and banking in the Undertakers or their trustees freed as aforesaid, and such other clauses and provisions as the Undertakers may deem necessary or expedient, provided the same are not inconsistent with the arrangement contained in this agreement.

8. The said committee shall support the application for and assist the Undertakers in obtaining from Parliament the above-mentioned powers and provisions, and the confirmation of this agreement or sanction to the arrangement herein contained, but they shall not be required to incur any legal or other expenses in connexion with such support and assistance.

A.D. 1889.

9. If the Undertakers do not next session obtain the necessary powers to construct the new landing place and road of access thereto, in accordance with this agreement, and obtain such confirmation of this agreement, or sanction to the arrangement herein contained as aforesaid, then the rights of the said committee and of the freeholders and copyholders and all other parties to compensation in respect of the acquisition of the present staith and banking shall revive and be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as if this agreement had not been entered into, and as if the Undertakers had not taken possession of the said staith and banking in pursuance thereof, and this agreement (except as to this and the first article hereof) shall cease to be in force, and the said deposit of five hundred pounds shall be applied in or towards payment of such compensation.

10. This agreement is subject to such alterations as Parliament may think fit to make therein, but if Parliament should make any material alteration therein, it shall be competent to either party thereto to withdraw the same.

In witness whereof the said parties hereto have hereunto set their hands, the day and year first above written.

Signed by the said Andrew Montagu, William Aldam, Walter Thomas William Spencer Stanhope and Francis Darwin, in the presence of
SAMUEL BARRACLOUGH,
Aire and Calder Navigation,
Leeds.

A. MONTAGU.
WM. ALDAM.
WALTER T. W. SPENCER STANHOPE.
FRANCIS DARWIN.

Signed by the said Lampley Holmes, William Everatt Hind, William Jackson and James Armitage, in the presence of
LEWIS HIND,
Law Student,
Goole.

LAMPLEY HOLMES.
WM. E. HIND.
WILLIAM JACKSON.
JAMES ARMITAGE.

SECOND SCHEDULE.

THIS INDENTURE, made the fifth day of December, one thousand eight hundred and eighty-eight, between the Undertakers of the navigation of the rivers of Aire and Calder, in the West Riding of the county of York (herein-after called "the navigation"), by MARMADUKE STORR HODSON, their clerk, authorised for this purpose by resolution of the directors of the navigation, dated fifth day of November, one thousand eight hundred and eighty-eight, of the one part; and the Guardians of the Poor of the

Pontefract Union, the Guardians of the Poor of the Goole Union, and the Guardians of the Poor of the Selby Union (herein-after called "the guardians") of the other part.

WHEREAS the navigation own canals, docks and works in the poor law union districts of the above unions, some of which were constructed under Acts of Parliament passed respectively in the years 1774 (14 Geo. III., cap. 96) and 1820 (1 Geo. IV. cap. 39), for making the canals herein-after mentioned, viz.:—(1) A canal from the River Aire at or near Haddlesey to the River Ouse at the Old Brick Garth at Ouze Gate End, within the township of Selby, and (2) a canal from Knottingley to Goole, with two collateral branches and with docks at Goole, and other works. And whereas, by the fifty-fourth section of the said Act of 1774, provisions are made as to the rating to poor and other parochial rates and taxes of the first-mentioned canal, and by the fifty-sixth section of the said Act of 1820 other provisions are made as to the rating to such rates and taxes of the lands and buildings purchased, taken or built under the authority of that Act, and by virtue of those sections the navigation enjoy partial exemption from rating. And whereas by another Act passed in the year one thousand eight hundred and twenty-eight (9 Geo. IV., cap. 98), and by the Wakefield, Pontefract and Goole Railway Act, 1845, the navigation were authorised to extend the said docks at Goole and to make additional docks. And whereas previous to the passing of the said Act of 1828 the before-mentioned canals and certain of the docks, basins and works of the navigation at Goole had been made, and the other docks, basins and works have been subsequently constructed. And whereas the said guardians are proposing to introduce a Bill into Parliament to repeal the said partial exemption from rating enjoyed by the navigation as aforesaid. And whereas in order to effect a compromise and to avoid Parliamentary contests and expenses, it has been arranged between the parties hereto that the guardians shall refrain from promoting such Bill and that the navigation shall in future be rated in manner herein-after provided. NOW THIS INDENTURE WITNESSETH, and it is hereby agreed, covenanted and declared by and between the parties hereto, as follows:—

1. The guardians shall not, except as herein-after mentioned, promote any Bill in Parliament for the repeal of such partial exemption as aforesaid so long as the navigation shall abide by and perform the terms of these presents.

2. The navigation shall for the period of seven years, from the twenty-fifth March, one thousand eight hundred and eighty-nine be rated and assessed to poor, parochial and other rates, in respect of their said Selby Canal, and Knottingley and Goole Canal, as if the fifty-fourth section of the said Act of 1774, and the fifty-sixth section of the said Act of 1820, were repealed, but only to such amounts as from time to time represent one-half of the net annual value of the said canals respectively, which amounts shall be the sums to be inserted in the valuation list for the time being in force in the said unions; and the navigation shall pay poor, parochial and other rates and taxes for such period of seven years, in accordance with such limited assessment, as if the same were the full net annual value thereof; and after the expiration of such seven years, then they shall be rated and assessed and pay rates in all respects as if such sections were repealed.

A.D. 1889.

3. And whereas doubts have arisen as to whether the docks, basins and works of the navigation at Goole (other than the last-mentioned canal), or any of them, or any part thereof, are by law liable to be rated and assessed to the poor, parochial and other rates and taxes at their full annual value, or whether they are entitled to the partial exemption granted by the Act of 1820; and it has been agreed that the parties hereto shall jointly state a case for the opinion of Her Majesty's Attorney-General, and two other counsel nominated as herein-after mentioned in reference thereto, and abide by the opinion of such counsel, and that the said docks, basins and works shall be rated accordingly in manner herein-after provided. Now, therefore, it is hereby further agreed, covenanted and declared, as follows:—

4. A joint case shall be prepared by the navigation and the guardians of the poor of the Goole Union (herein-after called the Goole guardians) for the opinion of Her Majesty's Attorney-General, and two other counsel, or (in case of difference of opinion) for the opinion of the majority of them; one of such other counsel to be nominated by the navigation, and the other by the Goole guardians; and such case shall be prepared, and such counsel shall be nominated within one month from the date of these presents. If either the navigation or the Goole guardians fail within such period to nominate and give notice in writing to the other of them of the nomination of the counsel which such party is hereby authorised to nominate, then the decision on such case as aforesaid shall rest upon the opinion of Her Majesty's Attorney-General, and the counsel nominated by the party making the nomination and giving the notice within such period as aforesaid, or (if they differ or no such other counsel shall be nominated and notice of his nomination given) of the Attorney-General alone, as the case may be. If the parties fail within one month from such date as aforesaid in stating or agreeing upon a joint case each party shall be at liberty to state and submit a separate case within a further period of one month. The fees of such counsel as aforesaid shall be borne by the navigation and the Goole guardians in equal shares, but in other respects each of them shall bear their own costs connected with such case or cases as aforesaid.

5. If the opinion of such counsel as aforesaid shall be that the said docks, basins and works, or any of them, or any part thereof, are not by law liable at present to be rated and assessed to the poor and other parochial rates and taxes at their full net annual value, but are entitled to such partial exemption as aforesaid, then and in that event the navigation shall, for the period of seven years, from the said twenty-fifth March, one thousand eight hundred and eighty-nine, be rated and assessed to poor, parochial and other rates and taxes, in respect of the docks and works so declared to be entitled to such partial exemption, as if such exemption were repealed, but only to such an amount as from time to time represents one-half of their net annual value, and shall pay poor, parochial and other rates and taxes for such period of seven years, in accordance with such limited assessment and as if the same were the full annual value thereof, and after the expiration of such seven years then they shall be rated and assessed and pay rates in all respects as if such exemption were repealed.

6. If such counsel shall be of opinion that the said docks, basins and works, or any of them or any part thereof, are by law at present liable to be rated and

assessed to the poor and other parochial rates and taxes at their full net annual value, then and in that event the navigation shall, from the said twenty-fifth day of March, one thousand eight hundred and eighty-nine, be rated and assessed to and pay poor, parochial and other rates and taxes in respect thereof in accordance with the general law for the time being applicable thereto, and as if such docks, basins and works were not entitled to any partial exemption under the before-mentioned Acts of Parliament or any of them.

7. The parties hereto hereby agree to abide by the said opinion and not to take any proceedings to alter or vary the same contrary to these presents.

8. The navigation shall use their best endeavours to procure to be inserted in the next Act which may be passed by Parliament relating to their navigation or property or any part thereof, a clause confirming this agreement and making it binding upon the parties hereto and their successors, but nothing herein shall restrict their rights of withdrawing, on other grounds, any Bill promoted by them containing such a clause.

9. Any difference as to the wording of the clause to be inserted in such Act as aforesaid shall be settled by the senior conveyancing counsel for the time being of the Chancery Division of the High Court of Justice.

10. If at the expiration of eight years from the date of these presents the navigation shall not have applied to Parliament for an Act by which it may have been possible to confirm this agreement, or shall have failed to obtain such an Act of Parliament, then the said guardians, or any of them, may apply to Parliament for an Act for the repeal of section fifty-four of the Act of 1774 and section fifty-six of the Act of 1820, and the navigation shall not oppose the passing of such Act.

In witness whereof the said boards of guardians have caused their common seals, and the said Marmaduke Storr Hodson has affixed his hand and seal to these presents the day and year first above written.

Signed, sealed and delivered by the above-named Marmaduke Storr Hodson, in the presence of

Samuel Barraclough,
Aire and Calder Navigation,
Leeds.

M. STORR HODSON. Seal.

The common seal of the Board of Guardians of the Goole Union was hereunto affixed by John Bladworth, their Chairman, by the Board's direction, in the presence of

Geo. England,
Clerk to the Board.

JNO. BLADWORTH, Chairman. Seal.

A.D. 1889.

The common seal of the Board of Guardians of the Pontefract Union was hereunto affixed by John Mollett, their Chairman, by the Board's direction, in the presence of

Wm. Savile Wood,
Clerk to the Board.

} JNO. MOLLETT, Chairman. Seal.

The common seal of the Board of Guardians of the Selby Union was hereunto affixed by William Staniland, their Chairman, by the Board's direction, in the presence of

E. Townend,
Clerk to the Board.

} W. STANILAND, Chairman. Seal.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
ADAM and CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.