CHAPTER xxxiii.

A.D. 1895.

An Act to define the capital of the Undertakers of the Navigation of the Rivers of Aire and Calder in the West Riding of the County of York to make provision for the optional conversion into personalty of the shares and interests of Proprietors in the Navigation to confer further powers on the Undertakers for the construction of works and other matters in relation to their undertaking and for other purposes.

[30th May 1895.]

WHEREAS by various Acts (local and personal) powers for making and keeping navigable the Rivers of Aire and Calder in the county of York and constructing certain canals docks and works in that county and for deepening and improving the lower portion of the navigation of the River Ouse and other powers have been 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":

And whereas in pursuance of the Acts relating to the Undertakers the property of the Undertakers is now vested in trustees upon trust for the Undertakers their heirs and assigns as tenants in common and the shares and interests of the individual Undertakers in the navigation and the property aforesaid have been from the first institution of the undertaking and still are or are deemed to be of the nature of real estate and have been dealt with as such in respect of successions and in and under settlements wills and other assurances:

And whereas the Undertakers have from time to time exercised the powers conferred upon them by the said Acts and have expended upon their undertaking capital sums amounting to one million eight hundred and sixty thousand pounds and upwards out of moneys belonging to the Undertakers and the further sum of seven hundred and twenty-eight thousand seven hundred pounds out of moneys

A.D. 1895.

borrowed under the powers of the said Acts but the capital of the Undertakers has never been defined and the shares or interests of the individual Undertakers in the undertaking can at present only be indicated by the proportion of dividend to which they severally are entitled out of a total annual dividend of a specified amount payable out of the profits of the navigation:

And whereas it would be more convenient to the Undertakers and be of advantage to the undertaking and would facilitate the development and utility thereof if the capital of the Undertakers were defined and if a specific amount of capital were appropriated to each Undertaker in proportion to his existing interest in the undertaking and if any proprietor in the undertaking were when absolutely entitled thereto enabled to convert his holding into personal estate and it is expedient for that purpose that the Undertakers should be authorised to create capital stock and that the provisions herein-after contained should be made in relation to the above matters:

14 Geo. III. cap. xcvi.

And whereas under the powers of an Act of the fourteenth year of the reign of King George the Third chapter ninety-six the Undertakers constructed the cut or canal known as the Knowsthorpe otherwise Knostrop Cut in the parish of Leeds in the said west riding which forms part of their navigation:

And whereas for the purpose of straightening the course of the said River Aire and facilitating the passage of flood water and improving the navigation it is expedient that the Undertakers should be authorised to construct a new or diverted channel for the said river on the north-east side of the said Knowsthorpe Cut and to divert the waters of the said river thereby:

56 & 57 Vict. cap. cli.

And whereas by the Hunslet Railway Act 1893 powers were granted to the Hunslet Railway Company thereby incorporated to acquire lands and make railways in the borough of Leeds and in the neighbourhood of and adjoining the said Knowsthorpe Cut and by the said Act it was provided that if the Undertakers applied for an Act of Parliament in the session of 1894 or 1895 to empower them to make a diversion of the River Aire on the east side of the Knowsthorpe Cut as above mentioned and to acquire lands therefor the Hunslet Railway Company should not oppose the Bill except on details as therein mentioned and if such Act should be obtained the Undertakers should be entitled to require the said company to sell and such company should sell to them certain lands which would be required for such diversion on the terms and conditions therein mentioned:

57 & 58 Vict. cap. lxxv.

And whereas by the Great Northern Railway Act 1894 the Hunslet Railway Company was dissolved and the rights of that

company were transferred to and vested in the Great Northern Railway Company and it was provided that such company should discharge and fulfil all liabilities and obligations of the Hunslet Railway Company under the Hunslet Railway Act 1893 and under all contracts and agreements entered into by them or on their behalf in reference to the Hunslet Railway or connected therewith:

And whereas it is expedient in connexion with improvements now being made on the navigation of the Undertakers between Wakefield Leeds and Goole that the Undertakers should be authorised to alter the bridges and widen the waterways thereunder and construct the new overflows or byewashes and other works herein-after mentioned:

And whereas by the Aire and Calder and River Dun Navigations Junction Canal Act 1891 the Undertakers were empowered to make a new canal from the River Dun Navigation to join their Knottingley and Goole Canal and to widen a portion of the last-mentioned canal and by the Aire and Calder Navigation Act 1893 the powers granted to the Undertakers by the said Act of 1891 for the compulsory purchase of lands for the purposes of the new canal authorised by that Act were extended until the expiration of two years from the 28th July 1894 and it is expedient that such powers should be still further extended: 54&55 Vict. cap. clxx. 56&57 Vict. cap. xlviii.

And whereas by the Aire and Calder Navigation Act 1889 the Undertakers were empowered to alter the opening bridge and approaches thereof at Goole carrying Bridge Street over the Knottingley and Goole Canal and to widen the canal under such bridge and it is expedient that the period limited by that Act for the completion of those works should be extended: 52&53 Vict. cap. xxxii.

And whereas it is expedient that the rates or dues leviable by the Undertakers in respect of their docks at Goole should be in some respects varied and that the Undertakers should be authorised to take and recover the rates and dues herein-after specified and to make charges for the use of their graving and floating docks and repairing slips and gridirons:

And whereas it is expedient that such further powers and provisions as are in this Act contained should be conferred upon the Undertakers or be made with respect to their undertaking:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and a book of reference to such 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

A.D. 1895.

riding of the county of York which plans sections and book of reference are herein-after referred to as the deposited plans sections and book 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):—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Aire and Calder Navigation Act 1895.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway and Part II. of the Railways Clauses Act 1863 (relating to extension of time);

so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act unless there be something in the subject or context repugnant to such construction—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

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 committee" means the committee of directors of the Undertakers appointed under the Acts relating to the Undertakers for the purpose of managing their undertaking;

The expression "the secretary" means the secretary of the Undertakers appointed under the said Acts;

The expression "the trustees" 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—
The expression "the special Act" means this Act;
The expression "the company" and "the railway company" respectively mean the Undertakers;
The expression "the railway" "work" and "the undertaking" or other like expression in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation Act 1845 incorporated herewith means the works authorised by this Act and the expression "centre of the railway" in the last mentioned provisions means any part of such works;
The expressions "the railway" and "the works" in the part of the Railways Clauses Act 1863 so incorporated means the several works the time for the purchase of lands for or for the completion of which is by this Act extended:
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.

PART II.—CAPITAL AND CONVERSION.

Capital of Undertakers defined.

4. The capital of the Undertakers already raised and expended shall be deemed to be one million eight hundred and sixty thousand pounds which capital is now represented by the aggregate interest of all the Undertakers in the navigation and the undertaking and property thereof and such aggregate interest or such part thereof as shall not for the time being have been converted under the provisions herein-after contained is herein-after referred to as "old stock" and the interest of each Undertaker in the navigation and in the undertaking and the property thereof which for the time being shall not have been so converted is herein-after referred to as his share in the old stock.

Apportionment of capital between the Undertakers.

5. The said capital sum of one million eight hundred and sixty thousand pounds shall be forthwith apportioned between all the Undertakers in proportion to their respective shares in the old stock and proper entries shall be made in the existing register book or list of proprietors of stock in the navigation kept pursuant to the Acts relating to the navigation (herein-after called "the old register") setting forth the amount of capital apportioned to each Undertaker in respect of his share in the old stock and the like entries shall be from time to time made in the old register upon any addition to

A.D. 1895.

or reduction in or transfer of the share of such Undertaker in the old stock or any part thereof or upon any change in the ownership thereof.

Creation of new stock to represent corresponding share in capital.

6. The Undertakers may and shall from time to time as required create and issue as herein-after provided capital stock to be called "Aire and Calder Navigation New Stock" and herein-after referred to as "new stock" to a nominal amount not exceeding one million eight hundred and sixty thousand pounds and such new stock shall be deemed to be and shall be issued as fully paid up and shall as and when issued be deemed to represent a corresponding amount of the capital of the Undertakers as herein-before defined.

Power for proprietors absolutely entitled to convert their shares into new stock.

7.—(1) Any person for the time being claiming to be absolutely entitled in his own right to a share in the old stock and not being an infant may serve on the Undertakers a notice of his desire to convert his share in the old stock or any part thereof into new stock and to have new stock issued to him in respect thereof such notice to be in the form set forth in the First Schedule to this Act annexed or to the like effect and the committee upon proof to their satisfaction that such person is so entitled shall convert such share or part of a share into new stock by the issue to him of new stock of the same amount as the share or part of the share of old stock specified in such notice and such conversion shall (except as in the next sub-section mentioned) be binding on all persons.

(2) Any person (other than the person giving the notice to convert or any person claiming through or under him) wrongfully deprived of any old stock or interest therein by any conversion and whose interest shall appear from the old register or from any document which has been produced or transmitted to the Undertakers under the provisions of the Act of the first year of the reign of King George the Fourth chapter xxxix. shall be indemnified by the Undertakers in respect of any loss incurred by him by reason of such deprivation Provided that no claim to such indemnity shall be allowed unless it be either admitted by the Undertakers or established in an action against the Undertakers brought within the period within which the person claiming such indemnity could having regard to the statutes of limitations have taken proceedings to recover such old stock or interest and provided that if the new stock issued on such conversion shall not have been previously disposed of for value the Undertakers may cancel such conversion and restore to or enter on the old register the name of the person lawfully entitled and in any case may recover from the person giving such notice the amount paid by them in respect of any such claim and all costs incurred by them in relation thereto.

(3) The committee may require as a condition of any conversion a sufficient indemnity to their satisfaction against any liability imposed upon the Undertakers in consequence of such conversion.

Register of new stock to be kept.

8. The Undertakers shall provide and keep a book to be called "the register of holders of new stock" (herein referred to as "the new register") and shall forthwith after the issue of any new stock under the provisions herein-before contained cause to be fairly and distinctly entered in the new register the names and additions of the person to whom the same shall be issued together with the amount of new stock so issued to him and the new register shall be authenticated by the signature of two members of the committee being affixed thereto at each ordinary yearly general assembly of the Undertakers.

After registry new stock to be substituted for old stock.

9. From and after the entry of any such issue upon the new register the new stock so issued shall be and be deemed to be substituted for and be held in lieu and satisfaction of the share or part of a share (as the case may be) in the old stock in respect of which such new stock shall be so issued and proper entries of the conversion of such share or part of a share of old stock shall be forthwith made in the old register and (except as herein-before provided in the case of a wrongful conversion) no further entry than as aforesaid shall be made in the old register as to such share or part of a share in the old stock nor shall such share or part of a share thereafter be transmissible as real estate or be transferable otherwise than by such transfer as is herein-after provided of the new stock into which the same shall be so converted.

New stock to be personal estate.

10. The new stock shall be personal estate and shall be transmissible as such and shall not be of the nature of real estate.

Certificates of new stock to be issued to the proprietors.

11. On demand of the proprietor of any new stock the committee shall cause a certificate of the proprietorship of such stock to be delivered to such proprietor and each such certificate shall have the signatures of two members of the committee and of the secretary affixed thereto and such certificate shall specify the amount of new stock to which such proprietor is entitled and the same shall be in the form set forth in the Second Schedule to this Act annexed or to the like effect and for such certificate (except the first certificate of any new stock delivered after the commencement of this Act) the Undertakers may demand any sum not exceeding two shillings and sixpence.

Certificate to be evidence.

12. Such certificate shall be admitted in all courts as primâ facie evidence of the title of such proprietor to the amount of stock therein

A.D. 1895.

specified Nevertheless the want of such certificate shall not prevent the proprietor of any new stock from disposing thereof.

Certificate to be renewed when lost or destroyed.

13. If any such certificate be worn out or damaged the committee may upon the same being produced at some meeting of the committee order the same to be cancelled and thereupon another certificate shall be given to the person to whom such cancelled certificate and the stock therein mentioned shall at the time belong or if such certificate be lost or destroyed then upon proof thereof to the satisfaction of the committee a new certificate shall be given to the person entitled to the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made by the secretary in the new register and for every such certificate so given or exchanged the Undertakers may demand any sum not exceeding two shillings and sixpence.

Transfer of new stock.

14. Any registered proprietor of new stock may transfer the same or any part thereof to any other person and every such transfer shall be by deed duly stamped wherein the consideration shall be duly stated and such transfer shall be in the form set forth in the Third Schedule to this Act annexed or to the like effect.

Transfer to be registered.

15. Every such deed of transfer shall be delivered to the secretary who shall thereupon cause an entry or memorial thereof to be made in the new register and endorse such entry on the deed of transfer and for such entry the Undertakers may demand the sum of two shillings and sixpence and until such entry the transferee shall not be entitled to receive any dividend in respect of such new stock or to vote in respect thereof and such deed of transfer shall be retained by the Undertakers.

Transmission by other means than transfer how to be authenticated.

16. If the interest in any such new stock shall become transmitted in consequence of the death or bankruptcy of any holder or by any other lawful means than by a transfer according to the provisions of this Act such transmission shall be authenticated by a declaration in writing pursuant to the Statutory Declarations Act 1835 or in such other manner as the committee shall require and every such declaration shall state the manner in which and the person to whom such interest shall have been so transmitted and such declaration shall be left with the secretary who shall thereupon enter the name of the person entitled under such transmission in the new register and for every such entry the Undertakers may demand any sum not exceeding two shillings and sixpence and until such transmission has been so authenticated no person claiming by such transmission shall be entitled to receive any dividend in respect of such new stock or to vote in respect thereof.

Proof of transmission by will &c.

17. If such transmission be by virtue of any testamentary instrument or by intestacy or bankruptcy the probate of the will or the letters of administration or an official extract therefrom or such official copies as the secretary may require of any proceedings in bankruptcy shall together with such declaration as aforesaid be produced to the secretary and upon such production the secretary shall make an entry in the new register of the evidence so produced.

Undertakers not bound to regard trusts.

18. The Undertakers shall not be bound to see to the execution of any trust whether express implied or constructive to which any new stock may be subject and the receipt of the person in whose name any new stock shall stand in the new register or if it stands in the names of more persons than one the receipt of one of the persons named in the new register shall from time to time be a sufficient discharge to the Undertakers for any dividend or other sum of money payable in respect of such new stock notwithstanding any trusts to which such stock may then be subject and whether or not the Undertakers have had notice of such trusts and the Undertakers shall not be bound to see to the application of the money paid upon such receipt.

Rights and liabilities in respect of new stock.

19. Every person holding any new stock shall in respect of the same be entitled to the amount of nominal capital in the undertaking of the Undertakers corresponding thereto and to dividend thereon pari passu with the proprietors for the time being of shares in the old stock and shall be entitled and subject (except so far as the same are varied by this Act) to all and the same rights and liabilities in respect of such new stock including the right of voting at assemblies of the Undertakers as proprietors of shares in the old stock and be deemed to be one of the Undertakers accordingly.

Votes of joint holders of new stock.

20. If several persons be jointly entitled to any new stock the person whose name stands first in the new register as one of the holders of such stock shall for the purposes of voting at any assembly of the Undertakers be deemed the sole proprietor thereof and on all occasions the vote of such first-named holder either in person or by proxy shall be allowed as the vote in respect of such stock without proof of the concurrence of the other holders thereof.

Receipt in case of persons not sui juris.

21. If any money is payable to a holder of any new stock being a minor idiot or lunatic the receipt of his guardian or the committee of his estate shall be a sufficient discharge to the Undertakers.

Closing of transfer books.

22. It shall be lawful for the committee to close the old and new registers for a period not exceeding fourteen days previous to the payment of any dividend and they may fix a day for the closing of the same of which seven days notice shall be given by advertisement in some newspaper published in the county of York and any transfer

A.D. 1895.

or assurance made during the time when the books are so closed shall as between the Undertakers and the person claiming under the same but not otherwise be considered as made subsequently to such period.

Moneys may be set aside or applied out of profits.

23. Before apportioning the profits to be divided among the Undertakers the committee may if they think fit set aside thereout such sum as they may think proper to meet contingencies or for enlarging repairing extending or improving the undertaking or the works and plant connected therewith or any part thereof or for redeeming and paying off or purchasing mortgage debts or debenture stock created or issued by the Undertakers and may divide the balance only among the Undertakers.

Application of Forged Transfers Acts.

24. The provisions of the Forged Transfers Acts 1891 and 1892 shall apply to the Undertakers so far as regards the new stock by this Act authorised as if the Undertakers were a company within the meaning of those Acts.

PART III.—WORKS AND LANDS.

Power to execute works.

25. 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 herein-after described together with all necessary and convenient wharves weirs overflows sluices culverts drains floodgates dams bridges arches banks roads towing-paths passages fences gates sewers retaining and other walls buildings and other works and conveniences and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the purpose.

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

Diversion of River Aire.

(1) A new channel with a dam and sluice across the same to form a diversion of part of the present channel and course of the River Aire in the parishes of Leeds and Rothwell in the county of York commencing by a junction with the said river at a point about four chains south-eastward of the south-east corner of the mill of Mark Oldroyd and Sons Limited in Hunslet known as Hunslet Mills and terminating by a junction with the said river at a point about nine chains and six yards eastward of the south-east hollow quoin of the lower gates of the Knowsthorpe Fall Locks:

Harrison's Bridge.

(2) An alteration of the bridge and the approaches thereof in the parish of Wakefield in the county of York known as Harrison's Bridge which carries Welbeck Lane over the Undertakers

canal in that parish such alteration commencing on the west side of the canal about six yards north-westward from the west corner of the southern parapet wall of the present bridge and terminating on the east side of the canal about eighty yards eastward from the said west corner of the said parapet wall together with a widening of the said canal on the east side under the said bridge and for a distance of about twenty-five yards on each side of the centre line thereof:

Birkwood Bridge.

(3) An alteration of the bridge and the approaches thereof in the parish of Normanton in the county of York known as Birkwood Bridge which carries an occupation road over the Undertakers canal in that parish such alteration commencing on the north-west side of the canal about seventy-seven yards north-westward from the north-west corner of the western parapet wall of the present bridge and terminating on the south side of the canal about fifty-one yards south-eastward from the said north-west corner of the said western parapet wall together with a widening of the said canal on the south-east side under the said bridge and for a distance of about twenty-five yards on the north-east side and twenty-one yards on the south-west side of the centre line thereof:

King's Road Bridge.

(4) An alteration of the bridge and the approaches thereof in the parish of Normanton in the county of York known as the King's Road Bridge which carries the Foxholes Lane over the Undertakers canal in that parish such alteration commencing on the north-west side of the canal about one hundred and twenty-seven yards north-westward from the south-east corner of the southern parapet wall of the present bridge and terminating on the south-east side of the canal about fifty-eight yards south-eastward from the south-east corner of the said parapet wall together with a widening of the said canal on the north-west side under the said bridge and for a distance of about thirty-four yards on the north-east side and twenty yards on the south-west side of the centre line thereof:

Gaggs Bridge.

(5) An alteration of the bridge and the approaches thereof in the parish of Pontefract in the county of York known as Gaggs Bridge which carries the Wakefield and Weeland Road over the Knottingley and Goole Canal in that parish such alteration commencing on the north-east side of the canal about forty-three yards north-eastward from the south-east corner of the southern parapet wall of the present bridge and terminating on the south-west side of the canal about seven yards northward from the south-east corner of the said parapet wall together with a widening of the said canal on the north-east side

A.D. 1895.

thereof under the said bridge and for a distance of about thirty-six yards on each side of the centre line thereof:

Jackson's Bridge.

(6) An alteration of the bridge and the approaches thereof in the parish of Pontefract in the county of York known as Jackson's Bridge which carries the Wakefield and Weeland Road over the Knottingley and Goole Canal in that parish such alteration commencing on the north side of the canal about thirty-seven yards northward from the south-west corner of the western parapet wall of the present bridge and terminating on the south side of the canal about eleven yards south-eastward from the said south-west corner of the said parapet wall together with a widening of the said canal on the north side thereof under the said bridge and for a distance of about thirty-three yards on each side of the centre line thereof:

Byewash near Fishpond Lock.

(7) A byewash in the parish of Rothwell in the county of York for the purpose of discharging flood or surplus waters from the canal into the River Aire commencing on the north side of the canal at a point about forty-four yards westward from the south-west corner of the lockhouse at Fishpond Lock and terminating at a point on the south side of the River Aire about sixty-seven yards north-westward from the said south-west corner of the said lockhouse:

Byewash near King's Road Lock.

(8) A byewash in the parish of Normanton in the county of York for the purpose of discharging flood or surplus waters from the canal into the River Calder commencing on the north side of the canal at a point about four hundred and thirty-three yards eastward from the south-east corner of the bridge house at Lindley's Turn Bridge and terminating at a point on the south side of the River Calder about twenty-three yards northward from the said point of commencement.

For the protection of the county council of the west riding of Yorkshire.

26. For the protection of the county council of the west riding of the county of York (herein-after called "the county council") the following provisions shall unless otherwise agreed between the county council and the Undertakers have effect in connexion with the alterations of Gaggs Bridge and Jackson's Bridge in the township of Knottingley in the said west riding and the approaches thereto by this Act authorised (that is to say):—

(1) In the event of the gradients of the Wakefield and Weeland main road being altered by the Undertakers the Undertakers shall make the gradients which are so altered not steeper than one foot in forty feet:

(2) The said main road so far as the gradients thereof are altered by the Undertakers as aforesaid shall at all times thereafter be maintained and properly drained by and at the expense of the

Undertakers and to the reasonable satisfaction of the surveyor of the county council:

(3) The works shall be so executed as to interfere with the traffic of the said main road as little as may be and if the Undertakers require for the purposes of their works to take down or stop the traffic across either of the said bridges they shall give to the county council twenty-eight days previous notice thereof in writing and shall if so required by the county council erect a temporary bridge or bridges across the canal for the use of the traffic during such works All works in any way affecting the said main road shall be carried out to the reasonable satisfaction of the surveyor of the county council:

(4) If any difference shall arise between the Undertakers and the county council 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 and the decision of such referee shall be final and the costs of such reference shall be paid as the referee shall direct.

For the protection of the Great Northern Railway Company.

27. The following provisions for the protection and benefit of the Great Northern Railway Company (in this section called "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Undertakers and the company (that is to say):—

(1) Notwithstanding the provisions of this Act section 37 of the Hunslet Railway Act 1893 shall be as fully and effectually binding as well on the Undertakers as the company as if the same had been part of this Act save as herein expressly provided:

(2) Notwithstanding the powers of vertical deviation authorised by this Act the Undertakers shall not lower the bottom of their intended new channel at the commencement thereof or at or near the point of crossing of the Railway No. 3 authorised by the Hunslet Railway Act 1893 below the level shown on the deposited sections and the Undertakers shall not lower the surface of the intended embankment on the north-east side of the said new channel below the level shown on the deposited sections from the commencement of the said new channel to the land numbered 19 on the deposited plans and as regards the rest of that embankment the same shall be as high as shall be reasonably necessary to prevent flooding so far as the same is co-extensive with the property of the company:

(3) Notwithstanding the provisions of this Act the Undertakers shall not construct the dam or sluice south-east of the position where the same is shown upon the deposited plans nor shall

A.D. 1895.

they construct the said dam or sluice further north-west of the said position than the point marked three furlongs on the said plans:

(4) In the event of the Undertakers not having completed the construction of the said new channel within the time authorised by this Act the company shall be entitled to repurchase any lands acquired from them by the Undertakers under the terms of the above-mentioned section of the Hunslet Railway Act 1893 on similar terms as to price to those under which the Undertakers shall have acquired the land from the company including payment of interest and costs:

(5) The Undertakers in the construction of the said new channel shall construct such works as may be reasonably necessary for the protection of the piers and abutments of the bridge carrying Railway No. 3 over the same:

(6) Notwithstanding the provisions of section 11 of the North Eastern Railway Act 1894 neither the company nor the North Eastern Railway Company shall previous to the stopping up of the road therein referred to as numbered 129 on the North Eastern Railway Company's deposited plans and which road is numbered 4 on the deposited plans be required in the event of the construction of the said new channel to construct the new road mentioned in the said section further than to the point on the north-eastern side of the said new channel where it bisects the said road numbered 129 and 4:

(7) All the works of the said new channel under or adjacent to the point where the said Railway No. 3 crosses the same shall when commenced be carried out with all due expedition and such works and all temporary works during the construction thereof shall respectively be carried on and completed to the reasonable satisfaction of the engineer for the time being of the company and according to plans sections and specifications to be reasonably approved by such engineer:

(8) The Undertakers shall bear and on demand pay to the company the expense of the employment by them during the execution of any works affecting the railway of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railway with reference to and during the execution of any such works of the Undertakers and for preventing as far as may be all interference obstruction danger and accidents from any of the operations or from the acts or defaults of the Undertakers or their contractors or any person in the employ of the Undertakers with reference thereto:

A.D. 1895.

(9) The Undertakers shall maintain the said works referred to in sub-section 7 of this section and the said embankment in good substantial repair and in the event of any such works being at any time out of repair or in case of an obstruction in contravention of the provisions of this section being at any time caused to the said railway or to the traffic thereon by reason of the works of the Undertakers or by reason of any neglect or omission on the part of the Undertakers to remove any thing causing such obstruction the company may give to the Undertakers seven days notice to repair such works or remove such obstruction as the case may be and in case of default may themselves repair such works or remove such obstruction as the case may be and may recover the expenses of such repair or removal from the Undertakers with full costs of suit in any court of competent jurisdiction:

(10) The Undertakers and their contractors servants or workmen shall not in constructing or repairing the said works damage obstruct impede or interfere with the free and uninterrupted and safe use of the railway or other works of the company or any traffic thereon and if any such obstruction or interference shall be caused or take place contrary to this enactment the Undertakers shall pay to the company all costs and expenses to which the company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recovered with full costs of suit in any court of competent jurisdiction:

(11) Notwithstanding anything in this Act contained the Undertakers shall be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the company or to any of the works or property thereof or to the traffic thereon or otherwise during the execution or in consequence of the failure of the works or of any act or omission of the Undertakers or of any of the persons in their employ or of their contractors servants or workmen and the Undertakers will effectually indemnify and hold harmless the company from all claims and demands upon or against them during such execution or in consequence of such failure:

(12) Subject to the provisions of the Hunslet Railway Act 1893 and of this Act the Undertakers shall not in any case without the previous consent in writing of the company or their engineer take use enter upon or interfere with the railway works lands or property at any time belonging to or in the possession or under the power of the company:

A.D. 1895.

(13) Any question or difference which may from time to time arise under this section between the company and the Undertakers or their respective engineers as to any plans sections or specifications prepared by the Undertakers or the mode of executing any works by them or as to the reasonableness or sufficiency of such plans sections specifications or works shall be determined by a referee to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such referee shall be final and conclusive and the costs of such reference shall be in the discretion of such referee.

For the protection of the corporation of Leeds.

28. The following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Leeds (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the Undertakers and the corporation apply and have effect (that is to say) :—

(1) The Undertakers shall not divert into the new channel by this Act authorised any of the waters of the River Aire until they shall have constructed or provided an intercepting conduit or aqueduct or other sufficient watercourse for the purpose of diverting and carrying off all becks streams and waters including waters from storm water overflows and rainfall conduits now made or in course of construction or hereafter to be made by the corporation flowing or which but for the diversion hereby authorised might flow into the present river channel between the points of commencement and termination of the said new channel and such intercepting conduit or aqueduct or watercourse shall be maintained by the Undertakers Provided always that the Undertakers shall give to the corporation notice in writing of their intention to execute the works before provided for by this section and that the corporation if they think fit at any time within three months from the receipt of such notice on giving notice in writing to the Undertakers of their desire so to do may and shall forthwith after giving such notice construct and maintain through the lands of the Undertakers an intercepting conduit or aqueduct or other sufficient watercourse open or otherwise at the discretion of the corporation from the point where Balm Beck enters such lands to the road to the Hunslet Forge and thence-forward a culvert to the tail goit of the Hunslet Forge for the purpose of diverting and carrying off all becks streams and waters including waters from storm water overflows and rainfall conduits as aforesaid In constructing the said conduit aqueduct or watercourse the corporation shall at the upper end thereof

make the necessary provision for and permit the connexion of any drain or watercourse which may be constructed by the Undertakers for carrying off any intercepted waters flowing into the present river channel above the Balm Beck and the Undertakers shall afford the necessary facilities for carrying out the aforesaid works:

The said conduit aqueduct or watercourse and such culvert shall be of such size and form and constructed in such manner and at such levels and in accordance with such plans sections and specifications as may be reasonably approved by the engineer of the Undertakers:

Provided always that the invert of such conduit aqueduct watercourse or culvert if constructed by the corporation may be made by them as low as 64·50 feet above the datum line shown on the deposited sections If the corporation shall give such notice they shall proceed with the execution and completion of the works with all reasonable expedition and doing as little damage and causing as little inconvenience as may be to the property and tenants of the Undertakers and liability assumed by the corporation by the giving of such notice shall be in substitution for and shall release the Undertakers from the obligation imposed on them by the first paragraph of this sub-section to the extent of the works referred to or comprised in such notice by the corporation:

The Undertakers shall at the cost of the corporation grant to them an easement or right of construction and maintenance of the aqueduct conduit watercourse and culvert to be constructed by the corporation as aforesaid and such grant shall so however as not to affect the discharging capacity and efficiency of the said aqueduct conduit watercourse and culvert be subject to such reasonable reservations and provisions as may enable the Undertakers to erect bridges and communications across such aqueduct conduit watercourse and culvert and to build over or divert the same or make connexions therewith as may be agreed on between the corporation and the Undertakers or as in case of dispute may be settled in manner herein provided as regards any difference that may arise between the corporation and the Undertakers During the construction of the said culvert the corporation shall preserve to the lessees or tenants of the forge a proper and sufficient road to the premises and after the construction of the culvert beneath the existing road shall restore the same:

(2) In constructing the dam and sluice across the intended new channel shown on the deposited plans and sections the Undertakers shall construct and afterwards maintain deals or boards

A.D. 1895.

not less than eighteen inches in depth on the crown of the dam for a length of not less than one hundred and eighty feet such deals or boards shall be capable of being struck or lowered and the Undertakers shall cause such deals or boards to be struck or lowered to the said depth when the flood water running over the same shall exceed twenty-four inches in depth:

The top of the said deals or boards when fixed shall not be higher than the height of the proposed dam and sluice as shown on the deposited sections and the sluice shall not be less than twelve feet in width and shall be capable of opening to the extent of six feet in height and the bottom thereof shall not be less than seven feet below the top of the said deals or boards when fixed and such sluice shall be utilised by the Undertakers if so requested by the corporation for the removal of stagnant waters between Thwaite Dam and the said dam and sluice and after such boards shall have been struck as aforesaid for discharging flood water but not so in either case as to prejudice hinder or impede navigation or cause the river to overflow:

(3) The Undertakers shall at their own expense construct and maintain in accordance with the plan signed by Thomas Hewson on behalf of the corporation and W. H. Bartholomew on behalf of the Undertakers a basin below the Knostrop Lock in the position shown in red upon the said plan and the corporation shall have the right to the free use of such basin and the preferential use thereof for two boats in width and the Undertakers shall construct a good and substantial bridge thereto over the said river from and to the sewage works of the corporation of the width of fifteen feet between the fences with suitable approaches thereto at the northerly end and with a suitable wharf for loading and unloading boats barges and other vessels at the southerly end and such bridge approaches and wharf shall be afterwards maintained by the Undertakers:

(4) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall extend and apply to the water and gas mains pipes and apparatus of the corporation and shall have effect as if the Undertakers were "the company" and the said new channel were "the railway" therein referred to and subject as aforesaid whenever in those sections the words "company" and "society" are used the same shall for the purposes of this Act be held to extend to and include the corporation:

A.D. 1895.

(5) Whenever it may be necessary to intercept or interfere with any sewer or drain of the corporation the Undertakers shall before intercepting or interfering with such sewer or drain construct another sewer or drain in lieu of and of equal capacity with and as equally effective as the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by the corporation at the expense of the Undertakers with any existing sewer or drain in such manner as shall be reasonably approved of by the corporation:

(6) The Undertakers in constructing the works required to be executed by them pursuant to this section shall carry out the same according to plans sections and specifications to be reasonably approved of by the corporation and under the superintendence and to the reasonable satisfaction of the city engineer and in all things at the expense of the Undertakers Provided that if the corporation shall for a period of two months neglect or refuse to approve of such plans sections or specifications or shall disapprove of the same then the said works shall be constructed according to plans sections and specifications to be submitted to and approved by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers at the request of either party:

And except as aforesaid any difference which may arise between the corporation and the Undertakers as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by a referee to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the said President and the cost of the reference shall be borne as such referee shall direct:

(7) Save as expressly provided by this section nothing in this Act contained shall affect the rights of the Undertakers and the owners lessees and occupiers of certain mills situate on the River Aire that is to say the Nether Mills the Hunslet Mills the Knostrop Mills and the Thwaite Mills to prevent the diminution of the quantity of water flowing into and along the River Aire contrary to the provisions of the Leeds Improvement Act 1848 or otherwise.

For the protection of the west riding of Yorkshire Rivers Board.

29. The following provisions for the protection and benefit of the west riding of Yorkshire Rivers Board (in this section referred to as "the board") shall unless otherwise agreed in writing between

A.D. 1895.

the Undertakers and the board apply and have effect (that is to say):—

(1) The Undertakers shall not divert into the new channel by this Act authorised any of the waters of the River Aire until there shall have been constructed or provided to the reasonable satisfaction of the board an intercepting conduit or aqueduct or other sufficient watercourse for the purpose of diverting and carrying off all becks streams and waters flowing into the present river channel between the points of commencement and termination of the said new channel including the Balm Beck and such intercepting conduit or aqueduct or watercourse shall be maintained by the Undertakers or by other the persons constructing or providing the same:

(2) In constructing the dam and sluice across the said new channel the Undertakers shall construct and afterwards maintain deals or boards not less than eighteen inches in depth on the crown of the dam for a length of not less than one hundred and eighty feet such deals or boards shall be capable of being struck or lowered and the Undertakers shall cause such deals or boards to be struck or lowered to the said depth when the flood water running over the same shall exceed twenty-four inches in depth and the sluice shall not be less than twelve feet in width:

(3) Nothing in this Act shall be deemed to take away diminish or alter the rights powers or jurisdiction of the board and the same shall respectively extend to and in relation to the new channel and works incidental thereto by this Act authorised as fully for all purposes as they now extend to and in relation to the existing channel of the River Aire.

For the protection of the Hon. Emily Charlotte Meynell-Ingram.

30. For the protection of the Honourable Emily Charlotte Meynell-Ingram her heirs successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing and notwithstanding anything contained in this Act or shown on the deposited plans and sections be observed and have effect (that is to say):—

(1) The bank along the north-east side of the new river channel by this Act authorised to be made shall not be constructed of a greater height than shall be reasonably necessary for the prevention of floods over the adjoining lands and such a bank shall be made and for ever after maintained by and at the expense of the Undertakers:

(2) The Undertakers shall at their own expense construct and maintain in accordance with the plan signed in duplicate by

W. H. Bartholomew on behalf of the Undertakers and by R. H. Braithwaite on behalf of the owner a basin below the Knostrop Lock and abutting upon and co-extensive with and on the south-west side of the bank coloured green on the aforesaid plan and the present triangular piece of land intervening between the present river channel and Thwaite Lock shall be added to and form part of the said basin and the owner her lessees and tenants shall have the exclusive right to the use of such basin for six boats of which three may lie alongside the said bank:

(3) The Undertakers shall at their own expense carry the owner's railway which now terminates at a tip on the north-east side of the present river channel over the new river channel by a bridge with proper abutments and approaches and shall remove the said existing tip and re-erect the same at the termination of the said railway on the said bank coloured green on the said plan so that it shall be in good working order and capable of discharging into the said basin to be made by the Undertakers under the foregoing provisions of this section The level of the rails on the said railway as diverted and extended and of the said tip as re-erected shall not be of less height above the surface of the water in the basin than the present height of the said tip is above the ordinary level of the water in the present river channel:

(4) The bridge for carrying the said railway over the new channel shall be throughout of the full width of twenty-four feet clear inside measure and shall be of sufficient strength to carry a twenty ton engine and a train of loaded trucks Such bridge shall be the property of and be maintained and repaired by the Undertakers but shall be for the exclusive use of the owner her lessees and tenants who shall have the free use of the same for traffic purposes only for the whole of her estate:

(5) The owner her tenants and lessees shall subject as herein-after by this sub-section provided have the exclusive use of the said bank coloured green on the said plan for all purposes and the owner may erect thereon such buildings cranes staiths and other works and conveniences as she or they may think fit but so that nothing be done by her or them which would weaken or injure the bank or reduce the level thereof The Undertakers shall maintain the said bank and may raise the level thereof if they shall consider it to be necessary for preventing flooding doing as little damage as may be to the erections thereon and making good and re-instating the same with all expedition and for that purpose shall have full liberty of access to and from

A.D. 1895.

the same and the Undertakers shall also have a roadway eighteen feet in width along and on the north-east side of the top of the said bank for the purposes of access between their navigation and property at each end of the said bank and for use as a road in connexion with the navigation and the owner her lessees and tenants shall be at liberty to use such roadway co-extensive with the said basin:

(6) The portion of the new river channel situate above the intended dam shall be constructed and maintained by the Undertakers as a navigable waterway and so as to be of the depth of not less than seven feet along the centre thereof and the Undertakers shall at their own cost provide and maintain a sufficient towing-path along the south-west side of the new channel with access thereto for the owner her lessees and tenants for haulage horses from the said bank adjoining the said basin:

(7) The Undertakers shall not purchase or take any land of the owner lying to the north-east of the centre line of the new river channel which centre line shall not deviate more than five feet from the centre line as shown on the said plan (except so far as may be necessary for the construction of the dam and sluice shown on the deposited plans and the abutments and works connected therewith) but except as aforesaid the Undertakers may purchase and take an easement only over the land of the owner lying to the north-east of the centre line required for the remaining half of the said new channel and bank on the north-east side thereof for the purposes of constructing and maintaining the new channel and the bank on the north-east side thereof including the right to the material removed to the intent and so that the owner may continue to be the owner of the lands on the north-east side of the new channel and of the bed of the said channel up to the centre line thereof except as aforesaid and have all the rights of a riparian owner subject to the provisions of the special Acts relating to the navigation:

(8) The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near a railway shall apply as to the mines and minerals under or near to any lands of the owner over which the Undertakers acquire an easement under this Act as if such lands were purchased by them:

(9) Nothing in this section shall affect the right of the owner or her lessees or tenants to compensation in respect of any lands or easements acquired from her or them or any right of her or them to compensation for injury occasioned to her or their remaining estate by severance or otherwise or by or in

consequence of any of the works or operations of the Undertakers :

(10) Nothing in this Act shall prejudice the rights of the owner as successor in title to Lord Irwin and as lady of the manor or owner under or by virtue of sections 18 19 and 93 of the Act 14 George III. chapter xcvi :

(11) The above provisions are subject to the rights of the tenants and colliery lessees of the owner.

For the protection of T. H. Bracken and Co. Limited and Messrs. Fredk. Wm. Vause and Thos. O. Vause.

31. For the protection of T. H. Bracken & Co. Limited their successors and assigns or other the owners or owner of the Hunslet Paper Mill Estate shown on the deposited plans and of Messrs. Frederick William Vause and Thomas Orlando Vause their heirs and assigns or other the owners or owner of the Lowgate Mill Estate shown on the deposited plans (all of whom are in this section included in the expression "the millowners") the following provisions shall unless otherwise agreed in writing and notwithstanding anything contained in this Act or shown on the deposited plans and sections be observed and have effect if the said new channel shall be made and constructed and the waters of the river thereby diverted (that is to say) :—

(1) In lieu of the present water supply to the said estates of the millowners (which estates abut on the present channel of the River Aire) the Undertakers shall supply water thereto and carry away effluents therefrom as in this section provided :

(2) The Undertakers shall at their own expense construct and lay a main pipe of an inside diameter of not less than twelve inches from a point in the River Aire above the Hunslet Old Mill Weir through the land belonging to the Undertakers to a point on such land situated at or near the junction of the Old Mill Goit and the said River Aire at which place the Undertakers shall at their own expense construct a proper tank to receive the water supplied by the said pipe which tank shall be not less than twelve feet square and of a sufficient depth to provide for settlement :

(3) The said main pipe shall have a gradient of not less than fifteen feet to a mile or shall have a minimum head of water equivalent to such a gradient :

(4) The said tank shall be efficiently cleansed from time to time by and at the expense of the Undertakers such cleansing to be done as far as practicable upon holidays or half-holidays or at other times upon the reasonable request of the millowners :

(5) The Undertakers shall also at their own expense construct and lay a pipe of a minimum inside diameter of ten inches from and out of the said tank across or under the said Old Mill Goit

A.D. 1895.

into the Hunslet Paper Mill Estate to the present tank or reservoir there from which the works are supplied such pipe to be for the supplying of water for the sole use and benefit of the said T. H. Bracken & Co. Limited their successors tenants and assigns for ever on their said estate:

(6) The Undertakers shall also at their own expense construct and lay a pipe of a minimum inside diameter of eight inches from and out of the said tank (starting at and on the same level on the underside in the said tank as the ten-inch pipe mentioned in the preceding sub-section) through or over the property of the Undertakers and into the Lowgate Mill Estate to the present tank or reservoir there from which the works are supplied such pipe to be for the supplying of water for the sole use and benefit of the said Frederick William Vause and Thomas Orlando Vause their heirs tenants and assigns for ever on their said estate:

(7) The Undertakers shall also at their own expense construct and lay a proper drain or sewer on the property of the mill-owners respectively and beyond their respective properties on the property of the Undertakers of a minimum inside diameter of eighteen inches for the purpose of conveying effluents and waste water from the respective properties of the millowners and the Undertakers shall also at their own expense connect all existing out-fall drains upon such properties with the said drain or sewer in a proper manner:

(8) The Undertakers may at any time divert the said pipes and may also divert the drain or sewer to be constructed under the preceding sub-sections if they shall require to do so but as regards the portions within the estate of the Undertakers only and may also stop the flow of water through the said pipes for as short a period only and as seldom as reasonably may be when repairs are required to be done to the said tank pipes drain or sewer or when such stoppage is required for the necessary purposes of the navigation upon giving to the mill-owners and each of them respectively or leaving for them on their respective properties at least twelve hours notice in writing of their intention to do so such notice to be given or left between the hours of 6 a.m. and 6 p.m. but all such stoppages shall as far as practicable be confined to public holiday or half-holidays:

(9) The Undertakers shall at their own expense keep the tank and pipes drain or sewer to be constructed and laid by them as aforesaid in proper working order and repair to the reasonable satisfaction of the millowners and shall at their own

expense construct and keep in proper working order the necessary sluicing arrangements for the same And in case of default neglect or omission on the part of the Undertakers in complying with the terms of sub-section 4 of this section or this sub-section the millowners or either of them may give to the Undertakers seven days notice to execute the necessary works and in case of default neglect or omission may themselves execute the works and may recover the expenses of such works from the Undertakers with full costs of suit in any court of competent jurisdiction :

(10) The works shall be carried out in a proper and workmanlike manner and shall be carried on after the commencement thereof with due diligence and expedition and so as to shorten the period of obstruction as much as possible and upon completion the whole of the plant and material shall be cleared away and the property of the millowners respectively shall be left in good working order and condition to their reasonable satisfaction :

(11) Any difference which may arise between the millowners or either of them and the Undertakers as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by a referee to be appointed (unless otherwise agreed) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers and the cost of the reference shall be borne as such referee shall direct.

Power to cross divert streams &c.

32. The Undertakers may within the limits of deviation shown on the deposited plans cross divert alter stop up remove or otherwise interfere with either temporarily or permanently canals rivers streams watercourses drains culverts sewers flood gates flood banks sluices cloughs railways staiths jetties landings wharves 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 proper substitutes before interrupting the flow of gas or 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 Acts 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

A.D. 1895.

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 Acts 1882 and 1888 to which the provisions of section fifteen of the former Act apply otherwise than in accordance with the provisions of that section.

Power to deviate.

33. 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.

Owners may be required to sell parts only of certain properties.

34. And whereas in the construction of the works hereby authorised or some of them or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Fourth Schedule to this Act and whereof portions only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Undertakers or the trustees the portions only of the premises so required without the Undertakers being obliged or compellable to purchase the whole or any greater portion thereto the Undertakers paying for the portions taken by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise:

Provided that if in any case in the opinion of the jury arbitrators or other authority as aforesaid any such portion cannot be severed from the remainder of such property without material detriment thereto the Undertakers may at any time within one month after the date of the final decision of such jury arbitrators or other authority withdraw their notice to treat for the portion required by them and thereupon they shall pay to the owners of and other parties interested in the property in respect of which or of any

portion of which they have given notice to treat all loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice:

Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section ninety-two of the Lands Clauses Consolidation Act 1845.

Omission or mis-statement in plans or book of reference may be corrected.

35. 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 book 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.

Certificates to be deposited.

36. 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 book 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.

Power to take easements &c. by agreement.

37. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

A.D. 1895.

Restriction on taking houses of labouring class.

38. The Undertakers shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

39. 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.

Period for completion of works.

40. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Undertakers for making and completing the said works shall cease except as to such part thereof as shall be then completed.

Power to divert River Aire.

41. From and after the completion of the new channel (being work No. 1 herein-before mentioned) the Undertakers may at any time divert into the new channel the waters of the River Aire and from and after such diversion the new channel shall for all purposes be the channel of the River Aire in substitution for the portion of the present river channel between the points of commencement and termination of the new channel and shall be subject to the provisions of the Acts relating to the Undertakers and be and be deemed to be part of the navigation accordingly and so much of the said portion of the present river channel as shall not be required for navigation and as is now or shall be hereafter vested in the trustees shall belong to and be held by the trustees as part of the estate of the Undertakers and the Undertakers may fill up and deal with the same accordingly but the Undertakers shall not allow any stagnant water to be or remain in such disused channel or in any mill race or stream in connexion therewith so as to create or occasion

a public nuisance and so much (if any) of the said portion of the present river channel as shall be required by the Undertakers or shall be utilised by them for the purposes of navigation shall remain part of the navigation.

Extinguishment of rights over river after diversion.

42. All rights over and along the said portion of the present river channel which shall not be required for the purposes of navigation as aforesaid shall from the time of the diversion of the waters of the River Aire into the new channel cease and the same are by this Act extinguished but nothing herein shall affect the ownership or property in the soil and freehold of such portion of river.

Power for Undertakers to discharge water over byewashes.

43. The Undertakers may from time to time discharge flood or surplus waters from their canal or navigation into the River Aire and the River Calder by means of the byewashes by this Act authorised.

Application of Undertakers funds to purposes of Act.

44. The Undertakers may apply to the purposes of this Act (but as respects any borrowed money or the proceeds of the sale of 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 Acts relating to them they have borrowed or have power to borrow and which are not required for the purposes of those Acts respectively and such 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.

45. 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 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 of Aire and Calder and the lands buildings and hereditaments acquired and erected in connexion therewith are by virtue of the Acts heretofore passed relating to the said navigation vested.

Extension of time for compulsory purchase of lands for the new canal authorised by Act of 1891.

46. The powers granted to the Undertakers by the Aire and Calder and River Dun Navigations Junction Canal Act 1891 for the compulsory purchase of lands for the purposes of the new canal authorised by that Act as extended by the Aire and Calder Navigation Act 1893 are hereby further extended and shall continue in force until the expiration of two years from the 28th day of July 1896 and on the expiration of that period those powers shall cease.

A.D. 1895.

Extending period for completion of alteration of Goole Bridge and Canal widening.

47. The period limited by the Aire and Calder Navigation Act 1889 for the completion of the alteration of the opening bridge and approaches thereof at Goole carrying Bridge Street over the Knottingley and Goole Canal and of the canal widening under that bridge is hereby extended for three years that is until the 24th day of June 1899.

Undertakers may retain lands required for purposes of their undertaking.

48. Notwithstanding anything contained in the Acts relating to the Undertakers or in this Act the Undertakers may (subject to the provisions of the Lands Clauses Acts relating to the sale of superfluous lands so far as such provisions may apply to any such lands or buildings) retain any lands or buildings which shall not for the time being be wanted for the use of the navigation and which the committee may from time to time deem it expedient to retain for the purpose of widening deepening improving or maintaining their navigation property and works or for other purposes connected with their undertaking.

Amendment of Acts as to power of sale and demise.

49. Notwithstanding anything in the Acts relating to the Undertakers or in this Act the committee may (subject as in the last preceding section mentioned) sell or demise any lands or buildings which shall not for the time being be wanted for the use of the navigation as aforesaid and it shall not be necessary upon any such sale or demise that the Undertakers or the trustees should first offer to re-sell the property to the person or persons from whom the same shall have been purchased or who would then have been entitled thereto in case such lands or buildings had not been purchased by the Undertakers or the trustees.

Trustees may carry out sales and leases.

50. Any such sale or demise may be carried out and the necessary deeds and documents executed by the trustees and no purchaser or lessee or intending purchaser or lessee shall be bound or concerned to inquire whether the trustees are duly authorised in that behalf or be affected by any irregularity or want of authority.

PART IV.—DOCK CHARGES.

Alteration of dock charges in 9th Geo. IV. for remaining in dock.

51. The provisions of section 61 of the Act of the 9th year of the reign of King George the 4th cap. xcviii. that for every ship or vessel coming into the docks or basins therein mentioned to be laid up there shall be payable for every ton the sum of one penny per week and the provisions of section 65 of the same Act that all ships or vessels going into the docks basins or cuts therein mentioned or any of them shall and may lie there to unload on paying the rates therein referred to for the space of six weeks to be computed from the time of going into the same and that from and after the expiration of the

said six weeks all such ships or vessels shall be liable to and actually pay if so required an increased or further weekly rent of one halfpenny per ton during the then next succeeding two weeks and from and after the expiration of the said two weeks shall pay if so required a still further rate of one penny per ton for each and every week that the said ship or other vessel shall continue there longer are hereby repealed and from and after the passing of this Act the Undertakers may demand and take for and in respect of every ship or vessel entering into any of the docks basins or cuts in those sections referred to and which shall remain in any of such docks basins or cuts beyond the number of days specified in the second column of the Fifth Schedule to this Act the sum of one halfpenny per register ton of such ship or vessel for every day such vessel shall so remain and every day entered on but not completed shall be deemed one day.

Charges for graving docks &c.

52. The Undertakers may from time to time demand and take for the use of their graving and floating docks repairing slips and gridirons at Goole from the owner or master of each vessel or craft using the same such rates and sums respectively as the Undertakers shall from time to time reasonably appoint.

Remedy for new rates.

53. In addition to any other rights and remedies in that behalf the Undertakers shall have and may exercise all such rights and remedies for the recovery and collection of the rates and charges authorised to be levied and taken by them by this Act as they now have for the recovery and collection of the rates mentioned in the 61st and 65th sections of the said Act of the 9th year of the reign of King George the 4th cap. xcviii.

PART V.—MISCELLANEOUS.

Amendment of sections 47 and 48 of Aire and Calder Navigation Act 1889.

54. In addition to the powers given to the Undertakers by the 47th and 48th sections of the Aire and Calder Navigation Act 1889 it shall be lawful for them by their servants or agents to break up any boat barge or vessel which they may desire to remove under the provisions of either of such sections and recover the expenses thereof in the same manner as expenses in such sections mentioned all which expenses under this and the said 47th section may be recovered from the person who was the owner of such boat barge or vessel at the time of the sinking thereof and those under this and the said 48th section from the person who was the owner at the time of the removal of the boat barge or vessel and the remedies given by those sections to the Undertakers by way of detention sale or action shall be cumulative and not alternative and the certificate in

A.D. 1895.

writing of the engineer or other officer of the Undertakers that any boat barge or other vessel is unseaworthy or otherwise liable to sink or to obstruct the navigation shall for the purposes of those sections be sufficient evidence of the facts in such certificate mentioned.

Agents collectors &c. to give possession of houses &c. when removed.

55. If any agent toll collector lock-keeper bridge-keeper wharfinger or other servant of the Undertakers occupying any house offices or buildings of the Undertakers without paying rent for the same shall be discharged or retire from his office and shall not deliver up possession of such house offices buildings and appurtenances together with the books papers and other matters and things belonging to the Undertakers in his custody power or possession within two days after demand in writing signed by the secretary or if the widow or family of any such agent toll collector lock-keeper bridge-keeper wharfinger or other servant who shall die while in the service of the Undertakers or any other person shall refuse to deliver up the possession of any such house offices buildings and appurtenances as aforesaid together with the books papers and other matters and things belonging to the Undertakers in her his or their custody power or possession within seven days after demand as aforesaid then and in any of such cases it shall be lawful for any justice by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary either forthwith or after such period of time as shall be specified in the said warrant to enter such house offices and buildings in the daytime and to remove the persons who shall be found therein together with their goods and chattels out of such house offices and buildings and to take possession of all the books papers matters and things belonging to the Undertakers which shall be found therein and to deliver possession of such house offices and buildings together with such books papers matters and things found therein to such person as the Undertakers shall appoint to receive the same.

Penalty for damage to works &c.

56. If any person shall carelessly or negligently allow any vessel to strike the gates sills walls aqueducts locks bridges byewashes sluices piers wharves landing places hoists cranes or other works on or connected with any dock basin canal or navigation of the Undertakers or wilfully and unlawfully flush draw off or abstract water therefrom or otherwise mis-spend or waste the water thereof or wilfully or maliciously break damage or destroy any aqueduct lock feeder bridge bank gate stile post rail or other fence lamp telegraphic or telephonic apparatus or other work of the Undertakers or do any other hurt or mischief thereto every person so offending shall for every such offence (without prejudice to the right of the Undertakers to sue for and recover the amount of any damage

occasioned thereby) forfeit and pay to the Undertakers a sum not exceeding ten pounds to be recovered summarily in any court of competent jurisdiction. A.D. 1895.

Costs of Act.

57. 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.

A.D. 1895.

SCHEDULES.

The FIRST SCHEDULE referred to in the foregoing Act.

FORM OF NOTICE OF DESIRE FOR CONVERSION OF SHARE INTO NEW STOCK.

AIRE AND CALDER NAVIGATION.

To the Undertakers of the Navigation.

(I) (We) as (proprietor) (proprietors) claiming to be absolutely entitled in (my) (our) own right to a share in the old stock in the undertaking of the Undertakers of the navigation of the Rivers of Aire and Calder in the west riding of the county of York representing the nominal amount of £
in the capital of the undertaking do hereby give you notice that (I) (We) desire to convert the said share [or such part of the said share as represents £ in the said capital] into Aire and Calder Navigation New Stock of the like amount and (I) (We) request you in accordance with the provisions of the Aire and Calder Navigation Act 1895 to issue such new stock to (me) (us) in accordance with such Act.

Dated the day of .

Name of holder.
Address.

The SECOND SCHEDULE referred to in the foregoing Act.

FORM OF CERTIFICATE OF NEW STOCK.

AIRE AND CALDER NAVIGATION.

No. .

This is to certify that A. B. of is the proprietor of pounds nominal value of Aire and Calder Navigation New Stock created and issued by the Undertakers of the navigation of the Rivers of Aire and Calder in the west riding of the county of York in pursuance of and subject to the provisions of the Aire and Calder Navigation Act 1895 and by that Act declared to be personal estate.

Given under the hands of two of the committee of directors and of the secretary of the said Undertakers the day of 18 .

The THIRD SCHEDULE referred to in the foregoing Act.

FORM OF TRANSFER OF NEW STOCK.

(I) (We) of
in consideration of the sum of paid to (me) (us) by

of (herein-after called the transferee) do hereby transfer to the
transferee pounds Aire and Calder Navigation New Stock
in the undertaking of the Undertakers of the navigation of the Rivers of Aire and Calder in the west riding of the county of York (standing) (being part of the like stock standing) in (my) (our) name in the books of the Undertakers to hold unto the transferee (his) (their) executors administrators and assigns.

As witness our hands and seals the day of 18 .

The FOURTH SCHEDULE referred to in the foregoing Act.

Houses or other buildings or manufactories of which portions may be taken without taking the whole :—

Parish.	No. on Deposited Plans.
NEW CHANNEL.	
Leeds - - - - -	24.

A.D. 1895.

The FIFTH SCHEDULE referred to in the foregoing Act.

Class.	Days.
Vessels in respect of which a rate not exceeding 4*d.* per ton is payable to the Undertakers under section 61 of 9 George 4. cap. xcviii.	28
Vessels in respect of which a rate exceeding 4*d.* and not exceeding 9*d.* per ton is so payable.	35
Vessels in respect of which a rate exceeding 9*d.* per ton is so payable -	42

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., 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
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.