



CHAPTER clxx.

An Act to authorise the Undertakers of the Navigation of the Rivers of Aire and Calder in the west riding of the county of York to make a New Canal from the River Dun Navigation to join the Knottingley and Goole Canal and to widen a portion of the last-mentioned Canal to provide for the Sheffield and South Yorkshire Navigation Company becoming Joint Owners of the New Canal and for other purposes. A.D. 1891.

[28th July 1891.]

WHEREAS by Acts (local and personal) passed respectively in the tenth and eleventh years of the reign of King William the Third (chapter nineteen) the fourteenth year of the reign of King George the Third (chapter ninety-six) the first year of the reign of King George the Fourth (chapter thirty-nine) and the ninth year of the reign of King George the Fourth (chapter ninety-eight) powers for making and keeping navigable the Rivers Aire and Calder in the county of York and constructing certain cuts canals docks and works including a canal from Knottingley to the port of Goole and docks and basins at Goole were conferred on the Undertakers of the navigation of the rivers of Aire and Calder in the west riding of the county of York and by subsequent Acts including the Aire and Calder Navigation Act 1889 those powers have been in various respects amended and further powers have been conferred on the said Undertakers in relation to the said cuts canals docks and works :

10 & 11 W. 3.
c. 19.
14 G. 3. c. 96.
1 G. 4.
c. xxxix.
9 G. 4.
c. xcviii.

52 & 53 Vict.
c. xxxii.

And whereas a more direct and improved water communication between the towns of Doncaster Swinton Rotherham Sheffield and other places in South Yorkshire and the coalfields in that district and places on the Aire and Calder Navigation and the port of Goole would be of public and local advantage and it is expedient that the said Undertakers should be authorised for the purpose of providing such communication to construct a new canal from the River Dun

[Ch. clxx.] *Aire and Calder and River Dun* [54 & 55 VICT.]
Navigations Junction Canal Act, 1891.

A.D. 1891. Navigation at or near Bramwith Lock to the Knottingley and Goole Canal at or near Sykehouse Bridge:

52 & 53 Vict.
c. cxc. And whereas by the Sheffield and South Yorkshire Navigation Act 1889 the Sheffield and South Yorkshire Navigation Company were incorporated and empowered to acquire and improve the River Dun Navigation and the other canals in South Yorkshire in that Act mentioned and it is expedient that provision should be made in the event of such Company acquiring the above-mentioned navigation and canals for their contributing towards the construction of the said intended canal and becoming joint owners thereof with the said Undertakers on the terms and in the manner herein-after contained:

And whereas it is expedient in connexion with the said intended canal and in order to meet the requirements of the traffic of the Knottingley and Goole Canal that the Undertakers should be authorised to widen a portion of the last-mentioned canal at or near Sykehouse Bridge:

And whereas it is expedient that the powers herein contained should be conferred on the said Undertakers and also on the said Undertakers and the Sheffield and South Yorkshire Navigation Company in connexion with the said intended works and that the other provisions of this Act should be enacted in relation to the matters aforesaid:

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title. 1. This Act may be cited for all purposes as the Aire and Calder and River Dun Navigations Junction Canal Act 1891.

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

Clauses six to ten sixteen eighteen to twenty-four forty-five fifty to fifty-eight sixty-five sixty-six and sixty-seven of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof with respect to works for the accommodation of lands adjoining the railway with respect to mines lying under or near the railway with respect to the settlement of disputes by arbitration and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices ;

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The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) The distribution of the capital of the company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture of shares for nonpayment of calls the remedies of creditors of the company against the shareholders the borrowing of money by the company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the general meetings of the company and the exercise of the right of voting by the shareholders the making of dividends the giving of notices and the provision to be made for affording access to the special Act by all parties-interested ;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863—

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.

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

Interpretation of terms.

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 Sheffield Navigation Company” means the Sheffield and South Yorkshire Navigation Company ;

The expression “the new canal” means the canal by this Act authorised to be constructed and all works and conveniences connected therewith ;

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The expression "the canal widening" means the widening of the Knottingley and Goole Canal by this Act authorised and all works connected therewith ;

The words "toll" and "tolls" respectively include all tonnage tolls wharfage and craneage rates and other charges of every description authorised by this Act ;

The word "goods" includes all goods minerals merchandise commodities articles matters and things of every description and also animals ;

The word "vessel" includes all boats barges keels sloops steam vessels compartment boats and other craft of every description however propelled or moved :

In the Lands Clauses Acts and the clauses and provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act—

The expressions "the company" "the railway company" "the undertakers" and "the promoters of the undertaking" mean the Undertakers and if and when the Sheffield Navigation Company shall have become joint owners of the new canal shall include that company in relation to the new canal ;

The expressions "the railway" "work" and "the undertaking" mean and include the new canal and the canal widening and the works connected therewith respectively ;

The expression "the centre of the railway" means any part of the new canal and of the canal widening respectively :

In the provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act—

The expression "the company" means the Sheffield Navigation Company and the expression "the undertaking" means the undertaking for the time being of the Sheffield Navigation Company :

And in all the Acts wholly or partially incorporated with this Act—

The expression "the special Act" means this Act and the expression "prescribed" means prescribed by this Act :

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Subject to the provisions of this Act the Undertakers may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new canal and the canal widening herein-after described together with all necessary and convenient feeders stanks weirs culverts drains aqueducts machinery locks lock-keepers warehouse-keepers and collectors houses stopgates floodgates dams bridges bridge-keepers houses arches culverts banks wharves basins landing-places roads towing-paths passages fences 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 books of reference as may be required for the purpose :

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Power to
make works.

The new canal and the canal widening herein-before referred to and authorised by this Act are—

A new canal (with a lock therein) commencing in the parish of Barnby-upon-Don by a junction with the River Dun Navigation at a point about twenty-four chains south-westward of the upper gates of Bramwith Lock on that navigation and terminating in the parish of Snaith by a junction with the Knottingley and Goole Canal at a point about forty-eight chains westward of the western side of the bridge carrying the Cowick Road across that canal and known as Sykehouse Bridge ;

A widening of the Knottingley and Goole Canal on the northern side thereof commencing at a point in the said canal about sixty-one chains westward of the western side of the said Sykehouse Bridge and terminating in the said canal at a point about five chains eastward of the eastern side of the bridge carrying the road from Bawtry to Selby across the said canal and known as New Bridge.

5. Subject to the provisions of this Act the Undertakers may within the limits of deviation shown on the deposited plans cross divert alter or stop up either temporarily or permanently any highways roads or rivers canals footpaths streams watercourses drains culverts sewers floodgates floodbanks sluices cloughs 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 purpose of the works by this Act authorised and may do all other acts necessary for making maintaining altering or repairing such works Provided that the Undertakers shall not divert or stop up any highways or other public carriage roads except those shown on the deposited plans and sections as to be diverted or stopped up Provided also that in the exercise of any

Power to
cross roads
&c.

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of the powers of this Act the Undertakers shall do as little damage as may be and shall make full compensation to all parties entitled thereto for any damage 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 also that the Undertakers shall not remove alter or in any way interfere with any telegraphic apparatus belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting 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.

6. Except as in this Act otherwise provided the Undertakers may in constructing the new canal and the canal widening respectively deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans in reference thereto and may deviate from the levels of such works as shown on the deposited sections to any extent not exceeding five feet.

Lands for extraordinary purposes.

7. The Undertakers may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 as incorporated with this Act any quantity of land not exceeding twenty-five acres but nothing in that Act or in this Act shall exempt the Undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

9. 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 of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to 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.

For the protection of the Manchester

10. Nothing in this Act contained shall in any way prejudice or affect the rights and interests of the Manchester Sheffield and

Lincolnshire Railway Company (herein-after called the Sheffield Company) under the powers and provisions contained in the Sheffield and South Yorkshire Navigation Act 1889 for the benefit of the Sheffield Company nor shall the powers for the construction of the new canal by this Act authorised whether the same be actually carried into effect or not be taken into consideration in settling the gross sum to be paid under section twenty-five of the Sheffield and South Yorkshire Navigation Act 1889 by the Sheffield Navigation Company to the Sheffield Company for the River Dun Navigation and the other canals mentioned in that Act or the terms and conditions on which those navigations and canals shall be sold and transferred to the Sheffield Navigation Company.

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Sheffield and
Lincolnshire
Railway
Company.

11. The following provisions for the protection of the Dun Drainage Commissioners (herein-after called the commissioners) and the drainage district under their jurisdiction shall unless otherwise agreed between the commissioners and the Undertakers have effect (that is to say):—

For the pro-
tection of the
Dun Drain-
age Commis-
sioners.

- (1) The Undertakers shall construct and thereafter maintain a drain not less than three feet in width at the bottom along the foot of the embankment on the western side of the new canal from the soak drain of the River Dun Navigation to the River Don with an outfall sluice into that river not less than four feet wide and four feet six inches high fitted with a self-acting tidal-door;
- (2) The Undertakers shall (notwithstanding anything shown on the deposited sections) construct and thereafter maintain the aqueduct for carrying the new canal across the River Don with three spans of not less than sixty feet each and in such manner that the tank of the aqueduct over the two southernmost spans shall be movable and be capable of lifting by flotation at least five feet vertically in times of flood and such movable tank shall from time to time be made to lift and be lifted whenever and so long as the surface of the water in the River Don on the upper side of the aqueduct shall be eighteen feet above the level of ordnance datum or such higher level as may from time to time be agreed upon between the commissioners and the Undertakers;
- (3) The Undertakers shall construct and maintain the culverts for carrying the engine drain numbered on the deposited plans 25B and 26A in the parish of Barnby-upon-Dun and for carrying the Bramwith drain numbered on the deposited plans 2 4 and 5 in the parish of Kirk Bramwith under the new canal of such dimensions as shall give in each case an aggregate sectional

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area of not less than two hundred and thirty square feet and shall construct the culvert for carrying Green Dike numbered on the deposited plans 72 in the said parish of Kirk Bramwith under the new canal of not less than four feet in diameter ;

The Undertakers shall also construct and maintain a culvert of not less than eighteen inches in diameter with a shuttle door thereto in the south bank of the said engine drain for the purpose of passing the drainage and flood waters from the adjoining land ;

- (4) The Undertakers shall construct and maintain under the new canal immediately to the north of the Chequer Lane numbered on the deposited plans 28 in the parish of Barnby-upon-Dun a set of flood arches with six openings each opening being not less than fifteen feet wide and six feet six inches high ;
- (5) The Undertakers shall also construct and maintain under the new canal immediately to the north of the Low Lane numbered on the said plans 11 in the said parish of Kirk Bramwith and at the points marked on the deposited plans two miles two furlongs and two miles four furlongs respectively from the commencement of the new canal three other sets of flood arches each with three openings each opening being not less than fifteen feet wide and six feet six inches high ;
- (6) The Undertakers shall also construct and maintain all necessary side drains along and parallel to the new canal for the purpose of conveying the flood waters to and from the flood arches herein-before required to be constructed by them as aforesaid such side drains to be not less than twelve feet in width at the bottom and two feet six inches deep ;
- (7) All the works to be constructed by the Undertakers under this section shall be executed according to plans and sections to be previously submitted to and subject to the reasonable approval of the engineer for the time being of the commissioners and in the event of any difference between the Undertakers and the Commissioners or their respective engineers as to such plans and sections such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of either the Undertakers or the commissioners ;
- (8) Nothing in this Act contained shall except as otherwise expressly provided by this Act extend or be construed to extend so as to prejudice or affect or to repeal or alter any of the powers authorities rights or privileges granted to the commissioners in or by any Act or Acts of Parliament passed relating to the Dun Drainage District or in any respect to impede

obstruct prejudice affect injure or damage other works of the commissioners or the River Don or any of the cuts channels banks culverts drains or works belonging thereto or now or heretofore used and enjoyed therewith. A.D. 1891.

12. For the protection of the drainage of lands and hereditaments referred to in and subject to the provisions of an Act of Parliament passed in the second year of the reign of King William the Fourth intituled "An Act for draining and improving certain low lands situate within the several townships of Norton Campsall Askern Moss Fenwick Little Smeaton Stubbs Walden Womersley Whitley Baln Pollington Snaith and Cowick and Sykehouse in the several parishes of Campsall Womersley Kellington Snaith and Fishlake all in the west riding of the county of York" (hereinafter referred to as the Went Drainage Act) and an award made thereunder dated the eleventh day of September one thousand eight hundred and forty-four the following provisions shall have effect (that is to say):—

For the protection of the Went Drainage.

(1) In constructing the new canal by this Act authorised the aqueduct which carries the said canal over the River Went shall (notwithstanding anything shown on the deposited sections to the contrary) be constructed with a span of not less than fifty-five feet measured upon the square and with a sectional area of not less than four hundred and fifty square feet of waterway beneath the same;

(2) The Undertakers shall alter the River Went where crossed by the said aqueduct so as to provide such area of waterway as aforesaid and such alteration shall extend on each side of the aqueduct gradually decreasing in width so that at points measuring in a straight line seventy feet from the east and west sides of the aqueduct the river shall be of the present width. The portions of the river so altered by the Undertakers shall throughout be made of not less depth than the present bottom of the river. The new banks required to be constructed in carrying out the widening of the river or the alteration of the existing banks required for such purpose shall be made by and at the expense of the Undertakers;

(3) Where the present north and south soak drains of the River Went shall be interfered with in carrying out the above works the Undertakers shall at their expense make new soak drains (in connexion with the portions of the soak drains not interfered with) of not less dimensions than the present soak drains at the point of junction and with culverts under the new canal of not less than six feet each in diameter;

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- (4) The banks of the River Went where new or altered as aforesaid shall for ever hereafter be kept up and maintained by the Undertakers at their expense to the height specified for the banks of the said river at that place by the said award made under the Went Drainage Act. And the said soak drains where altered shall be for ever hereafter maintained by the Undertakers at their expense;
- (5) Subject and without prejudice to the powers rights privileges and authorities by this Act conferred on the Undertakers nothing in this Act shall defeat lessen prejudice alter take away or affect any of the powers rights privileges or authorities vested in or enjoyed by the trustees under the Went Drainage Act or any future trustees acting thereunder.

For the protection of the corporation of the Level of Hatfield Chase.

13. For the protection of the corporation of the Level of Hatfield Chase (herein-after called the corporation) the following provisions shall have effect (that is to say) :—

- (1) The Undertakers shall at all times after they commence any works of the new canal which will interfere with the Fishlake and Sykehouse barrier bank (herein-after called the barrier bank) maintain and keep the barrier bank in good repair for a distance of one chain on each side of the new canal at the respective points where the same crosses such bank;
- (2) The Undertakers shall before commencing any such works of the new canal pay to the corporation the sum of five hundred pounds and the corporation shall within three years from the payment thereof expend at least two hundred pounds in raising and strengthening the barrier bank (other than the portions thereof which the Undertakers are to repair as aforesaid);
- (3) If by reason or in consequence of the cutting through of the barrier bank by the Undertakers for the purpose of constructing the new canal through the same any damages shall at any time be sustained by the corporation which would not have been sustained if such barrier bank had not been cut through the Undertakers shall repay to the corporation the amount of any damages (including any costs or expenses connected therewith) so sustained by them and in default the amount thereof may be recovered by the corporation from the Undertakers in any court of competent jurisdiction.

Restriction on taking houses of labouring class.

14. The Undertakers shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the

fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section the expression "labouring class" includes mechanics 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. A.D. 1891.

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

16. The Undertakers may in the construction of the new canal make the bridges for carrying any public or private roads or roads for the accommodation of owners and occupiers of lands over the new canal as opening bridges and every such bridge with the immediate approaches and all necessary works connected therewith shall be constructed and at all times thereafter maintained by and at the expense of the Undertakers. Bridges over new canal may be opening bridges.

17. The Undertakers shall employ a person to open and close any opening bridge whereby any of the public roads herein-after mentioned are carried over the new canal (that is to say):— Provisions as to opening bridges carrying certain public roads over new canal.

No. of Road on deposited Plans.	Parish.	Name of Road.
11	Kirk Bramwith	Low Lane
33	Kirk Bramwith	High Lane or Top Lane
54	Kirk Bramwith	Kirkhouse Green Road
49	Fishlake	Kirk Lane otherwise Fishlake Road
71	Fishlake	Sykehouse Road

And any such bridge shall be opened and closed by such person in accordance with the byelaws made in pursuance of this Act in relation thereto and shall be kept closed across the new canal except when required to be opened for the passage of vessels through the same and for necessary repairs and except during such hours between eight p.m. of one day and six a.m. of the next as may be specified in any such byelaw provided the byelaw allowing any such bridge to be kept open as aforesaid shall be approved by the Lower Strafforth and Tickhill Highway Board.

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As to bridges carrying other roads over new canal.

18. Any opening bridge to be constructed by the Undertakers for carrying any road (other than those mentioned in the last preceding section) across the new canal shall be kept open so as to leave the navigation of the new canal free and unobstructed through the same except at such times as any such bridge may be required to be closed for the passage of traffic over the new canal and no such bridge shall at any time be kept closed across the new canal longer than may be necessary for the passage of traffic over the same.

Width of roadways over opening bridges.

19. The Undertakers may make the width of the roadways over the movable portion of any opening bridges of the following dimensions in the clear (that is to say) In the case of the roads mentioned in the last but one preceding section of this Act fifteen feet and in the case of other roads ten feet and shall make such opening bridges of a strength capable of carrying in the case of the roads mentioned in such section a rolling load of fifteen tons and in the case of other roads a rolling load of ten tons and shall make the gradients of the approaches to the bridges carrying the following roads mentioned in that section over the new canal of the following gradients (namely) In the case of the Kirkhouse Green Road and of the Sykehouse Road of gradients not less than one in twenty-five and in the case of the Kirk Lane of gradients as nearly one in twenty-five as may be practicable having regard to the position in which the new canal shall be constructed.

When diversions of roads completed and opened sites of corresponding portions of existing roads to vest in Undertakers.

20. When any new portions of road authorised by the provisions of this Act or of the Railways Clauses Consolidation Act 1845 as incorporated with this Act to be formed in lieu of portions of existing roads diverted or altered are respectively completed and opened the sites of the said portions of existing roads when and so far as the same shall be bounded on both sides by property of the Undertakers shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway belong to and be vested in the Undertakers Provided that where any such new portion of road is formed through or along lands belonging wholly or partially to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for the new portion of road.

New portions of road to be subject to

21. Except so far as otherwise provided by this Act all new portions of road authorised by the provisions of this Act or of the

Railways Clauses Consolidation Act 1845 as incorporated with this Act to be formed in lieu of roads diverted or altered shall as respects management and maintenance and in all other respects be held as parts of the existing roads so diverted or altered respectively and be subject to the same provisions as such roads are or were subject to. If any question shall arise between the Undertakers and the parties who may become liable therefor as to the due completion of any such new portions of road such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of any such new portion of road shall be conclusive evidence of the fact so certified.

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same provisions as existing roads.

22. And whereas it may happen from floods or accidents that the works of the new canal may be injured or destroyed and the adjacent lands may thereby suffer damage and it may be necessary that the said works should be immediately repaired to prevent further damage therefrom The Undertakers may when and so often as the same may happen from time to time by their servants agents and workmen without any delay or interruption from any person whomsoever enter into any lands grounds or hereditaments adjoining or near to the new canal (not being a garden orchard or plantation attached or belonging to a house nor a park planted walk avenue or ground ornamentally planted and not being nearer to the mansion house of the owner of any such lands than five hundred yards therefrom) and dig for work get and carry away and use all such stones and gravel and other materials as may be necessary or proper for the purposes aforesaid without the consent of the owner or occupier of or other person interested in such lands doing as little damage thereto as the nature of the case will admit of and making full compensation to the owner and occupier or other person interested in such lands for all damages which may be done by digging for working getting and carrying away and using all such stones gravel and other materials which compensation shall in case of difference be determined and recovered in the manner provided by the Lands Clauses Consolidation Act 1845 for determining questions of disputed compensation. Provided that nothing in this Act contained shall prevent the owner occupier or other person interested in any lands which may be injured by reason of the escape of water from the new canal caused by the neglect of the Undertakers or the insufficiency or want of repair of any of the works of the new canal from recovering from the Undertakers in any court of competent jurisdiction any loss or damage in respect of the injury which such owner occupier or other

Works damaged by floods or accidents may be repaired by Undertakers.

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person may sustain and which he would but for the other provisions of this Act be entitled to recover from the Undertakers.

Power to divert waters.

23. Subject to the provisions of this Act the Undertakers may at any time and from time to time divert into the new canal and the canal widening respectively the waters of the River Dun Navigation and of the Knottingley and Goole Canal and the owners for the time being of such navigation and canal respectively shall allow the waters thereof to be so diverted free of charge Provided that the Undertakers shall not without the consent of the owners thereof do or knowingly permit to be done any act or thing whereby the waters of the River Dun Navigation shall be drawn down or caused to flow into the new canal except for the purpose of supplying the same with water for the navigation of and for working and maintaining the new canal and of passing vessels through any lock on the new canal in the ordinary conduct of traffic.

Period for completion of works.

24. If the new canal and the canal widening respectively are not completed within ten years from the passing of this Act then on the expiration of that period the powers of this Act granted to the Undertakers for making and completing the new canal and the canal widening respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

Works below high-water mark not to be commenced without consent of Board of Trade.

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

Saving rights of the Crown in the foreshore.

26. Nothing contained in this Act shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any

right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. A.D. 1891.

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

28. The Undertakers may from time to time erect or otherwise provide such warehouses storehouses sheds or other buildings cranes lifts machinery works and conveniences for the depositing storing keeping loading and unloading any goods conveyed or intended to be conveyed upon the new canal as may be necessary or convenient for the accommodation thereof. Power to construct warehouses &c.

29. The canal widening by this Act authorised shall form part of the Knottingley and Goole Canal and subject to the provisions of this Act shall for all purposes including tolls be treated and dealt with as such and shall be controlled and managed by the Undertakers and their officers and servants accordingly. Canal widening to form part of Knottingley and Goole Canal.

30. The Undertakers may from time to time demand and take for the tonnage of goods conveyed on the new canal any tolls not exceeding the tonnage tolls specified in the second column of the schedule to this Act. Tonnage tolls.

31. The Undertakers may from time to time demand and take for all goods conveyed on the new canal for a less distance than three miles tolls as for three miles but the short distance charge hereby authorised shall not be made in respect of any goods conveyed partly on the new canal and partly on the River Dun Navigation or partly on the new canal and partly on the Knottingley and Goole Canal in respect of which any other short distance charge shall be made for conveyance of such goods on the River Dun Navigation or on the Knottingley and Goole Canal as the case may be. Short distances.

32. The Undertakers may demand and take as toll on any empty vessel or tug passing through any lock on the new canal any sum not exceeding five shillings Provided that this toll shall not be Tolls for empty vessels and tugs.

A.D. 1891. chargeable in respect of empty vessels on their return journey after having paid a toll for goods of not less than ten shillings and that if any toll shall have been paid upon an empty vessel which shall return carrying goods chargeable with a toll of not less than ten shillings the amount of toll paid on such empty vessel shall be deducted from the toll chargeable on such goods.

Wharfage rates.

33. The Undertakers may from time to time demand and take for goods loaded unloaded or transhipped at any wharf or landing-place on the new canal appropriated for public use any rates not exceeding the wharfage rates specified in the third column of the schedule to this Act and if any goods shall remain on any such wharf or landing-place for a longer period than six days the Undertakers may demand and take in respect thereof additional rates for every week or portion of a week during which such goods shall so remain after such period of six days not exceeding the wharfage rates in the said schedule specified.

Warehousing and craneage rates &c.

34. The Undertakers may charge such reasonable rates and charges for the use of any warehouses storehouses sheds buildings cranes lifts or other machinery and appliances provided by them in connexion with the new canal as they may think fit.

As to fractions of a mile.

35. For a fraction of a mile the Undertakers may charge on the new canal in respect of each quarter of a mile in such fraction one-fourth part of the toll authorised for one mile and a fraction of a quarter of a mile may be charged for as a quarter of a mile.

As to fractions of a ton.

36. For a fraction of a ton the Undertakers may charge on the new canal in respect of each quarter of a ton in such fraction one-fourth part of the toll authorised for a ton and a fraction of a quarter of a ton may be charged for as a quarter of a ton.

Tolls may be varied.

37. The Undertakers may from time to time alter or vary all or any of the tolls by this Act authorised to be taken either upon the whole or any particular portion of the new canal as they shall think fit provided the tolls as so altered or varied shall not exceed the tolls by this Act authorised to be taken.

Remission of tolls.

38. The Undertakers may from time to time confer exemptions from the whole or such portion as they think fit of any tolls payable under this Act in connexion with the new canal provided that every such exemption shall be made equally to all persons in respect of all vessels and goods falling within the same class or description and in the like circumstances.

New canal to be free on payment of tolls.

39. Subject to the provisions of this Act and any byelaws and regulations made in pursuance thereof and at the time in force all

persons shall have liberty to use the new canal or any part thereof with any vessels (not being pleasure or passenger vessels) and to use the wharves and landing-places on the new canal appropriated for public use for loading unloading or transhipping goods and to use the towing-paths along the new canal with men or other animals for hauling such vessels upon payment of such tolls as shall be demanded by the Undertakers not exceeding the tolls by this Act authorised Provided that such tolls shall be charged equally to all persons in respect of all vessels and goods falling within the same class or description and subject to the same tolls and in the like circumstances and no undue preference or partiality shall be shown in favour of the vessels or goods of any particular person over the vessels or goods of any other person Provided also that the Undertakers may from time to time close the new canal or any part thereof for the purpose of cleansing or repairing the same. A.D. 1891.

40. As soon as conveniently may be after the new canal shall be completed the Undertakers shall cause the same to be measured and posts with proper inscriptions denoting the distances to be erected on the side thereof at distances from each other of not more than one mile. New canal to be measured and mile-posts set up.

41. All tolls payable in respect of the new canal by virtue of this Act shall be paid to such person at such convenient place in such manner and under such regulations as the Undertakers shall direct or appoint and in case of refusal or neglect of payment of any such tolls or any part thereof on demand to the person appointed to receive the same as aforesaid the Undertakers may sue for and recover the same in any court of competent jurisdiction or the Undertakers or the person to whom such tolls ought to have been paid may seize and distrain the goods for or in respect of which any such tolls ought to have been paid or any part thereof or the vessel laden therewith or if the same shall have been removed from the new canal the Undertakers may seize and distrain any other goods upon the new canal belonging to the party liable to pay such tolls or any vessel belonging to such person and may detain the same until payment of such tolls shall be made together with reasonable charges for such seizure and distress and if such distress shall not be redeemed within five days next after the taking thereof may sell any such distress and out of the moneys arising from such sale may retain the tolls payable as aforesaid and all charges and expenses of such distress and sale rendering the surplus (if any) of the moneys arising by such sale and such of the goods or any vessel as shall remain unsold to the person entitled thereto. Recovery of tolls.

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Masters of
boats to give
an account of
their lading.

42. The master or other person having charge of any vessel navigating the new canal or any part thereof shall give to the collector of tolls or to any other officer of the Undertakers demanding the same a just account in writing (signed by the person or persons sending or consigning the goods or by his or their clerk or agent) of the goods embarked in such vessel which account shall contain a statement of the description quantities and weight of such goods and from whence the same have been brought and where the same are intended to be landed and if the goods contained in any such vessel shall be liable to the payment of different tolls then such account shall specify the quantities liable to the payment of each of the said tolls and in case the person having the charge of such vessel shall neglect or refuse to give such account or if the person or persons sending or consigning such goods or his or their clerk or agent shall knowingly sign a false account thereof every person so offending shall forfeit and pay to the Undertakers the sum of twenty shillings for every ton of goods (and so in proportion for any less quantity than a ton) which shall be in or be conveyed by such vessel over and above the tolls which shall be payable for the same.

In case of
difference
concerning
the weight
collector may
weigh &c.

43. If any difference shall arise between any collector of tolls and the master or other person having the charge of any vessel on the new canal or the owner of any goods concerning the description measure weight or quantity thereof the collector may stop and detain and unload any such vessel and check weigh measure or gauge or cause to be checked weighed measured or gauged such vessel and all such goods and in case the same shall upon such checking weighing measuring or gauging appear to be of a different description or of greater measure weight or quantity than the account given thereof by such master owner or other person then the master owner or other person giving in such account shall pay the costs and charges of such checking weighing measuring and gauging which costs and charges upon refusal of payment upon demand shall and may be recovered and levied in the same manner as the tolls are hereby appointed to be recovered and levied but if such goods shall appear to be of the description or of the same or of a less measure weight or quantity as or than in the account given thereof by the said master owner or other person then the Undertakers shall pay the costs and charges for such checking weighing measuring and gauging and shall also pay to such master owner or other person such damages (if any) as shall appear to any justice on a summary application made to him for that purpose to have arisen from such detention and in default of payment the same may

be recovered from the Undertakers in any court of competent jurisdiction. A.D. 1891.

44. If any person fraudulently carry or convey any goods on the new canal on payment of a lower toll than that to which such goods shall be subject or liable or shall do any other act with intent to evade the payment of any such toll he shall for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds over and above the toll due in respect thereof. Penalty for fraudulently evading payment of toll.

45. If any dispute arise concerning the amount of any toll due to the Undertakers in respect of the new canal the same shall from time to time be determined by a justice upon a summary application made to him for that purpose and the Undertakers may in the meanwhile detain any goods or vessel seized by them or (if the case so require) the proceeds of the sale thereof. For settling disputes as to the amount of toll.

46. It shall be lawful for any collector of tolls or other officer of the Undertakers to charge for goods conveyed by any vessel on the new canal according to the weight thereof declared by the gauge of such vessel. Tolls chargeable according to gauge weight.

47. The owner and the master or person having the charge of any vessel passing upon the new canal shall cause his name and place of abode and the name or number of his vessel to be entered with the Undertakers and shall cause such names or numbers to be painted on a black ground in large white capital letters and figures three inches high at the least and of a proportionate breadth on the outside of the head or stern of every such vessel higher than the place to which the same shall sink into the water when fully laden and shall upon demand permit and suffer every such vessel to be gauged weighed or measured at the expense of the Undertakers whenever it shall be required by them or any person appointed for that purpose at such place as the Undertakers shall appoint and the person so to be appointed to gauge weigh and measure any such vessel may from time to time enter in a book to be kept for such purpose the particulars of the measurement and weight thereof and may affix on such vessel a copper or other metal plate containing the gauge number weight and measurement thereof and every person who shall navigate any vessel on the new canal without having such names or numbers painted thereon or who shall remove deface or destroy any such gauge plate as aforesaid or shall affix any false plate on any vessel or who shall refuse to permit and suffer any vessel to be gauged and measured shall for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds. Owners and masters to put their names on outside of boats and boats to be gauged weighed and indexed.

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

48. If any agent toll collector wharfinger or other servant of the Undertakers occupying any house offices or buildings of the new canal without paying rent for the same shall be discharged from his office and shall not on demand by the Undertakers deliver up possession of such house offices buildings and appurtenances together with the books papers and other matters and things relating to the new canal in his custody power or possession or if the widow or family of any such agent toll collector 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 relating to the new canal in her his or their custody power or possession on such demand as aforesaid then and in either of such cases it shall be lawful for any justice and he is hereby required by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary 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 relating to the new canal 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.

Boat owners
to be
accountable
for damage.

49. The owner of every vessel navigated upon the new canal shall be answerable for any damage that shall be done by his vessel or by any boatmen watermen or other person belonging to or employed in or about the same to any of the aqueducts locks bridges culverts weirs dams engines banks fences houses or other works of the new canal and such owner may be sued for the same in any court of competent jurisdiction.

Owners
of vessels
paying
any damage
to recover
from their
servants.

50. In case the owner of any vessel navigated upon the new canal shall be compelled to pay any penalty or make satisfaction for any damages by reason of any act or default done or committed by his boatmen watermen or servants such boatmen watermen or servants shall be liable to repay such penalty or satisfaction (with the costs thereof if any) to such owner and in case of nonpayment upon demand the amount thereof may be recovered by such owner from such boatmen watermen or servants in like manner as any penalty imposed by this Act is to be recovered.

Power to
remove
goods de-
posited on

51. It shall not be lawful for any person without the consent of the Undertakers to deposit any goods on any towing-path or bank of

the new canal nor to deposit on any wharf or landing-place of the new canal any manure ashes bones soot rubbish ordure nightsoil whale blubber soap lees or other offensive matter or any gunpowder or other explosive and if any such articles or things shall be deposited on any such towing-path bank wharf or landing-place contrary to the provisions of this section it shall be lawful for the Undertakers forthwith to order and direct the removal thereof at the expense of the owner or other person depositing the same or to sell the same and retain out of the proceeds any toll due in respect thereof and the expense of such removal and sale thereof.

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towing-paths
or banks
&c. and
nuisances.

52. If any vessel shall be sunk in any part of the new canal and the owner or person in charge thereof shall not forthwith weigh draw up or remove the same the Undertakers may by their agents or servants weigh draw up or remove such vessel and detain and keep the same with her tackle and loading until payment be made of all the expenses relating thereto or sell such vessel and the tackle and loading thereof or a sufficient part thereof and thereout pay such expenses and the expenses of the sale returning to the owner of such vessel the overplus (if any) on demand or the Undertakers may if they think fit recover such expenses from the owner of such vessel in a court of summary jurisdiction.

Removal of
sunken
vessels and
recovery of
expenses
thereof.

53. The Undertakers may at any time prohibit the use or employment on the new canal of any vessel which may be unseaworthy or otherwise liable to sink or to obstruct the new canal and may remove any such vessel from the new canal and recover the expenses of so doing in the same manner as the expenses of weighing drawing up or removing sunken vessels are recoverable.

Prohibition
of use of
unseaworthy
vessels.

54. If any person navigating and having the charge of any vessel shall leave the same in any part of the new canal not securely moored or without a person on board capable of taking charge thereof or shall wilfully obstruct the new canal by wrongly navigating misplacing or otherwise misconducting any vessel and shall not immediately upon request made by any agent or servant of the Undertakers securely moor or place such a person on board or alter the situation of such vessel or otherwise stop or remove such obstruction as the case may require every person so offending shall for such offence forfeit to the Undertakers a sum not exceeding five pounds and also a sum not exceeding one pound for every hour during which such default shall continue after the making of such request and it shall be lawful for the agents or servants of the Undertakers or any of them to cause any such vessel to be properly moored or (if necessary) unloaded and removed and to seize and

Vessels
obstructing
the navi-
gation to be
removed.

A.D. 1891. detain such vessel and the tackle and loading thereof or any part of such tackle and loading until the charges occasioned by such mooring unloading and removal shall be paid.

Penalty for throwing rubbish into new canal and injuring new canal &c.

55. If any person shall throw any ballast gravel stones or rubbish into the new canal or carelessly or negligently allow any vessel to strike the gates sills walls or other works of any aqueduct lock or bridge on the new canal or wilfully flush draw off or abstract the water from the new canal or otherwise misspend 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 or other work of the new canal or do any other hurt or mischief to the new canal 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.

Power to make bye-laws.

56. The Undertakers may from time to time make alter and repeal such byelaws as they think fit for all or any of the following purposes (that is to say) :—

For regulating the use of the new canal and of the locks wharves landing-places towing-paths and other works thereof ;

For regulating the size and description of vessels which may use the new canal and the mode of propelling the same ;

For regulating the rate of speed at which vessels may proceed along the new canal and the mode of navigating such vessels ;

For regulating the towing of vessels on the new canal and the number of vessels which may be towed in one train ;

For regulating the use of steam towage on the new canal ;

For regulating the gauging weighing measuring and marking of vessels using the new canal ;

For regulating the duties and powers of the lock keepers store keepers and other officers and servants employed on the new canal ;

For regulating the passage of vessels through and along the locks aqueducts and other works of the new canal ;

For regulating the times and manner of paying and the places for payment of the tolls payable in respect of the new canal ;

For regulating the conduct and behaviour of boatmen watermen drivers and other persons employed upon the new canal ;

For regulating the times and manner of opening and closing bridges whereby any road is carried over the new canal and for regulating the passage of vessels through such bridges ;

For preventing obstruction to the new canal and damage or injury thereto or to any vessel or goods using the new canal ;
For preventing or regulating bathing fishing or other sporting in or on the new canal ;
For regulating the use of the cranes weighing machines and other machinery and apparatus of the Undertakers.

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57. The Undertakers shall two months at least before submitting any byelaws proposed to be made by them under this Act for the allowance of the Board of Trade give notice of their intention to apply for such allowance in a newspaper published at Sheffield Goole and Hull respectively and deposit printed copies of the proposed byelaws for inspection and sale at a price not exceeding one penny for each copy at the principal office of the Undertakers at Leeds Goole and Hull.

As to bye-laws.

58. Any person who offends against any byelaw made in pursuance of this Act shall be liable for every offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings for every day such offence shall continue after conviction therefor and such penalties shall be in addition to any damages which may be recoverable for any loss damage or injury consequent on such offence.

Penalty for breach of byelaws.

59. The production of a written or printed copy of any byelaws made under this Act signed and certified by three of the Undertakers to be a true copy and to have been duly allowed by the Board of Trade shall until the contrary is proved be evidence in all legal proceedings of the existence and due making of such byelaws without further or other proof.

Evidence of byelaws.

60. In the event of the Sheffield Navigation Company acquiring the River Dun Navigation and the other canals mentioned in the Sheffield and South Yorkshire Navigation Act 1889 and the same becoming vested in the Sheffield Navigation Company then subject to the provisions of this Act the Undertakers shall (unless otherwise agreed between them and the Sheffield Navigation Company) construct or if already commenced proceed with the construction of the new canal at the joint and equal expense of the Undertakers and of the Sheffield Navigation Company and when completed and opened for traffic and the Sheffield Navigation Company shall have paid to the Undertakers their proportion of the expense thereof as herein-after mentioned and all interest thereon (if any) the new canal and all lands acquired for the purposes thereof shall be by virtue of this Act vested in the Undertakers and the Sheffield Navigation Company as their joint property in equal shares and

Provisions as to joint ownership of the new canal.

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thereafter all the provisions of this Act and the powers rights privileges and obligations thereby conferred or imposed upon the Undertakers in relation to the new canal shall (so far as the same may be still operative) be construed and have effect as if the same were enacted and applied to or with reference to the Sheffield Navigation Company and the Undertakers jointly instead of to or with reference to the Undertakers alone save so far as such construction may be repugnant to or inconsistent with the context and subject to the provisions for the maintenance management regulation and working of the new canal by the joint committee herein-after contained And the following provisions with respect to the construction of the new canal and the joint ownership thereof shall in the events aforesaid apply and have effect (that is to say):—

- (1) All works connected with the new canal shall after the acquisition and vesting of such navigation and canals by and in the Sheffield Navigation Company as aforesaid be executed by the Undertakers according to working plans sections and specifications to be agreed on between the Undertakers and the Sheffield Navigation Company and to the reasonable satisfaction of the chief engineer for the time being of the Sheffield Navigation Company or in case of any difference arising between the Undertakers and the Sheffield Navigation Company or their said engineer relating to such plans sections and specifications or the nature of or necessity for or the mode of executing any of such works then the same shall be executed by the Undertakers according to working plans sections and specifications and in such manner as shall be determined by an engineer to be appointed by the Board of Trade on the application of the Undertakers and the Sheffield Navigation Company or either of them;
- (2) The Sheffield Navigation Company shall from time to time after such acquisition and vesting as aforesaid upon the request in writing of the Undertakers under the hand of their secretary pay to the Undertakers one half of all expenses which shall from time to time be certified by the chief engineer of the Undertakers and of the Sheffield Navigation Company respectively or in case of difference by an engineer to be appointed by the Board of Trade on the application of the Undertakers and the Sheffield Navigation Company or either of them to have been incurred by the Undertakers in and about the construction of the new canal and the purchase of land therefor and all other expenses incurred by the Undertakers in connexion therewith (including such expenses (if any) as may have been incurred

before such acquisition and vesting as aforesaid and including the costs of this Act) and in case any sum which ought to have been paid by the Sheffield Navigation Company to the Undertakers under or by virtue of this sub-section shall remain unpaid for one month after request for payment by the Undertakers in manner aforesaid the amount in arrear shall while in arrear bear interest at the rate of four per centum per annum and any such sum and interest thereon (if any) may be recovered by the Undertakers as a debt in any court of competent jurisdiction ;

(3) As soon as the new canal shall have become jointly vested in the Undertakers and the Sheffield Navigation Company as aforesaid the directors of the Undertakers and of the Sheffield Navigation Company respectively shall appoint three members from their respective boards of directors to be a joint committee to be called the " Aire and Calder and River Dun Navigations Joint Committee " and the members so appointed shall except in case of death resignation or removal continue in office until their successors are appointed ;

(4) In the month of May next after the first appointment of members of the joint committee and in the same month in every succeeding year the said directors shall respectively appoint three of their number to be members of the joint committee for the ensuing year and the members so appointed in any year shall except as aforesaid continue in office till the appointment of their successors and any retiring members shall (if qualified) be eligible for re-appointment Any member of the joint committee may resign or be removed by the board of directors who appointed him and any casual vacancy occurring in the joint committee by the death resignation or removal of any member may be filled by the board who appointed the vacating member but the person appointed to fill a casual vacancy shall hold office so long only as the vacating member would have held office Each appointment or removal of any member of the committee shall be evidenced by writing under the hands of at least three of the directors and the clerk or secretary of the board making such appointment or removal and every resignation by writing under the hand of the resigning member ;

(5) The first meeting of the joint committee shall be summoned by the secretary of the Undertakers and shall be held at Leeds within one month after their appointment Subsequent meetings shall be held at such times and places as the joint committee shall from time to time determine Provided that a meeting may and shall be summoned by the clerk or other authorised officer

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of the joint committee at any time on the written requisition of any two members of the committee for a day not less than seven (unless the necessities of the case require a shorter notice) and not more than twenty-one clear days from his receipt of such requisition and any such special meeting shall be held at such place as shall be specified in the notice calling the meeting ;

- (6) The joint committee shall at their first meeting after the first or any subsequent annual appointment of the committee appoint one of their number to be chairman of the committee who shall hold office until his successor is appointed ;
- (7) The first chairman shall be appointed from among the members of the committee appointed by the directors of the Undertakers and the second chairman shall be appointed from among the members of the committee appointed by the directors of the Sheffield Navigation Company and thenceforward the chairman shall be appointed alternately from among the members appointed by the directors of the Undertakers and from among the members appointed by the directors of the Sheffield Navigation Company Provided that at any meeting for the appointment of a chairman the joint committee may by the vote of a majority of the members of such committee appoint as chairman for the then ensuing year any member of the committee and the chairman so appointed shall as concerns the appointment of any subsequent chairman be held to have been appointed from among the members of the committee appointed by the directors whose nominee he is A casual vacancy in the office of chairman shall be filled by the appointment of a member of the joint committee qualified as the vacating chairman was qualified who shall hold office so long only as the vacating chairman would have held office In case of the absence of the chairman from any meeting the members of the committee present at such meeting shall choose from among themselves a chairman to preside at that meeting ;
- (8) At the meetings of the joint committee the quorum shall be three and all questions shall be determined by a majority of votes of the members present and in case of an equal division of votes the chairman shall not have a casting vote ;
- (9) In the event of an equal division of votes on any question such question may either be postponed for the decision of a future meeting of the joint committee and so from time to time or on the requisition of any two or more members of the committee such question shall forthwith be referred to arbitration in manner herein-after provided ;

- (10) Subject as aforesaid the joint committee may regulate their proceedings as they think proper and no proceeding of the committee shall be invalidated by any vacancy in their number or want of qualification in any of their members or any irregularity or want of form ;
- (11) The joint committee shall keep books of account of all their receipts credits payments and liabilities and also books in which shall be entered minutes of all their proceedings ;
- (12) The directors general managers secretaries and accountants of the Undertakers and of the Sheffield Navigation Company may at all reasonable times inspect the account books minute books and all other books accounts minutes reports and writings in the possession or custody of the joint committee and take copies of and extracts from the same as they respectively think fit ;
- (13) The joint committee shall from time to time appoint remove and fix the salary or remuneration of a secretary and other officers to conduct the business of the joint committee and the officers from time to time employed on and in connexion with the new canal ;
- (14) The maintenance of the new canal and works thereof and the management regulation and working of the same and of the traffic on the new canal and all affairs connected therewith shall be vested in and under the sole direction of the joint committee and that committee may for the purposes thereof exercise perform and have the benefit of and shall be subject to all the powers rights privileges provisions and obligations in relation to the new canal by this Act conferred or imposed on or enacted with reference to the Undertakers or on or to the Undertakers and the Sheffield Navigation Company jointly ;
- (15) The joint committee shall fix collect and receive the tolls and other receipts for traffic using the new canal and the wharves landing-places warehouses sheds cranes and other works machinery and appliances thereof and the rents in connexion therewith and such receipts after deducting the expenses of maintenance management regulation and working of the new canal shall be divided between or the amount of payments in excess of the receipts (as the case may be) shall be borne and paid by the Undertakers and the Sheffield Navigation Company in equal proportions ;
- (16) The production of a written or printed copy of any byelaws made by the joint committee under the powers of this Act certified by three members of the joint committee and their

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secretary to be a true copy and to have been duly allowed by the Board of Trade shall until the contrary is proved be evidence in all legal proceedings of the existence and due making of such byelaws without further or other proof;

- (17) Any question arising among the members of the joint committee which shall be referred to arbitration as herein-before provided shall be determined by an arbitrator to be appointed by the Undertakers and the Sheffield Navigation Company or in case of difference as to such appointment by an arbitrator to be appointed by the Board of Trade on the application of the Undertakers and the Sheffield Navigation Company or either of them and the decision of such arbitrator shall in every case be binding upon the Undertakers and the Sheffield Navigation Company and also the joint committee and the expense of every such reference including incidental expenses shall unless the arbitrator otherwise directs be charged as part of the general working expenses of the new canal.

As to profits
&c. of new
canal
previously
to joint
ownership
taking effect.

61. In the event of the new canal being opened for traffic previously to the Sheffield Navigation Company becoming joint owners thereof the Undertakers shall upon the Sheffield Navigation Company becoming such joint owners account for and pay to the Sheffield Navigation Company one half of any net profits which the Undertakers may have received from the working of the canal under the powers of this Act previously to such joint ownership and on the other hand as the case may be the Sheffield Navigation Company shall pay to the Undertakers one half of any loss which may have been incurred by the Undertakers from such working.

Capital for
future im-
provements.

62. If the Sheffield Navigation Company become joint owners of the new canal as aforesaid any future capital which may be required for altering improving or extending the new canal or the works and conveniences connected therewith shall unless otherwise agreed be provided by the Undertakers and the Sheffield Navigation Company in equal moieties.

Property to
stand vested
in trustees of
navigation.

63. All lands purchased taken or used by the Undertakers by virtue of the powers of this Act for the purposes thereof and all messuages buildings and works erected or made under the powers of this Act shall (subject to the provisions of this Act herein-before contained as to the joint ownership of the new canal) be vested and held in trust for the purposes of this Act in and by the same trustees their heirs and assigns and with the like indemnification as the property in the navigation of the Rivers Aire and Calder and the lands buildings and hereditaments acquired and erected in connexion

therewith are by virtue of the Acts heretofore passed relating to the said navigation vested. A.D. 1891.

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

65. Notwithstanding any Act relating to the Undertakers all future general assemblies of the Undertakers may be held at such hour on the first Monday in May or on such subsequent day within fourteen days thereof as the committee of directors of the Undertakers shall from time to time determine. As to time and date of general assemblies of Undertakers.

66. The Sheffield Navigation Company may apply for the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise and which may not be required for the purposes for which the same were authorised to be raised. Power for Sheffield Navigation Company to apply funds to purposes of Act.

67. The Sheffield Navigation Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of this Act any additional capital not exceeding in the whole the sum of eighty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively Provided that not more than one half of such additional capital shall be raised by the issue of preference shares or stock and that the Sheffield Navigation Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof. Power to Sheffield Navigation Company to raise additional capital.

68. Except as by this Act otherwise provided the capital in new shares or stock created by the Sheffield Navigation Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the original capital of the Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock:

A.D. 1891. — Sheffield Navigation Company of the same class or description and the new shares or stock were shares or stock in that capital.

And to form part of the capital of Sheffield Navigation Company.

Dividends on new shares or stock.

69. The capital in such new shares or stock so created shall form part of the capital of the Sheffield Navigation Company.

70. Every person who becomes entitled to such new shares or stock shall in respect of the same be a holder of shares or stock in the Sheffield Navigation Company and shall be entitled to a dividend with the other holders of shares or stock of that company of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

71. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

Receipt clause in case of persons not sui juris.

72. If any money is payable by the Sheffield Navigation Company to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Sheffield Navigation Company.

Power to Sheffield Navigation Company to borrow.

73. The Sheffield Navigation Company may in respect of every twenty thousand pounds of the additional capital which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole five thousand pounds but no part of any of the above-mentioned sums of five thousand pounds shall be borrowed until shares or stock for the respective portions of the said additional capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half of such portion of capital is paid up and the Sheffield Navigation Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for the whole of such portion of capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share and the whole amount of the stock in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or

A.D. 1891.

their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Sheffield Navigation 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.

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

For appointment of a receiver.

75. The principal moneys secured by all mortgages granted by the Sheffield Navigation Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Former mortgages of Sheffield Navigation Company to have priority.

76. The Sheffield Navigation Company may create and issue debenture stock subject to the provisions of section fourteen of the Sheffield and South Yorkshire Navigation Act 1889.

Power to the Sheffield Navigation Company to create debenture stock.

77. All moneys raised by the Sheffield Navigation Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act to which capital is properly applicable and subject thereto to the general purposes of their undertaking.

Application of moneys raised by Sheffield Navigation Company.

78. Section twenty-four of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the new canal in all respects as if it had been constructed at the time of the passing of that enactment Provided that the time within which the revised schedule of maximum tolls rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be six months from the completion and opening for traffic of the new canal or such further time as the Board of Trade may permit.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of tolls.

79. The provisions of the Public General Acts of the eighth and ninth years of the reign of Her present Majesty chapters twenty-eight and forty-two shall apply to the new canal as if it had been

8 & 9 Vict. cc. 28 & 42 to apply to new canal.

[Ch. clxx.] *Aire and Calder and River Dun* [54 & 55 VICT.]
Navigations Junction Canal Act, 1891.

A.D. 1891. — constructed under the powers of an Act passed previously to the passing of the said Acts.

New canal to be subject to provisions of general Acts. **80.** Nothing herein contained shall be deemed or construed to exempt the new canal from the provisions of any general Act now in force or which may hereafter be passed relating to canals or from any future revision or regulation under the authority of Parliament of the tolls authorised to be taken by this Act.

Costs of Act. **81.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall (subject as herein-before provided) be paid by the Undertakers.

The SCHEDULE referred to in the foregoing Act.

TONNAGE TOLLS AND WHARFAGE RATES.

Articles.	Tonnage Tolls.		Wharfage Rates.	
	Per ton per mile. s. d.		Per ton. s. d.	
For coal culm coke cinders (coal) charcoal gannister gravel iron ore ironstone iron pyrites lime limestone manure (street stable and farmyard) nightsoil purple ore stone and undressed material for the repairs of roads sand slag or scoria (blast furnace) and salt -	0	0½	0	3
For bricks clay iron and steel puddled bars blooms and billets pig iron slates and stone - - -	0	0¾	0	3
For grain iron and steel forgings and castings and timber	0	1	0	6
For general merchandise and all other unenumerated articles - - - - -	0	1½	0	6

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