CHAPTER cxlvii.

An Act to extend the time for the Compulsory Acquisition of Lands under the provisions of the Sheffield and South Yorkshire Navigation Act 1889 and to make further provisions with respect to the Transfer to the Sheffield and South Yorkshire Navigation Company of certain of the Canal Undertakings of the Manchester Sheffield and Lincolnshire Railway Company. A.D. 1894.

[31st July 1894.]

WHEREAS under and by virtue of the South Yorkshire Railway and River Dun Company's Vesting Act 1874 the several undertakings known as "the River Dun Navigation" "the Dearne and Dove Canal" and "the Sheffield and Tinsley Canal" in the west riding of Yorkshire and "the Stainforth and Keadby Canal" partly in the said west riding and partly in the parts of Lindsey in Lincolnshire were vested in the Manchester Sheffield and Lincolnshire Railway Company in this Act called "the Sheffield Company": 37 & 38 Vict. cap. cxxxi.

And whereas by the Sheffield and South Yorkshire Navigation Act 1889 (in this Act called "the Act of 1889") the Sheffield and South Yorkshire Navigation Company (in this Act called "the Company") were incorporated for the purpose of acquiring the said navigations from the Sheffield Company and all their property rights and powers connected or enjoyed therewith (in the Act of 1889 and this Act called "the existing navigations") and of carrying into execution (subject to the provisions of the Act of 1889) the provisions of the various Acts relating to the said respective undertakings (which Acts are specified in the First Schedule to the Act of 1889) and for carrying on the business of carriers thereon and on the canal and docks by that Act authorised to be constructed by the Company and on any canals rivers or inland navigations (including the Rivers Humber Trent and Ouse) communicating 52 & 53 Vict. cap. cxc.

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therewith respectively either directly or indirectly and the Company were authorised by the Act of 1889 to raise as share capital—

(A) Such a sum as should be necessary to be raised for acquiring the existing navigations the amount to be certified by the Board of Trade;

(B) The sum of one million five hundred thousand pounds for the general purposes of their undertaking;

and to borrow on mortgage of their undertaking—

(C) In respect of the capital to be raised for the acquisition of the existing navigations any sums not exceeding in the whole one-fourth part of such capital; and

(D) In respect of the said general capital of one million five hundred thousand pounds any sum not exceeding three hundred and seventy-five thousand pounds:

And whereas it was provided by section 24 of the Act of 1889 that the Company might at any time within two years after the passing of that Act acquire the existing navigations upon such terms and conditions as might be agreed on between the Company and the Sheffield Company (in this Act referred to as "the two companies") and that in settling such terms and conditions the two companies might enter into such agreements covenants reservations and stipulations for the use by the Sheffield Company of any part or parts of the navigation whether as to tolls or otherwise as they might think fit:

And whereas it was provided by section 25 of the Act of 1889 that in case the Company and the Sheffield Company should fail within nine months after the passing of that Act to enter into an agreement for the sale of the existing navigations the Company might at any time within two years from the passing of that Act give notice in writing to the Sheffield Company to sell the same to the Company for such gross sum and upon such terms and conditions (subject to the provisions of that Act) as should be settled by the Railway and Canal Commissioners as arbitrators unless otherwise agreed on between the Company and the Sheffield Company and that the said commissioners should for the purposes of any arbitration under that section have the same powers as if the matter to be determined had been referred to their decision in pursuance of the Railway and Canal Traffic Acts 1873 and 1888 so far as the same are not inconsistent with the Lands Clauses Acts:

And whereas by section 26 of the Act of 1889 it was provided that as a condition precedent to the Company being entitled to exercise any of the powers of that Act enabling them to purchase

the existing navigations they should deposit with the Sheffield Banking Company at Sheffield to the joint credit of the Sheffield Company and the Company the sum of twenty thousand pounds as a security for the due completion by the Company of the said purchase which sum should be forfeited to the Sheffield Company if the Company failed to pay to the Sheffield Company at the time limited in that behalf by that Act the said agreed or awarded purchase price together with any interest accrued thereon:

And whereas the Sheffield Company did not agree with the Company for the sale to them of the existing navigations and the Company deposited the said sum of twenty thousand pounds as required by the said section 26 of the Act of 1889 and gave notice in writing to the Sheffield Company requiring them to sell the existing navigations to them under the provisions of the said section 25 and applied to the Railway and Canal Commissioners to settle the questions referred to them by that section in the event of such notice being given:

And whereas since the said application was first made the Company and the Sheffield Company have entered into an agreement bearing date the seventeenth day of January one thousand eight hundred and ninety-three whereby the lands which should be deemed part of the existing navigations or be included in the transfer thereof and be taken under the terms of the Act of 1889 were determined as between the two companies and were delineated on plans referred to in the said agreement but the consideration to be given by the Company for the existing navigations was not agreed and that matter was referred for settlement to the said commissioners:

And whereas by an agreement bearing date the twenty-sixth day of April one thousand eight hundred and ninety-four and made between the two companies it was agreed that certain of the said lands so delineated on the said plans should be excepted from and not be deemed part of the existing navigations but should be retained by the Sheffield Company:

And whereas since the said reference to the said commissioners the Sheffield Company have agreed to sell and transfer to the Company and the Company have agreed to purchase the existing navigations as defined by the Act of 1889 and by this Act and by the said two agreements of the seventeenth day of January one thousand eight hundred and ninety-three and the twenty-sixth day of April one thousand eight hundred and ninety-four upon the terms and conditions in this Act appearing and it is expedient that the Act of 1889 be amended as herein-after provided:

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And whereas the Company were by the Act of 1889 (sections 30 and 33) authorised to make various works for or incidental to the improvement of the existing navigations and to acquire compulsorily or by agreement the necessary land for such works and also so to acquire (section 59) certain additional lands in the townships of Brightside Bierlow and Attercliffe-cum-Darnall in the parish of Sheffield in the said west riding and Keadby in the parish of Althorpe in the said parts of Lindsey:

And whereas the time limited by the Act of 1889 for the compulsory purchase of lands by the Company will expire on the twenty-sixth day of August one thousand eight hundred and ninety-four and it is expedient that the same be extended:

And whereas the objects of this Act cannot be attained 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 as the Sheffield and South Yorkshire Navigation Act 1894 and this Act and the Act of 1889 may be cited together as the Sheffield and South Yorkshire Navigation Acts 1889 and 1894.

Repeal of parts of Act of 1889.

2. The following sections and parts of sections of the Act of 1889 are hereby repealed (that is to say):—

Section 7. (Capital of the Company.)

Section 11. (Power to borrow in respect of capital raised for purchase of existing navigations.)

Section 12. (Power to borrow in respect of the other capital.)

Section 14. (Debenture stock.)

Section 23. (As to payment of interest out of capital.)

Sub-sections (1) (2) (3) (4) (5) and (8) of section 25. (The Company in certain events shall acquire existing navigations.)

Section 26. (Deposit on account of purchase money) from "and in case the Company" to the end of the section.

Section 27. (Conveyance of existing navigations) from "as from the first day of January" to "award."

Interpretation.

3. In this Act unless the subject or context otherwise require words and expressions to which meanings are assigned in the Act of 1889 have the same respective meanings.

As to things to be included and

4. "The existing navigations" shall be deemed to include such lands only as have been determined as between the two companies

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by virtue of the said two agreements of the seventeenth day of January one thousand eight hundred and ninety-three and the twenty-sixth day of April one thousand eight hundred and ninety-four to form part of the existing navigations and all such plant and machinery (as well fixed as moveable) as at the time of the Company taking possession of the existing navigations under the provisions of this Act shall be on or about the same and all such stores as shall then be actually in use but shall not include any stores not then so in use which last-mentioned stores shall be taken and paid for by the Company at a valuation to be made in the usual manner.

not included as part of the existing navigations.

5. The powers of the Company for the compulsory purchase of lands for the purposes of the Act of 1889 are hereby extended until the twenty-sixth day of August one thousand eight hundred and ninety-seven but those powers shall cease after that date and section 63 of that Act shall be read and construed accordingly.

Extension of time for compulsory purchase of lands.

6. The justices arbitrators umpires or juries as the case may be who award or assess the compensation to be made by the Company to the owners or occupiers of or other persons interested in lands taken or used under the powers of the Act of 1889 or injuriously affected by the construction of the works thereby authorised shall in estimating the amount of such compensation have regard to and assess compensation for the additional damage (if any) sustained by those owners occupiers and other persons by reason of the extension of time.

Parties aggrieved may have compensation for additional damage.

7. The extension of time shall not affect any contract entered into or notice given by the Company before the passing of this Act for the purchasing taking or using of any lands which the Company were entitled to purchase take or use but every such contract and notice shall be construed and take effect and the same proceedings may be had thereunder and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity as if the extension had not been granted.

Existing contracts and notices as to lands not to be affected.

8.—(1) The Company shall not under the powers of this Act or under the powers of the Act of 1889 as extended by this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the Act of 1889 as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

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(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any such scheme or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned

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by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) Any houses on any of the lands shown on the plans deposited for the Act of 1889 occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of that Act shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "labouring class" includes mechanics artisans 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.

Share capital of the Company.

9. The share capital of the Company shall be one million two hundred thousand pounds whereof—

Six hundred and twenty-five thousand pounds shall be issued as preference shares or stock to which shall be attached a perpetual preferential dividend not exceeding four pounds ten shillings per centum per annum;

Five hundred and forty thousand pounds shall be issued as ordinary shares or stock for allotment to the Sheffield Company as by this Act provided and shall be deemed to be fully paid up.

The remaining thirty-five thousand pounds shall be ordinary shares or stock and of such shares or stock there shall be allotted to the shareholders in the Sheffield and South Yorkshire Canal Company Limited amounts equal to the par value of the shares held by them respectively in that company and the shares or stock so allotted shall be deemed to be fully paid up and shall be taken in full satisfaction and discharge of all costs charges

and expenses paid incurred or sustained by the said limited company of and incident to the preparing for obtaining and passing the Act of 1889 or otherwise in relation thereto:

No share in the capital of the Company shall be of less value than ten pounds.

As to payment of preference shares or stock.

10. No allotment of the said preference shares or stock shall be made unless the whole amount thereof shall be applied for Twenty per centum of every amount applied for shall be paid up within six months after the passing of this Act The whole amount of the said preference shares or stock shall be called up and be due and payable within one year from the date fixed for the payment of the said twenty per centum.

Power to borrow.

11. The Company may from time to time for the general purposes of their undertaking to which capital is properly applicable borrow on mortgage of their undertaking any sum not exceeding in the whole three hundred thousand pounds but no part thereof shall be borrowed until six hundred thousand pounds at least of the said preference shares or stock shall have been issued and accepted and fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such six hundred thousand pounds has been issued and accepted and paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Debenture stock.

12. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock The said debenture stock shall not bear a higher rate of interest than four pounds per centum per annum.

Gross sum to be paid for transfer.

13. The gross sum for which the Sheffield Company shall sell and transfer the existing navigations to the Company shall be one million one hundred and forty thousand pounds which shall be paid

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by the Company as to six hundred thousand pounds in cash as herein-after mentioned and as to the remainder by the allotment to the Sheffield Company of fully paid-up ordinary shares or stock of the Company for five hundred and forty thousand pounds.

Consideration paid to Sheffield Company for transfer to be applied only as capital.

14. All moneys paid by the Company to the Sheffield Company and the proceeds of the sale of the shares or stock of the Company to be allotted to the Sheffield Company under the provisions of this Act for the acquisition of the existing undertakings shall be applied by the Sheffield Company to purposes only for which capital is applicable and for no other purpose whatsoever.

Arrangement for giving possession of existing navigations to the purchasers.

15. Immediately after the allotment of the whole of the said preference shares or stock and the payment up of twenty per centum thereof the Company shall pay to the Sheffield Company the amount then received by them in respect of six hundred thousand pounds of such shares or stock and thereupon the Company shall be let into possession of the existing navigations and shall from the time of being let into possession be entitled to the receipt of the rents profits tolls and charges arising therefrom and shall pay all the working and other expenses and outgoings thereof and the Company shall pay over to the Sheffield Company the amount of all calls on such six hundred thousand pounds of such shares or stock as and when the same shall be received and shall also pay to the Sheffield Company interest at five per centum per annum on so much of the six hundred thousand pounds as shall for the time being remain unpaid to the Sheffield Company such interest to run from the date of the Company being let into possession.

Conveyance to be executed.

16. Upon payment of the balance of the said sum of six hundred thousand pounds and any interest due thereon to the Sheffield Company and the issue to them of the said ordinary fully paid-up shares or stock for five hundred and forty thousand pounds they shall execute a deed of conveyance to the Company of the existing navigations in the form provided by the twenty-seventh section of the Act of 1889.

Limiting period with in which purchase to be completed and application of deposit.

17. If the whole of the said sum of six hundred thousand pounds shall not be paid to the Sheffield Company before the expiration of eighteen months from the passing of this Act then that period of eighteen months shall be deemed and taken to be the period or time limited for the due completion of the purchase of the existing navigations by the Company within the meaning and intent of the twenty-sixth section of the Act of 1889 and the Company shall be deemed to have failed to complete such purchase within the time so limited and thereupon the sum of twenty thousand pounds in the

said section mentioned shall be equally divided between the two companies but all interest which shall have accrued on the said sum of twenty thousand pounds shall be the property of the Company and all the powers and authorities given to the Company to purchase the existing navigations under the provisions of the Act of 1889 and of this Act shall thenceforth absolutely cease and determine And all sums (if any) which shall have been paid by the Company to the Sheffield Company on account of the said purchase money or sum of six hundred thousand pounds shall be forthwith repaid to the Company but without any interest thereon and the Company shall account for and pay to the Sheffield Company all rents profits tolls and charges arising from the existing navigations which may have been received by the Company as aforesaid less all the working and other expenses and outgoings thereof which may have been paid by the Company as aforesaid.

Conditions of transfer.

18. By way of further consideration for the said sale and transfer and notwithstanding the same the Sheffield Company shall from and after the taking of possession of the existing navigations by the Company continue to use exercise and enjoy the following powers rights and privileges or other powers rights and privileges of the like nature and of equal value to the Sheffield Company as freely and fully and to the same extent as they might have done if the transfer had not taken place and the following provisions shall have effect accordingly :—

Loading coal at Keadby.

(1) As the Sheffield Company have heretofore been enabled to run their coal waggons on to a staith belonging to them parallel to the canal at Keadby and to load therefrom by means of shoots into barges and vessels in the canal moored alongside the said staith the Sheffield Company shall continue for ever hereafter to enjoy the before-mentioned privileges and the owners of barges and vessels desirous of using the canal at Keadby for the purpose of being loaded in manner aforesaid shall have the right to do so free from any toll or charge whatsoever by or to the Company Provided always that the said right and privilege of free user of the canal by barges and vessels and the loading of coal thereon shall not extend to a greater amount of coal in any one year than eighty thousand tons;

Transfer of general cargo from canal to railway at Keadby.

(2) As the Sheffield Company as owners of the Keadby Canal and the locks docks and wharfs at Keadby have heretofore in the case of vessels and barges desiring to unload cargo intended for carriage by the railways of the Sheffield Company permitted the same to be done free of any toll or charge whatsoever the Sheffield Company shall for ever hereafter continue to

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have and exercise the said privilege and all vessels and barges desiring to unload cargo destined for carriage by the railways of the Sheffield Company shall have the right of free use of the canal and of discharging cargo as aforesaid Provided always that such free right of user and discharging of cargo as aforesaid shall not extend to a greater tonnage in the whole than five thousand tons in any one year;

Transfer of sand from canal to railway at Swinton.

(3) As the Sheffield Company as owners of the existing navigations have hitherto permitted vessels or barges to come up the existing navigations laden with sand for the purpose of unloading and transferring the same on to their railway at Swinton free from any charge for wharfage whatsoever therefore such vessels or barges shall continue to have the right of free wharfage as aforesaid and the Sheffield Company shall continue to have and may exercise all the said privileges in connexion therewith free from any charge whatsoever Provided always that such free wharfage shall not extend to a greater tonnage in the whole than three thousand tons in any one year;

Fishing right.

(4) The Company shall and will as far as they legally can and subject to the reasonable byelaws of the Company permit such persons to fish in the existing navigations as shall produce a railway ticket purporting to be issued by the Sheffield Company and being then in force for the carriage of such person or persons by railway;

Power to take water for engines.

(5) The Sheffield Company shall have the right at all times as against the Company to draw and take from any part of the existing navigations and the feeders thereof such water as they require for the use of their locomotive and stationary steam engines only without any charge or interruption whatever as fully freely and to the same extent as they might have done if the transfer had not taken place.

Constitution of board of directors.

19. On the taking of possession of the existing navigations by the Company as by this Act provided the then directors of the Company shall retire from office but shall be eligible for nomination or appointment under this Act and so long as the Sheffield Company hold any ordinary shares or stock of the Company the following provisions shall have effect in lieu of and in substitution for sections 19 to 22 of the Act of 1889 (that is to say):—

Number of directors.

(1) The board of directors of the Company shall consist of ten members five of whom shall be nominated and appointed by holders of the said preference shares or stock as representing that class of shares or stock and the remaining five members thereof shall be nominated and appointed by the Sheffield

Company as holders of the ordinary shares or stock to be allotted to them as aforesaid and as representing that class of shares or stock;

Manner of appointing directors by Sheffield Company.

(2) The nomination and appointment of members of the board of directors by the Sheffield Company and any revocation thereof shall be made in writing under their common seal and no other qualification than being so appointed shall be requisite for such directors and such appointment may from time to time be revoked Every appointment of director or directors by the Sheffield Company and any revocation thereof shall be delivered to the directors of the Company and shall be kept with their records and an entry of every such appointment and revocation shall be made in the minutes of their proceedings;

Qualification of certain directors.

(3) The qualification of a director other than a director appointed by the Sheffield Company shall be the possession in his own right of not less than fifty shares of ten pounds each or five hundred pounds stock;

Directors' meetings.

(4) The board of directors shall hold their meetings at such times and places as they may from time to time determine and four members (being two of the representatives of each of the said two classes of shareholders) shall be a quorum thereof and a chairman shall be elected for each meeting to be chosen alternately from the members severally representing the two classes of shareholders (unless it is otherwise unanimously agreed on at any meeting) at that meeting and the representatives of each of the two classes of shareholders shall have only one vote amongst them and the chairman shall not have a casting vote;

As to settlement of disputes.

(5) The board of directors shall at their first meeting in every year appoint some person as arbitrator for the ensuing year and if any difference shall at any time arise at any board meeting between the members thereof representing the two classes of shareholders respectively such difference shall be from time to time referred to the said arbitrator or in default of the appointment of such arbitrator by the board of directors then to an arbitrator to be nominated by the President for the time being of the Institution of Civil Engineers on the application in writing of any two members of the board representing either of the two classes of shareholders and the arbitrator may on application made to him by any member of the board attend at any meeting of the board of directors and summarily decide any such matter or difference and every award or decision of such arbitrator shall be final with respect to the

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matters submitted to him and in arriving thereat he shall consider only the best interests of the navigation and the board of directors or the President of the Institution of Civil Engineers as the case may be may fix the remuneration to be paid to such arbitrator Provided always that if any matter which may have been referred to the arbitrator shall be left undecided by him at the expiration of his year of office the same matter shall be decided by the said arbitrator and his decision shall be binding although he may no longer fill the said office;

Power for navigation company to purchase the Sheffield Company's ordinary shares.

(6) If the Company shall at any time hereafter desire to purchase at par value the whole (or by mutual agreement any less part than the whole) of the ordinary shares or stock to be allotted to the Sheffield Company as aforesaid and shall give six months notice in writing of such desire to the Sheffield Company then the Sheffield Company upon receiving such par value shall sell and transfer to any person or persons nominated by the Company for that purpose the whole or such part as aforesaid of their said ordinary shares or stock and upon the whole of such shares or stock being purchased by the Company the Sheffield Company shall cease to have any representation on the board of directors as aforesaid and the provisions in this Act for that purpose shall thereupon cease and determine and the provisions of sections 19 to 22 of the Act of 1889 so far as the same are then applicable shall have full effect.

Power for Sheffield Company to make bridges at Doncaster.

20. The Sheffield Company at any time hereafter may make and maintain two bridges at Doncaster one over the existing navigation and the other over any new cut to be made by the Company having a clear headway or height between the ordinary level of the water in the said navigation or cut and the under side of the girders of the said bridge or bridges of not less than the present headway of the bridge carrying the Great Northern Railway over the said navigation at Marsh Gate Doncaster The clear span of each such bridge between the abutments shall be one hundred feet unless otherwise agreed upon and such bridge or bridges shall be constructed and maintained by and at the expense in all things of the Sheffield Company who before commencing the same shall submit plans and specifications thereof to the engineer of the Company for his reasonable approval Provided always that if the said engineer shall for the period of two months neglect or refuse to approve such plans or specifications or shall disapprove the same then the said bridge or bridges shall be constructed according to plans and specifications to be submitted to and approved by an engineer to be agreed upon between the two companies or in default of agree-

ment to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either the Sheffield Company or the Company Provided also that if the Company shall require such bridge or bridges to be made as swing or opening bridges all extra cost of construction working and maintenance caused thereby shall be borne and paid by the Company.

The Sheffield Company shall have retain and exercise the same rights of way to the lands number 11 on sheet 2 on the plans referred to in the recited agreement dated the seventeenth day of January one thousand eight hundred and ninety-three over the navigation as they now use and enjoy thereover.

Saving rights &c. of Aire and Calder navigation.

21. Nothing herein contained shall prejudice or affect the rights powers and liabilities of the undertakers of the navigation of the rivers of Aire and Calder in the west riding of the county of York under the Aire and Calder and River Don Navigations Junction Canal Act 1891.

Costs of Act.

22. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

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