



CHAPTER cxlvi.

An Act for incorporating the Wharfe River Navigation Company and empowering them to make the waterway of the River Wharfe navigable between Tadcaster and the River Ouse in the West Riding of the County of York and for other purposes. A.D. 1890.
[4th August 1890.]

WHEREAS the altering straightening and deepening of the River Wharfe in the manner provided by this Act so as to make the same navigable between Tadcaster and its junction with or outfall into the River Ouse in order to facilitate and expedite the passage of barges boats and other vessels between the Ouse and the town of Tadcaster with a tramway in connexion therewith would be of public and local advantage :

And whereas the persons in this Act named are willing with others at their own expense to execute such works and are desirous of being incorporated into a Company for that purpose with power to act as carriers on the navigation and elsewhere :

And whereas it is expedient that the Company when so incorporated should be empowered to make such agreements with the Ouse Navigation Trustees as are herein-after contained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act (including a weir and lock not so authorised) and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are herein-after referred to as "the deposited plans sections and books of reference" :

And whereas the objects 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

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A.D. 1890. — the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the *Wharfe River Navigation Act* 1890.

Incorporation of Acts. 2. The following Acts and parts of Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 :

The Lands Clauses Acts :

The Harbours Docks and Piers Clauses Act 1847 except sections sixteen seventeen eighteen nineteen twenty-five and twenty-six :

Part III. (relating to working agreements) of the Railways Clauses Act 1863 : and

Section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

Interpretation of terms. 3. In the construction of this Act the following expressions shall have the meanings hereafter assigned to them respectively unless there be something in the subject matter or context repugnant to such construction :

The expression “the Company” means the *Wharfe River Navigation Company* incorporated by this Act ;

The expression “the navigation” means and includes the navigation works tramways and other works by this Act authorised ;

The expression “the tramway” or “the tramways” means the tramways and works connected therewith authorised by this Act or any part thereof ;

The expression “the undertaking” means the undertaking of the Company ;

The expression “Ouse Navigation Trustees” means the lord mayor aldermen and citizens of the city of York acting as trustees or other the trustees appointed or acting by or by virtue of any Act of Parliament for improving the navigation of the River Ouse in the county of York ;

The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such meanings.

4. The limits of the Wharfe River Navigation shall comprise the River Wharfe as now existing and as authorised to be improved by this Act from the weir at or near the Soke Mill at Tadcaster to the River Ouse and the banks and towing-paths of the River Wharfe and all staithes wharves quays landing-places warehouses sheds and other works now or hereafter belonging to the Company situate in or upon the banks of or adjoining the said River Wharfe between the said weir and the River Ouse and subject to the provisions of this Act the Company shall and may exercise within the limits above defined all the powers and authorities conferred on them by this Act.

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—
Limits of
Wharfe
Navigation.

INCORPORATION OF WHARFE RIVER NAVIGATION COMPANY.

5. Henry Herbert Riley Smith John Bromet Frank Riley Smith and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of constructing the works by this Act authorised with all proper approaches and conveniences connected therewith and for the other purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Wharfe River Navigation Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

6. The capital of the Company shall be eight thousand pounds in eight hundred shares of ten pounds each.

Capital.

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

Shares not
to be issued
until one
fifth paid.

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

Calls.

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

Receipt in
case of
persons not
sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding two thousand pounds but no part thereof

Power to
borrow.

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A.D. 1890. shall be borrowed until the whole of the capital of eight thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

11. The mortgagees of the 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 two hundred pounds in the whole.

Application of moneys.

12. All moneys raised under this Act whether by shares or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

14. The number of directors shall not be less than three nor more than five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

15. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

16. The quorum of a meeting of directors shall be three.

First directors.

17. Henry Herbert Riley Smith John Bromet Frank Riley Smith and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply

Election of directors.

the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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LANDS.

18. Subject and according to the provisions of this Act the Company may from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference which they may require for the purposes of this Act but if any portion of a towing-path is required to be taken the Company shall provide a diverted or substituted towing-path before closing any portion of an existing towing-path.

Power to
take lands
easements
&c.

19. Subject to the provisions of this Act the Company may for the purpose of the undertaking stop up vary or extinguish all or any existing rights and privileges of way over or across any lands acquired by them compulsorily under the provisions of this Act and they may subject as aforesaid and for the purpose aforesaid extinguish all other rights or privileges in over or affecting such lands which may in the opinion of the Company interfere with them in carrying into effect any of the purposes of this Act Provided that before exercising any of the powers of this section in relation to the stopping up of any existing right of way they shall provide and open a diverted or substituted way of equal convenience.

Power to
stop up ways
and extin-
guish rights.

20. The Company may (in addition to the lands they are authorised to acquire and hold by the other powers of this Act) from time to time for all or any of the purposes of this Act by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole ten acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which may be deemed necessary by the Company and may appropriate all or any part thereof for all or any of the purposes of this Act but nothing in this Act shall exempt the Company from any action indictment or other proceeding for

Power to
acquire
additional
lands and
easements
&c. by agree-
ment.

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A.D. 1890. nuisance in the event of any nuisance being created by them on any such land.

Consideration for such acquisition.

21. The consideration for any acquisition of land or of any easement right or privilege under the provisions of this Act may be either money or land or any yearly sum or rentcharge or other rent or a mixed consideration of money and land and on any exchange the Company may give or take any money for equality of exchange.

Power to take easements &c. by agreement.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in or 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.

Period for compulsory purchase of lands.

23. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

24. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other 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 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.

WHARFE RIVER NAVIGATION WORKS.

Power to dredge &c.

25. Subject to the provisions of this Act the Company may from time to time dredge scour deepen and render navigable the bed and channel or waterway of the River Wharfe and straighten repair and improve the banks thereof from Soke Mill at Tadcaster to the River Ouse in the west riding of the county of York.

Company may provide steam

26. The Company from time to time may build purchase hire provide and use vessels to be worked by steam or otherwise at their

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discretion for dredging scouring cleansing and deepening the bed of the river.

dredgers and other machinery.

27. The Company may appropriate and use or sell and dispose of the materials dredged or removed from the bed banks and fore-shore of the said river and proposed new channels and other works.

Power to use materials dredged.

28. For the protection of the riparian owners and of their banks walls and works the following provisions shall be observed and have effect:—

For the protection of the riparian owners.

(A) If by or in consequence of the exercise of any of the powers by this Act conferred upon the Company of deepening dredging altering or improving the bed shores or banks of the River Wharfe or if by or in consequence of the deposit of materials or the execution construction or carrying out by the Company of any works in upon or adjacent to such bed shores or banks of the River Wharfe the banks walls or other works of the riparian owners or any of them are at any time undermined or otherwise rendered insecure or are injured in any way or if by or in consequence of the exercise of any of the powers by this Act conferred upon the Company any injury shall be occasioned to the outfalls of the drains discharging into the River Wharfe or if the free discharge of those outfalls or any of them be in any way prejudicially interfered with by or in consequence of any act or deed of the Company then and in such case the Company shall at their own expense forthwith and by all necessary means efficiently repair the injury to the said banks walls outfalls or works and shall compensate the riparian owners or owner as the case may be for any damage or loss thereby occasioned and shall indemnify the riparian owners or owner as the case may be against all claims (if any) for any loss or damage occasioned by such undermining or other injury to the said banks walls outfalls or works In default of the Company executing the necessary repairs to such banks walls outfalls or works within twenty-eight days after notice given by any such owners or owner as aforesaid to the Company the owners or owner may themselves execute such repairs and recover the cost thereof from the Company ;

(B) Any difference which may arise between the Company and any riparian owner under the provisions of this Act or with reference thereto shall from time to time be referred to an arbitrator to be nominated on the application of either party by the Board of Trade and such difference shall be determined by him in manner provided by the Arbitration Act 1889 ;

(c) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of any

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riparian owners or owner or exonerate or relieve them or any or either of them of any obligation in regard to the said banks walls outfalls or other works otherwise than is herein expressly provided.

For the protection of the West Riding County Council.

29. For the protection of the county council of the west riding of the county of York (in this section called "the council") the following provisions shall have effect unless otherwise agreed on in writing between the council and the Company (that is to say) :—

- (1) Before the Company dredge or excavate any portion of the bed bank channel or waterway of the River Wharfe one hundred yards above and one hundred yards below the bridge at Tadcaster or do any work whereby the scour of the said river between those points will be increased they shall give to the council twenty-eight clear days notice in writing specifying the place or places at which such dredging excavation and work is to be executed and the time at which the same shall be commenced accompanied by plans sections and specifications showing the position depth extent and nature of the intended dredging excavation and work and if prior to the expiration of such notice the council or any committee thereof shall object to such dredging excavation or work and thereof shall give notice to the Company in writing then the Company shall not proceed with such dredging excavation or work until the Company and the council have agreed as to what dredging excavation or work (if any) can be executed with due regard to the safety of Tadcaster Bridge and the road over the same and in default of such agreement within twenty-one days from the last-mentioned notice any difference or dispute with regard to such dredging excavation or work shall be determined by an engineer to be appointed by the Board of Trade on the request either of the Company or the council. Provided always that nothing herein contained shall be construed to defeat abrogate or lessen any right or remedy (if any) the council have to recover from the Company full compensation for any injury occasioned by their works or operations to the said bridge or road ;
- (2) All the works referred to in this section and all other works executed under the authority or in pursuance of any of the provisions of this Act and connected with or affecting the said bridge or the bed bank channel or waterway of the River Wharfe between the said points shall be constructed according to the plans sections and specifications so previously submitted to and reasonably approved in writing by the surveyor to the council and the Company shall not commence the construction of the said works until such plans sections and specifications

have been so submitted and approved Provided always that A.D. 1890.
if the said surveyor shall for the period of fourteen days neglect
or refuse to approve such plans sections or specifications or shall
disapprove the same then the said works shall be constructed
according to the plans sections and specifications to be sub-
mitted to and approved by the engineer so to be appointed by
the Board of Trade ;

(3) Any such works as aforesaid shall be executed by and in all
things at the expense of the Company and under the super-
intendence and to the reasonable satisfaction of the surveyor to
the council and the Company shall on demand pay the reason-
able costs and charges incurred by the council in or about such
superintendence or in or about the inspection or approval of
plans sections or specifications or incidental thereto ;

(4) Any difference which may arise between the Company and
the council under this section or with reference thereto shall
unless the settlement thereof is otherwise provided for be from
time to time settled by a single arbitrator to be appointed by
the Board of Trade.

30. If during the progress of the works by this Act authorised to be constructed affecting the River Wharfe or at any time after the completion of the same or any part thereof any impediment by silting shall be thereby caused to the navigation of the River Ouse or to the drainage capacity thereof so as to be prejudicial to the interest of any place situate on or drainage area having outfall into the said river the Board of Trade upon the application of the Ouse Navigation Trustees may if they think fit by proceeding in any court of competent jurisdiction compel the undertakers to abate and remove such impediment Provided always that no such proceeding shall be taken unless within twelve months next after the passing of this Act a proper survey or proper surveys and plans and longitudinal and cross sections referred to one convenient fixed datum point described thereon of the bed and foreshore of the said river showing the level of high and low water at ordinary spring and neap tides and the position and condition of the channels thereof shall have been made by some competent person appointed by the Board of Trade which survey or surveys and plans and sections the Board of Trade may order to be made upon the application of the said Ouse Navigation Trustees such survey or surveys to be taken at such period or periods and to extend to such portion of the said river as the Board of Trade shall think fit and the costs of making such survey or surveys and plans and sections shall be paid by the Ouse Navigation Trustees and any expenses incurred by the Board of Trade in the matter of such appointment shall be provided for in

For the pro-
tection of the
Ouse Navi-
gation
Trustees.

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A.D. 1890. — the manner specified in the Board of Trade Arbitrations &c. Act 1874 and the said plans and sections shall be deposited with the clerk of the peace for the west riding of the county of York at his office at Wakefield and the provisions of the Act (Public) 1 Vic. cap. 83 shall apply to such plans and sections as if the same had been directed by the standing orders of either House of Parliament to be there deposited and a duplicate of the said plans and sections shall be deposited at the office of the Board of Trade.

Period for completion of works.

31. The river improvement by this Act authorised other than the tramway and street widening shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing such improvement or otherwise in relation thereto shall cease except as to so much thereof as may then be completed. Provided that the Company may at any time either before or after the expiration of the said period dredge repair and maintain the River Wharfe and works connected therewith.

For protection of the North-eastern Railway Company.

32. In the exercise of the powers by this Act granted the Company shall not do any unnecessary damage to the railway and works of the North-eastern Railway Company nor shall the Company without the consent of the North-eastern Railway Company take use or interfere with any land or property at any time belonging to the said railway company.

Power to act as carriers :

33. The Company may carry on the business of carriers on the navigation and on any canals rivers or navigations communicating therewith either directly or by means of any intermediate canal river or navigation with all the rights powers and privileges and subject to all the conditions prescribed by the Act 8 and 9 Victoria chapter 42 intituled "An Act to enable canal companies to become carriers of goods upon their canals" (excepting the provisions contained in section 12 of that Act) and for such purposes as aforesaid the Company may purchase hire construct repair work let on hire sell and deal in steam boats tug boats barges and other vessels and may construct wharves warehouses and any other works and conveniences required in connexion with the operations of the Company and may carry on any other business which can be conveniently carried on in connexion with any of those objects.

And to charge for services.

34. The Company may subject to the provisions of this Act charge any reasonable sum for loading and unloading goods at any of their staithes wharves quays or landing-places and for carting delivering or collecting the same and any other service incidental to the business and duty of carriers where any such service is performed

by the Company in addition to the other sums which they are by this Act authorised to charge. A.D. 1890.

35. The Company when and so soon as they have obtained a certificate in writing under the hand of an officer to be appointed by the Board of Trade and paid by the Company that a sum of not less than three thousand pounds has been expended by the Company in dredging deepening and improving the channel of the River Wharfe so as to afford adequate facilities for the navigation of that river and so long as they shall properly maintain such navigation may subject to the provisions of this Act charge for the use of the navigation any sums not exceeding the following (that is to say):—

- (1) In respect of goods articles minerals and things conveyed shipped unshipped or transhipped on the navigation the sums specified in the first part of the First Schedule to this Act;
- (2) In respect of animals and carriages conveyed shipped unshipped or transhipped on the navigation the sums specified in the second part of the First Schedule to this Act;
- (3) In respect of vessels using the navigation the sums specified in the third part of the First Schedule to this Act.

36. The Company may fix such reasonable charges for or in respect of the use of steam tugs or other towing power belonging to or licensed by them as they may from time to time subject to the sanction of the Board of Trade determine and such charges shall be paid by the owner or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Company or to the owner of such steam tug or other power if licensed by the Company as the case may be and such charges shall be due and payable whether such steam tug or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having command of such steam tug or other power. Power to charge for use of navigation.

37. The Company may charge for the use of warehouses sheds weighing machines planks stages rhones or cranes provided by them any sums not exceeding the sums specified in the Second Schedule to this Act and such sums shall be paid by the owner of the goods or the owner or person in charge of the vessel using such warehouses sheds weighing machines planks stages rhones or cranes respectively and may be recovered in the same manner as other sums chargeable under this Act. Charges for steam tugs.

38. If at any time after the Company commence to charge for the use of the navigation for public traffic in pursuance of the certificate aforesaid or after three years from the date of any order made Power to charge for use of weighing machines rhones and cranes &c.

38. If at any time after the Company commence to charge for the use of the navigation for public traffic in pursuance of the certificate aforesaid or after three years from the date of any order made Periodical revision of charges and classification.

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in pursuance of this section it is represented in writing to the Board of Trade by twenty traders habitually using the navigation or by the Company that under the circumstances then existing all or any of the sums payable in respect of the traffic on or the user of the navigation or the classification of such traffic should be revised the Board of Trade may if they think fit direct an inquiry by a referee to be appointed by the Board and if such referee shall report that it has been proved to his satisfaction that all or any of such sums or such classification should be revised the Board may make an order in writing altering modifying reducing or increasing all or any of such sums or revising such classification in such manner as they shall think fit due regard being had to securing to the Company a reasonable profit from their undertaking and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board made in pursuance of this section Provided always that the sums prescribed by any such order shall not exceed the sums by this Act authorised to be charged Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Power to use existing channels and works.

39. The Company may use for the purposes of traffic on their navigation any existing channels towing-paths and other conveniences connected therewith.

Byelaws for licensing and regulating passenger boats &c.

40. The Company after obtaining such certificate as aforesaid and so long as they shall properly maintain the navigation may from time to time make byelaws for prohibiting vessels or boats plying for the conveyance for hire of passengers within the limits of the navigation without a licence from the Company and for regulating the grant and revocation of and the charge to be made for such licences and the accommodation to be provided for passengers by licensed vessels or boats and for limiting the number of passengers to be conveyed therein and generally for regulating such vessels or boats.

Power to provide coal staithes &c.

41. The Company may from time to time on any land for the time being belonging to them construct and maintain coal staithes wharves quays and landing-places with all necessary and proper approaches sheds or other erections and conveniences and may demand and take for the use of such coal staithes wharves quays and landing-places such reasonable rates and charges as the Company shall from time to time subject to the sanction of the Board of Trade appoint.

Rates for use of staithes &c. to be charged equally.

42. The rates or charges for the use of any coal staithes wharves quays and landing-places provided by the Company under the authority of this Act shall at all times be charged equally to all persons using the staithes wharves quays and landing-places in respect of which the same are taken.

43. The rates or charges in respect of coal staithes wharves quays and landing-places shall be paid to such persons and at such places on or near the coal staithes wharves quays and landing-places in respect of which the same are payable and in such manner and under such regulations as the Company shall appoint.

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Recovery of charges.

44. The rates and tolls which the Company are authorised to charge by this Act shall at all times be charged equally to all persons in respect of all goods falling within the same class and of all vessels carrying the same description of cargo and in the like circumstances.

Rates to be charged equally.

45. The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

46. The Company may from time to time make byelaws for regulating the use of the coal staithes wharves quays landing-places and other works and conveniences belonging to them and the conduct of persons using or frequenting the same.

Byelaws regulating use of staithes &c.

47. The Company may from time to time as they shall think fit repeal or alter any byelaws made by them under the authority of this Act provided that such byelaws shall not be repugnant to the laws of England or the provisions of this Act and such byelaws shall be reduced into writing and have affixed thereto the common seal of the Company. Provided that instead of the confirmation required by section eighty-five of the Harbours Docks and Piers Clauses Act 1847 the byelaws made under this Act shall be confirmed by the Board of Trade and a copy of any such byelaws certified by the secretary to the Company to have been duly confirmed by the Board of Trade shall be evidence in the absence of proof to the contrary of the due making publication and confirmation of such byelaws.

Regulations as to bye-laws.

48. The Company may subject to the provisions of this Act from time to time make such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

Additional powers to Company to make bye-laws.

- (1) For preventing obstructions or impediments whether fixed or floating arising or being occasioned in the River Wharfe or at or in any works under their charge and for effectually

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removing the same and for raising sunken craft and protecting the navigation from danger of obstruction and for preventing accidents on the river on the occasion of any public event likely to cause the crowding of persons or vessels on the river or the crowding of persons on the banks thereof or any of the piers landing-places or wharves of the Company ;

(2) For berthing or removing vessels lying in any part of the river ;

(3) For the maintenance of the quays wharves and shores of the river so far as may be necessary to protect the navigation from obstruction and for removing and preventing obstructions or impediments on such quays and wharves ;

(4) For regulating the conduct of the owners masters and crews of steam vessels carrying passengers within the river with regard to keeping the fixed times of departure the speed and mode of navigating such vessels the keeping and exhibiting lights and the number colour and description of such lights and the taking on board and landing or putting out passengers

(5) For regulating the loading discharging and landing of timber and placing the same in timber ponds or depôts and regulating the manner and limiting the period of using such timber ponds and depôts and of entering and leaving the same ;

(6) For regulating the times and manner of paying and place of payment of rates authorised to be received or paid under the authority of this Act ;

(7) For imposing penalties in case of the breach of any byelaws :

Alteration
&c. of bye-
laws.

And subject as aforesaid such byelaws may at any time be varied altered or repealed as the Company may consider expedient.

Agreements
with Ouse
Navigation
Trustees.

49. The Company on the one hand and the Ouse Navigation Trustees and all other parties interested in the navigation of the River Wharfe between the town of Tadcaster and the River Ouse on the other hand may enter into and carry into effect agreements with reference to the use of the undertaking of the Company and of the said trustees and the locks and other works thereon and connected therewith and the interchange conveyance working and accommodation of the traffic thereon and for the purposes of this section or any agreement act matter or thing made or done in pursuance thereof the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 shall so far as the same are applicable be held to apply to the contracting companies or parties as if such companies or parties were railway companies and their respective undertakings were railway undertakings.

50. Except as in this Act expressly provided nothing in this Act contained shall prejudice affect or interfere with any rights privileges powers or authorities of the Ouse Navigation Trustees.

Saving rights of the Ouse Navigation Trustees.
Works below high-water mark not to be commenced without consent of Board of Trade.

51. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval. 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 Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

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

Survey of works by Board of Trade.

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

Abatement of work abandoned or decayed.

54. Nothing contained in this Act shall authorise the Company 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

Saving rights of the Crown in the fore-shore.

A.D. 1890. 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.

TRAMWAYS AND STREET WIDENING.

Construction
of tramways
and widen-
ing.

55. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Company may construct form lay down work use and maintain in accordance with the deposited plans and sections the tramways and street widening herein-after described in the township of Tadcaster West in the parish of Tadcaster with all proper rails plates points offices weighbridges stables carriage-houses works and conveniences connected therewith.

The tramways and street widening authorised by this Act are—

- (1) A tramway No. 1 (single line) two furlongs 7·80 chains in length commencing at a point on the west bank of the River Wharfe at or near the cottage and premises known as "the Old Crane Wharf" thence proceeding in a westerly direction along Crane House Lane to a point opposite the gasworks and thence in a northerly direction along Centre Lane and terminating at the end of the last-mentioned lane at a point where the same adjoins the High Street;
- (2) A tramway No. 2 (single line) seven chains in length commencing by a junction with Tramway No. 1 before described at a point in Crane House Lane fourteen yards or thereabouts measured in an easterly direction from the point of intersection of the centre lines of New Street and Crane House Lane thence proceeding in a westerly direction along Crane House Lane to New Street and thence northward along New Street and terminating at or opposite to the old brewery on the east side of New Street;
- (3) A widening of Crane House Lane on the south side thereof such widening to commence at or near the southern end of New Street aforesaid and extend eastward thereof for a distance of seven chains or thereabouts.

Deposit
money not to
be repaid
until line
opened.

56. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of two hundred and sixty-two pounds seventeen shillings whereof one hundred and two pounds seventeen shillings represents five per centum upon the amount of the estimate in respect of the tramways and one hundred and sixty pounds represents four per centum upon the amount of the estimate

in respect of the navigation works has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum of one hundred and two pounds seventeen shillings is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for public traffic Provided that if within such period as aforesaid the Company open any portion of the tramways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be transferred to them or as they direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1890.

57. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete and open the same for public traffic then and in every such case the deposit fund or so much thereof as shall not have been transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads

Application
of deposit.

A.D. 1890.

by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of
portion of
deposit not
applicable to
tramway.

58. On the application of the persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty chapter twenty or of the survivors or survivor of them or of the executors or administrators of the last survivor at any time after the passing of this Act the High Court may order the sum of one hundred and sixty pounds being four per cent. on the estimated expense of the navigation works by this Act authorised and the interest and dividends thereon to be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Period for
completion
of tramways
and widen-
ing.

59. If the tramways and widening are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Improve-
ments in
tramways.

60. The Board of Trade may from time to time upon the application of the local authority or the road authority require the Company to adopt and apply such improvements in the tramway including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all

reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements. A.D. 1890.

61. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Company at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

Penalty for not maintaining rails and road in good condition.

62. The tramway shall not be used for traffic until it has been inspected and certified to be fit for traffic by the Board of Trade.

Inspection by Board of Trade.

63. Every sewer authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the 32nd and 33rd sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Sewer authority to have access to sewers.

64. The tramway shall be constructed with two rails to be laid at a distance (reckoning from the inside of the groove of each rail) of three feet six inches from each other and shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road and the tramway shall be constructed in accordance with the provisions of this Act to the reasonable satisfaction of the surveyor for the time being of the local authority.

Mode of formation of tramway.

65. Where in any street or road there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing-place or places and by means of such passing-place or places the traffic shall when necessary be diverted.

Passing-places to be constructed.

66. If and whenever after the passing of this Act any road or street authority alters the level of any road or street along or across which any part of the tramway is laid the Company may and shall from time to time alter or (as the case may be) lay the rails so that the uppermost surface thereof shall be on a level with the surface of the road or street as altered.

Tramway to be kept on level of surface of road.

A.D. 1890.

Repair of
part of road
where tram-
way is laid.

67. Subject to the provisions of this Act the Company shall at their own expense at all times maintain and keep in good condition and repair and as to any particular street or road or part of a street or road if required by the street or road authority pave and keep paved with such materials and in such manner as the street or road authority shall direct and to their satisfaction so much of any street or road whereon any single line of tramway is laid as lies between the rails of the tramway and so much of the street or road as extends three feet beyond the rails of and on each side of the tramway. If the Company abandon and take up the tramway or part of the tramway by this Act authorised they shall with all convenient speed and in all cases within six weeks at the most (unless the street or road authority otherwise consents in writing) fill in the ground and make good the surface and to the reasonable satisfaction of the street or road authority restore the portion of the street or road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon and clear away all surplus paving or metalling and they shall in the meantime cause the place where the street or road is opened or broken up to be fenced and watched and to be properly lighted at night. If the Company fail to comply with the provisions of this section the street or road authority if they think fit may themselves at any time after seven days notice to the Company open and break up the street or road and do the works necessary for the repair and maintenance or restoration of the street or road to the extent in this section mentioned and the expense incurred by the street or road authority in so doing shall be repaid to them by the Company.

Construction
and main-
tenance of
sidings &c.
if required
by local
authority.

68. Whenever the local authority shall or may at any time desire to have constructed any junction siding refuge or resting-place in any street or road in which the tramway authorised by this Act may be laid the Company shall upon demand of the local authority but subject to the provisions of this Act and to the approval of the Board of Trade in case of difference make such alterations as may be necessary in the line and direction of the tramway to allow of the construction of such junctions sidings refuges or resting-places and shall construct and maintain the same.

Traffic upon
tramway.

69. The tramway may be used for the purpose of conveying goods and minerals in carriages waggons or trucks moved by animal power. Passengers and animals shall not be conveyed on the tramway.

Tolls for
goods &c.

70. The Company may demand and take in respect of any goods and minerals conveyed by them on the tramway including the tolls and charges for the use of the tramway and for waggons or trucks

and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Third Schedule to this Act annexed subject to the regulations in that behalf therein contained.

A.D. 1890.

71. The tolls and charges by this Act authorised in respect of the tramway shall be paid to such persons and at such places upon or near to the tramway and in such manner and under such regulations as the Company may by notice to be annexed to the list of tolls and charges appoint.

Payment of
tolls.

72. If at any time after three years from the opening for public traffic of the tramway or after three years from the date of any order made in pursuance of this section in respect of the tramway it is represented in writing to the Board of Trade by the local authority or by twenty inhabitant ratepayers of the township of Tadcaster West or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramway should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Periodical
revision of
tolls.

73. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions as
to arbitration.

74. Notwithstanding anything in this Act contained the Company or any person using the tramway shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed in respect of tramways or the traffic conveyed thereon

Saving for
general
Tramway
Acts.

A.D. 1890. — or the revision of the tolls hereby authorised and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

MISCELLANEOUS.

Saving rights
of Crown
under Crown
Lands Act.

75. Nothing contained in this Act or to be done under the authority thereof shall in any matter affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections eighteen twenty 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.

Act not to
exempt Com-
pany from
any general
Act.

76. Nothing in this Act contained shall exempt the Company from the provisions of any general Act regulating the manner of charging tolls and other charges upon canals or navigations in respect of passengers goods animals articles and things of a like description which may hereafter pass during this or any future session of Parliament.

Costs of Act.

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

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SECOND SCHEDULE.

CHARGES FOR USE OF WAREHOUSES SHEDS CRANES AND WEIGHING MACHINES.

1. Craneage charges :—	£	s.	d.
All goods or packages not exceeding 1 ton	0	0	4
Exceeding 1 ton and not exceeding 2 tons	0	0	6
Exceeding 2 tons and not exceeding 3 tons	0	0	8
Exceeding 3 tons and not exceeding 4 tons	0	0	10
Exceeding 4 tons and not exceeding 5 tons	0	1	0
Exceeding 5 tons and not exceeding 6 tons	0	1	2
Exceeding 6 tons and not exceeding 7 tons	0	1	4
Exceeding 7 tons and not exceeding 8 tons	0	1	6
Exceeding 8 tons and not exceeding 9 tons	0	1	10
Exceeding 9 tons and not exceeding 10 tons	0	2	4
Exceeding 10 tons	0	3	6
2. Weighing machines :—			
For goods weighed for each ton or part of a ton	0	0	2
3. Warehouse and shed charges :—			
For each 40 cubic feet of goods or for each ton of goods which shall remain in the warehouses or sheds or on the pier or other works for a longer time than 48 hours the sum of 3d. and the sum of 1½d. per 40 cubic feet or per ton for each day during which such goods shall remain after the first 48 hours.			

EXEMPTIONS.

No charge shall be made for the following goods namely returned empty bottles casks bags and packsheets and goods returned to the original shippers in the original state.

In weighing and measuring goods for ascertaining the charges payable the weight or measurement of the packages is to be included.

THIRD SCHEDULE.

LIST OF TOLLS (OTHER THAN PASSENGER TOLLS) ON TRAMWAY.

GOODS AND MINERALS.

	FOR ANY DISTANCE.
For all coals culm cannel limestone chalk lime slates clay ironstone	s. d.
undressed or scabbled stones for building pitching and paving slag	
stone salt sand cinders and all undressed materials for the repair	
of public roads per ton	0 6

	s.	d.	A.D. 1890.
For all pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron not otherwise specifically classed herein and for heavy iron castings (including railway chairs) tiles bricks coke charcoal dung manure and compost per ton - - - - -	0	9	
For all timber or wood per ton - - - - -	0	9	
For all sugar grain corn flour hides dyewoods earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton - - - - -	0	9	
For all cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton - - - - -	1	6	

SINGLE ARTICLES OF GREAT WEIGHT.

For any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which (including the carriage) exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding three shillings per ton for any distance.

For any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons the Company may demand and take such sum as they think fit.

REGULATIONS AS TO TOLLS.

For a fraction of a ton the Company may demand and take tolls and charges according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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

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