



**CHAPTER cvi.**

An Act to make further provisions with reference to and to confer further powers on the Undertakers of the Navigation of the Rivers of Aire and Calder in the West Riding of the county of York to amend the Acts relating to their undertaking and for other purposes. A.D. 1899.

[13th July 1899.]

**W**HEREAS by the various Acts (local and personal) mentioned in the First Schedule to this Act powers for making and keeping navigable the rivers of Aire and Calder in the county of York and for constructing and maintaining certain canals docks and works in that county and for deepening and improving the lower portion of the navigation of the River Ouse and other powers have been conferred on the Undertakers of the Navigation of the rivers of Aire and Calder in the West Riding of the county of York herein-after called "the Undertakers":

And whereas before the passing of the Act next herein-after mentioned the whole of the shares and interests of the individual undertakers in the navigation were or were deemed to be and such shares and interests except so far as they have been converted as herein-after mentioned still are or are deemed to be of the nature of real estate and have (except from the passing of such Act in the case of shares so converted as aforesaid) been from the first institution of the undertaking dealt with as real estate in respect of successions and in and under settlements wills and other assurances and up to the passing of such Act the capital expended upon the undertaking had not been defined and the shares and interests of the individual undertakers could only be indicated by the proportion of dividend to which such proprietors were severally entitled out of a total annual dividend of a specified amount payable out of the profits of the navigation:

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58 Vict.  
c. xxxiii.

And whereas by the Aire and Calder Navigation Act 1895 (herein-after called "the Act of 1895") the capital of the Undertakers was declared to be one million eight hundred and sixty thousand pounds which capital sum was by that Act directed to be apportioned among the several individual undertakers of the navigation according to their interests and provision was made empowering any undertaker for the time being absolutely entitled in his own right to a share in the navigation and not being an infant to convert such share into new stock as provided by that Act which new stock the Undertakers were authorised to create and issue for the purpose and which was declared to be personal estate and to be transmissible as such :

And whereas since the passing of the Act of 1895 a considerable number of undertakers absolutely entitled to their shares in the navigation have converted the same into new stock and it would be of advantage to the undertaking and to the other undertakers if the power of converting shares into new stock were extended and the provisions of the said Act in relation to such conversions were amended in manner herein-after provided :

And whereas in pursuance of the Acts relating to the Undertakers the property of the Undertakers is now vested in trustees and with the view of facilitating the management of and affording due protection to the undertaking it is expedient that such trustees should be incorporated and the provisions herein-after contained made in reference to the trustees :

And whereas the Undertakers are desirous and it is expedient that a statutory name or title should be conferred on them :

54 & 55 Vict.  
c. clxx.

And whereas by the Aire and Calder and River Dun Navigations Junction Canal Act 1891 (herein-after called "the Act of 1891") the Undertakers were authorised to make a new junction canal from the River Dun Navigation to join their Knottingley and Goole Canal and to widen a portion of such last-mentioned canal and it is expedient in order better to accommodate the trade using the navigation and docks of the Undertakers that the Undertakers should be empowered to widen further portions of their Knottingley and Goole Canal and with the view of facilitating the construction of such new junction canal that they should be authorised to make an alteration in the line and level of a portion of such last-mentioned canal at the northern end thereof :

And whereas it is expedient that the provisions herein-after contained in relation to the aqueducts for carrying the canal authorised by the Act of 1891 over the River Went and the River Don should be made in lieu of those contained in the Act of 1891 :

And whereas it is expedient that the Undertakers should be authorised to acquire the additional lands herein-after described :

And whereas the estate of the Undertakers in Goole between Albert Street and the railways leading to the Goole Docks is intersected by a road leading to the Potter Grange Farm and it is expedient that the Undertakers should be authorised to stop up a portion of such road and that the new road by this Act authorised should be substituted therefor :

And whereas by section 107 of the Act (local) 1 Geo. IV. cap. xxxix. relating to the undertaking of the Undertakers it was provided that if the Undertakers should make the Knottingley and Goole Canal within a certain distance of the foot of the north bank of the Dutch River the participants of the Level of Hatfield Chase who are now incorporated under the name of the Corporation of the Level of Hatfield Chase should elect whether they should pay to the Undertakers the amount of the annual expense (to be ascertained as therein provided before any part of the canal was made within such distance) of maintaining the foreshore of the river between the New Bridge and Goole in which case the Undertakers were thenceforth to maintain the foreshore and north bank of the river between such points or whether they should accept from the Undertakers the amount of the annual expense (to be ascertained as aforesaid) of repairing the said north bank in which case the participants were from thenceforth to be liable to maintain the said foreshore and bank :

And whereas the provisions of such section were not acted upon but by a deed of grant and indemnity dated the 8th day of November 1873 made between the Corporation of the Level of Hatfield Chase and the then trustees of the Undertakers a copy of which deed is set forth in the Third Schedule to this Act the corporation in consideration of the indemnity thereby given to the corporation by the said trustees against any liability of the corporation for the future maintenance or repair thereof granted and conveyed to the trustees upon trust for the Undertakers all the right interest and estate of the corporation in the portion of the north bank and foreshore of the Dutch River in the township of Goole therein defined (being the part thereof upon which the estate of the Undertakers adjoined) and in the northern moiety of the said river co-extensive therewith :

And whereas doubts have been raised as to the validity of such grant and indemnity and it is expedient that the same should be confirmed and made binding upon the parties thereto :

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And whereas it is expedient that the other provisions in this Act contained should be made in regard to the beds banks or foreshores of the Dutch River and the rights powers privileges duties and obligations of the said corporation in respect of the said Dutch River or some part or parts thereof :

47 & 48 Vict.  
c. clxi.

And whereas it is expedient that the provisions of the Ouse (Lower) Improvement Act 1884 (herein-after called "the Act of 1884") as to the reserve fund therein provided for should be amended :

And whereas it is expedient that the periods limited for the completion of the works authorised by the Act of 1884 the Act of 1891 and the Act of 1895 (except as regards Gagg's Bridge the alteration of which has been already effected) should be extended and that the powers for the compulsory purchase of lands for certain of the works authorised by the Act of 1895 should be revived and extended :

And whereas it is expedient that the other provisions in this Act contained in reference to the Undertakers and their undertaking should be made :

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired by the Undertakers and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 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) :—

#### PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the *Aire and Calder Navigation Act 1899* and this Act and the Act of 1895 may be cited for all purposes as the *Aire and Calder Navigation Acts 1895 and 1899.*

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

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The Lands Clauses Acts;

Incorporation of Acts.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway;

Part II. (relating to extension of time) of the Railways Clauses Act 1863; and

Part IV. (relating to change of name) of the Companies Clauses Act 1863;

as respectively amended by any subsequent Acts are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act 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.

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Act of 1895 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 under the name or title by this Act conferred on them of "The Undertakers of the Aire and Calder Navigation";

The expression "the Settled Land Acts" means the Settled Land Acts 1882 and 1890 and any Acts amending the same:

In the Acts wholly or partially incorporated with this Act—

The expression "the special Act" means this Act;

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

The expressions "railway" "work" and "the undertaking" or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation Act 1845 incorporated herewith mean the works authorised by this Act and the expression "centre of the railway" in the last-mentioned provisions means any part of such works;

The expressions "the railway" and "the works" in the part of the Railways Clauses Act 1863 incorporated with this Act means the several works the time for the purchase of lands for or for the completion of which is by this Act extended.

A.D. 1899.  
Recovery of  
demands  
under fifty  
pounds.

4. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

## PART II.—CONVERSION OF STOCK.

Powers for  
limited  
owners to  
convert their  
shares into  
new stock.

5. Every person who as tenant for life or as having or being authorised to exercise the powers of a tenant for life under a settlement within the meaning of the Settled Land Acts shall for the time being have power to sell any share in old stock as settled land within the meaning of those Acts may with such consents or with such concurrence and subject to all the like provisions as to notice to trustees or otherwise as would be necessary or applicable in the case of a sale of such settled share serve on the Undertakers a notice of his desire to convert such share in old stock or any part thereof into new stock (such notice being in the form set forth in the Second Schedule to this Act annexed with such variations as the case may require) And the committee upon proof to their satisfaction that such person is entitled to give such notice as aforesaid shall convert such share or part of a share into new stock of the same amount as the share or part of a share of old stock specified in such notice and such new stock shall be issued to and registered in the names of the trustees for the time being under the settlement affecting the share or part of a share so converted and shall be deemed an authorised investment of capital moneys arising under the Settled Land Acts and be held and applied accordingly Provided that if the share or part of a share proposed to be converted as aforesaid shall be subject to any estate interest or charge having priority to the settlement or conveyed or created for securing money actually raised before the conversion is effected such conversion shall not be made without the consent in writing of the person having or entitled to the benefit of such estate interest or charge And if the conversion of such share or part of a share shall be made with such consent as last aforesaid the new stock issued and registered on such conversion shall be subject in the hands of the trustees under the settlement to such estates interests or charges as shall correspond as nearly as the circumstances will admit to the estates interests or charges to which the share or part of a share so converted was subject.

Power for  
trustees to  
convert their  
shares into  
new stock.

6. Any trustee or trustees in whom a share in old stock shall be vested for an estate in fee simple in possession free from incumbrances upon trust for sale or having power of sale over any such share and in either case with power to give receipts for purchase money may

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with such consents if any as would be necessary or required on the exercise of such trust or power of sale serve on the Undertakers a like notice of his or their desire to convert such share in old stock or any part thereof into new stock and the committee upon proof to their satisfaction that such trustee or trustees is or are entitled to give the notice aforesaid shall convert such share or part of a share into new stock by the issue of new stock of the same amount as the share or part of the share of old stock specified in such notice and such new stock shall be issued to and be registered in the name or names of such trustee or trustees and shall be held by such trustee or trustees in trust for the same persons in the same manner and on and for the same trusts and purposes and subject to the same powers as the old stock or the proceeds of sale thereof would have been held under the instrument creating such trust or power if such conversion had not taken place.

7. If any person absolutely entitled in his own right for an estate in fee simple in possession free from incumbrances to a share of old stock shall be of unsound mind whether so found by inquisition or not it shall be lawful for any person authorised in that behalf by an order of the judge in lunacy or a master in lunacy acting under the Lunacy Act 1890 or any Act amending the same to serve on the Undertakers a like notice of his desire to convert such share or any part thereof into new stock and upon proof to the satisfaction of the committee that the person of unsound mind is so entitled as aforesaid such proceedings shall be had and such conversion shall be made as if the person serving the same were absolutely entitled in his own right but the new stock to be thereupon issued shall be issued to and registered in the name of such person as shall be named for the purpose in such order as aforesaid or in any other like order referring thereto.

Provision as to conversion of shares of lunatics.

8. Any persons together entitled in their own right to a share in old stock as joint tenants or otherwise or for successive estates or interests or as mortgagor and mortgagee or otherwise whose estates or interests shall in the aggregate be equivalent to an estate in fee simple in possession free from incumbrances may concur in serving on the Undertakers a like notice of their desire to convert such share in old stock or any part thereof into new stock and when so concurring shall be deemed absolutely entitled to such share for the purposes of the Act of 1895 and the Committee upon proof to their satisfaction that such persons are so entitled shall convert such share or part of a share into new stock by the issue of new stock of the same amount as the share or part of the share of old stock specified in such notice but in each case such persons shall in and

Persons entitled in various interests may concur in conversion of old stock.

A.D. 1899. — by such notice or otherwise as the committee may require state in writing the person or persons to whom and in whose name or names they require such new stock to be issued and registered and such new stock shall be issued and registered accordingly.

Notice of trusts &c. not to be entered on new register.

9. The Undertakers shall not be required to enter on the new register notice of any trust estate interest charge or incumbrance affecting any new stock issued under the provisions of this Act.

Extending provisions of Act of 1895.

10. The provisions of the Act of 1895 relating to the conversion of shares in old stock into new stock shall subject to the provisions of this Act extend and apply to any conversion authorised by this Act and to the new stock issued in pursuance thereof.

Amendment of section 7 of Act of 1895.

11. Section 7 of the Act of 1895 shall be read and have effect as if the words "in fee simple in possession free from incumbrances" were inserted therein after the words "absolutely entitled in his own right" in the first subsection of such section and the same is hereby amended accordingly.

Power to apply to court on questions of title.

12. If any person shall be dissatisfied with any decision of the committee under the Act of 1895 or this Act that it has not been proved to their satisfaction that the person applying for conversion is entitled to require such conversion it shall be lawful for such person within six months from the giving of such decision to apply in a summary manner by originating summons to the Chancery Division of the High Court for a declaration that the person giving such notice is so entitled and such summons shall be served on such person as the court or a judge shall direct but shall not be served on the Undertakers or the committee or the trustees or any of their officers and if an order shall be made on such summons to the effect that the person named therein is so entitled as aforesaid then upon service on the committee of an office copy of such order the conversion of the share or part of a share mentioned in such order shall be carried into effect in like manner as if the committee had in the first place been satisfied that the person named in that behalf in such order was so entitled and every such order shall protect the Undertakers and the committee against all claims and demands by reason of such conversion.

### PART III.—INCORPORATION OF TRUSTEES, NAME &c.

Provisions as to trustees of Undertakers.

13. From and after the passing of this Act the following provisions shall have effect in regard to the trustees of the Undertakers (that is to say) :—

(1) The number of trustees shall subject as herein-after provided be four :



(2) Every trustee shall be the registered holder in his own right of old stock or new stock of the nominal value of at least five thousand pounds :

(3) The present trustees of the undertaking namely Walter Thomas William Spencer-Stanhope Francis Darwin William Wright Warde - Aldam and Sir Everard Hastings Doyle Baronet shall continue to be the trustees and they and every trustee hereafter appointed shall hold office until death removal resignation or disqualification :

(4) Any trustee may be removed from office by resolution of any general or special general assembly and any trustee may resign office upon giving notice thereof in writing to the secretary :

(5) On any vacancy or vacancies arising in the office of trustee the same shall be filled up by the appointment of some other duly qualified person by resolution of a general or special general assembly and until the vacancy or vacancies shall be so filled up the surviving or continuing trustees if not less than two in number may continue to act as if they constituted the full body of trustees and their acts and deeds shall be valid accordingly :

(6) The persons who shall for the time being be the trustees shall be members of the committee as heretofore and upon any director being appointed a trustee he shall vacate his appointment as a director and another person may be nominated and appointed a director in his stead in manner provided by the Acts relating to the Undertakers :

(7) No person dealing with the trustees shall be affected by any invalidity or irregularity in their appointment.

14. From and after the passing of this Act the trustees of the Undertakers for the time being shall be and are hereby constituted a body corporate by the name of "The Trustees of the Aire and Calder Navigation" and shall have a perpetual succession and a common seal with power to sue and be sued in their corporate name and subject to the provisions of this Act to purchase take hold and acquire and by instruments under their common seal to convey assign dispose of demise and otherwise deal with any land or other property real or personal.

Incorporation of trustees for Undertakers.

15. All real and personal estate of whatever nature or tenure (except stocks funds or securities transferable only in books kept by a company or other body and except property of a copyhold or customary tenure at law incapable of being held by a corporate body) vested in or held by the present trustees of the Undertakers

Property of Undertakers to vest in incorporated trustees.

A.D. 1899. — or any of them in trust for the Undertakers and all rights powers duties liabilities and obligations of the present trustees shall by virtue of this Act be vested in and exercised and performed by and imposed upon the trustees as incorporated by this Act subject and without prejudice to all charges and incumbrances thereon and any such stock funds or securities as aforesaid which shall at the time of the passing of this Act be held in trust for the Undertakers by the present trustees and all other property if any (not being property of a copyhold or customary tenure incapable at law of being held by a corporate body) vested in any other person at the time of the passing of this Act in trust for the Undertakers shall unless otherwise resolved by the committee be transferred as soon as may be after the passing of this Act into the name of the trustees as so incorporated and all covenants and conditions relating to any property so vested or transferred as aforesaid and enforceable by or against the present trustees or any such other person shall be enforceable to the same extent and by the same means by or against the trustees as incorporated by this Act.

Property to be held by incorporated trustees.

**16.** From and after the passing of this Act all real and personal property capable at law of being held by an incorporated body which may be hereafter purchased or acquired by or on behalf of the Undertakers shall unless otherwise resolved by the committee be conveyed to and vested in the trustees as incorporated by this Act and shall together with the present property of the Undertakers vested in or transferred to such trustees as herein-before provided be held by them in trust for the Undertakers for the purposes of the Acts relating to their undertaking and with the like powers and indemnification as the property of the Undertakers was previous to the passing of this Act held by the present trustees.

Contracts &c. to remain binding.

**17.** All purchases sales conveyances grants leases assurances mortgages deeds contracts and agreements entered into or made before the passing of this Act by to or with the present trustees or by to or with any other person or persons to whose rights and liabilities they have succeeded and in force at the passing of this Act shall as regards any property vested in or transferred to the trustees as incorporated by this Act be as binding and of as full force and effect in every respect against or in favour of the trustees as incorporated by this Act and the Undertakers and may be enforced as fully and effectually as if instead of the present trustees or any such other person the trustees so incorporated had been parties thereto.

18. Nothing in this Act shall release discharge or suspend any action or other proceeding which was pending by or against the present trustees or to which the present trustees were parties at the passing of this Act in relation to the affairs or property of the Undertakers but such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the trustees as incorporated by this Act in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the present trustees if this Act had not been passed the trustees as incorporated by this Act being in reference to the matters aforesaid in all respects substituted for the present trustees.

A.D. 1899.  
Actions &c.  
not to abate.

19. The Undertakers or the committee may make regulations for the safe custody and use of the seal of the trustees and the mode of attesting the same and for such other matters as they may deem expedient for regulating the exercise of the powers and the proceedings of the trustees as incorporated by this Act.

Regulations  
as to trus-  
tees.

20. Notwithstanding the incorporation of the trustees as aforesaid any property of a copyhold or customary tenure at law incapable of being held by a corporate body which at the time of the passing of this Act may be held by any person or persons in trust for the Undertakers and any property of a like nature which shall be hereafter acquired by or on behalf of the Undertakers shall be held by such person or persons (other than the trustees as incorporated by this Act) as the Undertakers shall from time to time appoint for such purpose upon trust for the Undertakers until the same shall be enfranchised or disposed of by the Undertakers.

As to copy-  
hold and  
customary  
lands &c.

21. From and after the passing of this Act the Undertakers may for all purposes and in all documents be described by the name or title of "The Undertakers of the Aire and Calder Navigation" and the provisions of the Companies' Clauses Act 1863 (relating to change of name) incorporated with this Act shall apply as if the Undertakers were a company whose name was changed.

Name of  
Undertakers.

22. Notwithstanding any Act relating to the Undertakers future general assemblies of the Undertakers (except special general assemblies) shall be held on such day in the month of March or April of each year and at such hour and place as the committee shall from time to time determine and shall be summoned and held in manner provided by section 39 of the Act 1 George IV. cap. xxxix. and special general assemblies may be summoned and held in manner provided by section 40 of the last mentioned Act at any time or times when necessary for the putting into execution any

As to date  
of general  
assemblies  
of Under-  
takers.

A.D. 1899. — Act relating to the Undertakers or otherwise for the purposes of their undertaking and such sections shall extend and apply accordingly.

PART IV.—WORKS AND LANDS.

Power to  
execute  
works.

**23.** Subject to the provisions of this Act the Undertakers may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary and convenient bridges arches culverts drains aqueducts sewers locks lock-keepers' warehouse-keepers' bridge-keepers' and collectors' houses basins sluices floodgates floodbanks weirs dams bridges stop-gates retaining or other walls dolphins fenders piers jetties wharves and landing places roads towing paths passages fences and other works and conveniences and may do all other acts necessary for making maintaining altering or repairing such works 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.

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

(1) The following widenings of the Knottingley and Goole Canal in the West Riding of the county of York (namely):—

Widening (A) on the southern side of the canal commencing at a point in the canal about one chain southward of the southern end of the western abutment of the bridge carrying the Wakefield and Weeland main road over the canal and known as Skew Bridge and terminating in the canal at a point about fourteen yards to the westward of the western side of the bridge across the canal known as Kellingley Bridge;

Widening (B) on the northern side of the canal commencing at a point in the canal about one chain eastward of the eastern side of the said bridge known as Kellingley Bridge and terminating in the canal at a point about eleven chains westward of the western side of the bridge carrying the road between Doncaster and Selby over the canal known as Whitley Bridge;

Widening (C) on the northern side of the canal commencing at a point in the canal about fourteen yards eastward of the eastern side of the said bridge known as Whitley Bridge and terminating in the canal at a point about sixty-two chains westward of the western side of the bridge

carrying the road between Snaith and Sykehouse over the canal known as Sykehouse Bridge;

Widening (D) on the northern side of the canal commencing at a point in the canal about seven yards to the eastward of the eastern side of the bridge over the canal known as New Bridge and terminating in the canal at a point about seventeen chains nine yards eastward of the same bridge;

Widening (E) on the southern side of the canal commencing at a point in the canal about three chains fourteen yards eastward of the eastern side of the said bridge known as New Bridge and terminating in the canal at a point about twenty-six chains westward of the western side of the entrance to the Timber Pond on the southern side of the canal belonging to the Undertakers at Goole;

Widening (F) on the northern side of the canal commencing at a point in the canal about fifteen chains seventeen yards westward of the western end of the northern abutment of the bridge over the canal known as Rawcliffe Bridge and terminating in the canal at a point about five yards westward of the said western end of such abutment:

(2) A new road commencing by a junction with the existing road between Potter Grange Farm and Albert Street in Goole known as the Potter Grange Road at a point about three chains eleven yards south-eastward of the centre of the level crossing by which such road crosses the North Eastern Railway and terminating by a junction with Stanhope Street at the point where that street joins Lower Bridge Street in Goole:

(3) An alteration or variation of a portion of the canal authorised by the Act of 1891 commencing at a point about six chains north-westwards from the bridge carrying Kirk Lane over Clay Dike (being the point shown on the plans of the said canal deposited in reference to the Act of 1891 as three miles five furlongs and sixty-six yards or thereabouts from the commencement of the canal) and terminating by a junction with the Knottingley and Goole Canal at a point about sixty chains westwards from the western side of the bridge carrying the Cowick Road across that canal known as Sykehouse Bridge.

24. 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 roads

Power to cross roads &c.

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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 the Undertakers providing or causing to be provided proper substitutes before interrupting the flow of water or sewage Provided that in the exercise of any of the powers of this section 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 and 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 15 of the former Act apply otherwise than in accordance with the provisions of that section.

Power to deviate.

**25.** The Undertakers may in constructing the works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans in reference thereto respectively and may deviate from the level of such works as shown on the deposited sections to any extent not exceeding five feet in the case of the alteration or variation of canal (Work 3) and three feet in the case of the other works.

Period for completion of works.

**26.** If the canal widenings by this Act authorised are not completed within fifteen years from the passing of this Act and if the new road is not completed within five years from the same date and if the alteration or variation of canal is not completed before the 28th day of July 1906 then on the expiration of those respective periods the powers by this Act granted to the Undertakers for making and completing the said works respectively shall cease except as to such part thereof as shall be then completed.

Power to acquire lands.

**27.** Subject to the provisions of this Act the Undertakers may enter upon take and use for any purpose connected with the works authorised by this Act or for warehouses workshops sheds houses buildings cottages depôts deposit of spoil wharfs works or other purposes of their undertaking all or any part of the lands herein-after

described and delineated on the deposited plans and described in the deposited books of reference (that is to say) :— A.D. 1899.

- (1) Certain lands on the south bank of the Knottingley and Goole Canal in the parish or township of Knottingley in the urban district of Knottingley and West Riding of the county of York situate on the eastern side of the bridge carrying the railway between Knottingley and Goole over the canal and extending therefrom for a distance of about twenty chains :
- (2) Certain lands on the north bank of the Knottingley and Goole Canal in the parish or township of Snaith and Cowick in the rural district of Goole in the said West Riding situate on the eastern side of the Southfield Reservoir of the Undertakers and extending therefrom in an easterly direction for a distance of about eleven and a half chains.

**28.** The powers of this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**29.** If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited books of reference the Undertakers may after giving ten days' notice to the owners lessees or occupiers affected by such proposed correction apply to two justices acting for the West Riding of the county of York for the correction thereof and if it appear to the justices that such omission misstatement or erroneous description arose from accident or mistake they shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the justices in such matter shall be final. Correction of errors &c. in deposited plans and books of reference.

**30.** The certificate of the justices shall be deposited in the office of the clerk of the peace for the West Riding of the county of York and a duplicate thereof shall in the case of each parish or township in which the lands are situate in respect to which or to the owners lessees or occupiers whereof the omission misstatement or erroneous description occurred be deposited with the clerk of the district council or with the clerk or chairman of the parish council with whom the portion of the deposited plans and sections relating to such parish or township were deposited in reference to this Act and such certificate and duplicate shall be kept by such clerk of the peace and clerk of the district council or clerk or chairman of the parish council as the case may be respectively along with the other Certificate to be deposited.

A.D. 1899. documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Undertakers may purchase take and use any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Persons under disability may grant easements &c.

**31.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of the Undertakers 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.

Restriction on taking houses of labouring class.

**32.** The Undertakers shall not under the powers of this Act or under the powers of the Act of 1895 revived or extended by this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the 15th day of December next before the passing of this Act or of the former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

If the Undertakers purchase or acquire any house or houses in contravention of the foregoing provision they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of such persons who may be residing with them.

Power to appropriate lands.

**33.** The Undertakers may appropriate and use for the purposes of this Act any lands and premises now belonging to or vested in



them or their trustees and for the purposes of the last preceding section any houses upon lands and premises so appropriated and used shall be deemed to have been acquired under this Act. A.D. 1899.

**34.** The canal widenings by this Act authorised shall form part of the Knottingley and Goole Canal and shall for all purposes including tolls rates and charges be treated and dealt with as such. Canal widenings to form part of Knottingley and Goole Canal.

**35.** After the completion of the new road by this Act authorised the Undertakers may stop up the portion of Potter Grange Road in Goole shown on the deposited plans as to be stopped up and lying between the point of commencement of the said new road and the junction of the said Potter Grange Road with Albert Street in Goole and thereupon all rights of way over or along such portion of the Potter Grange Road shall be extinguished and the Undertakers may appropriate and use for the purposes of their undertaking the site of such portion of road so far as the same is bounded on both sides by property of the Undertakers Provided that the Undertakers shall not stop up such portion of road until they shall require so to do in connexion with the exercise of any powers conferred upon them by section 56 of the Wakefield Pontefract and Goole Railway Act 1845. Stopping up Potter Grange Road.

**36.** The following provisions for the protection of the Goole Urban District Council (herein-after called "the district council") shall apply and have effect unless otherwise agreed between the Undertakers and the district council (that is to say):— For protection of Goole Urban District Council.

The new road by this Act authorised shall notwithstanding anything shown on the deposited plans to the contrary be constructed by the Undertakers of a width of not less than thirty-six feet including a kerbed and gravelled footway on each side of not less than six feet in width and the formation of the road shall be as specified in the existing byelaws of the district council except that the Undertakers shall not be required to construct in the road any further sewers or drains than may be necessary for draining surface water and the said road and footways shall be maintained by the district council.

**37.** Subject to the provisions of this Act and except as expressly varied thereby the powers and provisions of the Act of 1891 (except those contained in sections 4 5 6 8 12 14 15 24 29 64 and 65 of that Act) shall so far as applicable extend and apply and may be exercised and shall be observed and performed by the Undertakers Extending provisions of Act of 1891 to alteration or variation in canal.

A.D. 1899.  
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in reference to the alteration or variation of canal by this Act authorised as if such altered or varied portion of canal had been originally authorised by the Act of 1891 and such altered or varied portion of canal shall (subject and except as aforesaid) be for all purposes substituted for the part of the canal authorised by the Act of 1891 between the point of commencement of the said alteration or variation of canal and the Knottingley and Goole Canal.

For pro-  
tection of  
Corporation  
of Level of  
Hatfield  
Chase.

**38.** Without prejudice to the provisions of the last preceding section of this Act section 13 of the Act of 1891 shall extend and apply for the protection of the Corporation of the Level of Hatfield Chase in relation to the construction of the canal authorised by that Act as altered or varied by this Act. Provided that nothing herein shall be construed to render the Undertakers liable for the payment to the said corporation of more than one sum of five hundred pounds under subsection 2 of such section.

For pro-  
tection of  
Went Drain-  
age.

**39.** Section 12 of the Act of 1891 is hereby repealed and in lieu thereof the following provisions for the protection of the drainage of the 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" (herein-after 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 shall have effect in reference to the crossing of the River Went and Soak Drains by the canal authorised by the Act of 1891 as altered or varied under the powers of this Act (that is to say) :—

(1) The canal shall be carried across the River Went by means of an iron or steel aqueduct having two spans of not less than fifty-seven feet each measured on the square with an intermediate pier or support not exceeding fifteen feet in width to be placed in line in the direction of the centre of the river :

(2) The Undertakers shall provide at each end of the aqueduct an opening of not less than fifty feet span measured on the square for the passage under the canal of flood waters which may overflow the banks of the river provided that such

openings may be at such level as the Undertakers may determine and shall maintain a sectional area under each of the said openings of not less than fifty-six square feet including the sectional area of the soak drains to be constructed as herein-after mentioned and beyond this the Undertakers shall not be liable for the maintenance of a free passage for the water through such openings but the trustees acting under the Went Drainage Act (herein-after called "the Went trustees") may keep the same open at their own expense provided they do not in so doing injure or interfere with the works of the canal. Where the present north and south soak drains of the River Went shall be interfered with in carrying out the works the Undertakers shall at their expense make and maintain through each of the said openings a new soak drain and connect it with the portion of the soak drains not interfered with such new soak drains to be of not less dimensions than ten feet in width and one foot six inches in depth:

- (3) The Undertakers shall deepen and enlarge the bed or channel of the River Went under the main spans of the aqueduct so as to provide a sectional area under the aqueduct of not less than four hundred and fifty square feet and such deepening and enlargement shall extend on the upper and lower sides of the aqueduct gradually decreasing in depth and width so that at points measuring in a straight line not less than seventy feet from the east and west sides of the aqueduct the river shall be of the present depth and width and if the Undertakers shall deepen and enlarge the bed and channel of the river so as to provide a sectional area as aforesaid of not less than five hundred square feet they may fix the transverse girders of the aqueduct at right angles with the main girders but otherwise such transverse girders shall be fixed at angles to approximate to the direction of the river:
- (4) The lowest part of the underside of the tank of the aqueduct above the transverse girders may be constructed at any level not lower than six inches above that shown on the deposited section as the level of the underside of the tank of the aqueduct at the point of the crossing of the River Went:
- (5) The Undertakers shall construct new flood banks or alter the existing flood banks in such manner as may be necessary to provide a sufficient bank on each side of the deepened and enlarged portion of the river and shall for ever thereafter keep up and maintain such new or altered banks to the height

A.D. 1899.

specified for the banks of the river at that place by the said award :

- (6) The Undertakers shall from time to time so far and so soon as may be reasonably practicable remove any accumulation under the aqueduct which by causing obstructions to the due flow of the river may cause an injurious head of water exceeding six inches between the upper and lower sides of the aqueduct after the flood water has reached the level of two feet below the top of the adjacent flood banks of the river as defined by the Went Drainage Award :
- (7) The Undertakers shall provide and maintain for the use of the Went trustees and their workmen in connexion with the repair of the banks of the river an overhead fixed footbridge or a moveable footbridge or gangway (as the Undertakers shall determine) across the canal at or near the aqueduct with suitable means of access or approaches thereto from the river banks such bridge or gangway if made moveable to be on the south side of the river unless it shall be mutually agreed between the Undertakers and the Went trustees to place it on the north side of the river but if a moveable bridge or gangway shall be provided the Went trustees and their workmen shall only be entitled to use the same subject to causing no obstruction to the traffic on the canal and such bridge or gangway if moveable shall not at any time be kept longer across the canal than may be necessary for the passage of the Went trustees or their workmen across the canal provided that in the event of their being no bridge attendant reasonable means shall be afforded by the Undertakers for working such moveable bridge or gangway from either side of the canal :
- (8) Nothing in this Act or in the Act of 1891 shall affect any liability of the Undertakers in respect of damages which by reason or in consequence of the crossing of the River Went by the aqueduct may at any time be sustained by the Went trustees or the ratepayers of the Went drainage district which would not have been sustained if such aqueduct had not been made :
- (9) 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 Went trustees under the Went Drainage Act or any future trustees acting thereunder.

40. In carrying out the canal widening (E) by this Act authorised the Undertakers shall preserve access to and from the swing or turn bridges across the Knottingley and Goole Canal numbered on the deposited plans 7 and 10 in the parish or township of Airmyn and shall not prejudicially interfere with the occupation roads leading to and from such bridges or either of them.

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Certain  
occupation  
roads not  
to be  
interfered  
with.

PART V.—GENERAL.

41. Subsection 2 of section 11 of the Act of 1891 is hereby repealed and in lieu thereof be it enacted for the protection of the Dun Drainage Commissioners (herein-after called "the commissioners") unless otherwise agreed between the commissioners and the Undertakers as follows:—

Amendment  
of provisions  
of Act of  
1891 for  
protection of  
Dun Drain-  
age Commis-  
sioners.

- (a) In lieu of the aqueduct authorised to be constructed by subsection 2 of section 11 of the said Act the Undertakers may (notwithstanding anything on the deposited sections therein referred to) make a fixed aqueduct with two spans which together shall not be less than one hundred and eighty feet and shall so alter the river where crossed by the aqueduct as to provide a sectional area of not less than two thousand and ten square feet under the aqueduct and the top of the aqueduct shall not exceed the level of 21.35 feet above Ordnance datum so as to enable flood water when it rises above that level to pass over the same :
- (b) The new river banks required to be constructed in carrying out the widening of the river and providing the said sectional area where crossed by the aqueduct or the alteration of the existing river banks required for such purpose shall be made by and maintained at the expense of the Undertakers :
- (c) The Undertakers shall from time to time remove any accumulation under the aqueduct and any banks shoals or other obstructions out of the River Don for a distance of ten chains above the aqueduct and forty chains below the same to the reasonable satisfaction of the commissioners which may be necessary to prevent obstruction to the due flow of the river under the aqueduct or may cause any injurious head of water exceeding six inches between the upper and lower sides of the aqueduct after the flood water has reached the level of 18 feet above Ordnance datum :
- (d) Nothing herein shall affect any liability of the Undertakers in respect of damages which by reason or in consequence of the crossing of the river by the aqueduct may at any time be

[Ch. cvi.] *Aire and Calder Navigation Act, 1899.* [62 & 63 VICT.]

A.D. 1899.

sustained by the commissioners or the ratepayers of the Dun drainage district which would not have been sustained if such aqueduct had not been made.

Confirmation of grant of bank of Dutch River.

42. The deed of grant and indemnity dated the 8th day of November 1873 and made between the Corporation of the Level of Hatfield Chase and the then trustees of the Undertakers as set forth in the third schedule to this Act is hereby sanctioned and confirmed and made binding upon the parties thereto and any liability of the said corporation for the maintenance and repair of the portion of the north bank and foreshore of the Dutch River referred to in such deed shall cease.

Arrangements with Corporation of Level of Hatfield Chase.

43. The Undertakers may enter into and carry into effect agreements and arrangements with the Corporation of the Level of Hatfield Chase for the transfer to and vesting in the Undertakers of any portion of the Dutch River and the banks foreshores and bed thereof or any of them so far as belonging to the said corporation and of all or some of the estate property rights powers privileges authorities duties and obligations vested in or exercised and enjoyed by the corporation in or in connexion with any such portion of the Dutch River upon such terms and conditions (pecuniary or otherwise) as may be agreed between the Undertakers and the corporation and in the event of any such transfer the Undertakers may if so agreed between them and the corporation take over and become liable for all the obligations and liabilities of the corporation in connexion with the maintenance or repair of the banks foreshores or bed or parts thereof included in such transfer and if and so far as may be agreed the corporation shall thereafter cease to be responsible therefor.

Application of Undertakers' funds to purposes of Act.

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

Amending Act of 1884 as to reserve fund.

45. Notwithstanding anything in section 64 of the Act of 1884 to the contrary the Undertakers may at any time when the reserve fund directed by that section to be formed shall amount to five

thousand pounds or upwards apply in or towards paying off or reducing the amount standing at the debit of the Lower Ouse Improvement Capital Account in accordance with that section any money which under such section would be applicable to that purpose if the reserve fund amounted to the full sum therein mentioned and subject to the above modification section 64 shall remain in full force. A.D. 1899.

46. The period limited by the Act of 1884 for the completion of the works authorised by that Act is hereby extended for ten years that is until the 28th day of July 1909. Extending time for completion of Ouse works.

47. The period limited by the Act of 1891 for the completion of the new canal and widening of the Knottingley and Goole Canal authorised by that Act is (subject as regards the new canal to the alteration or variation of the portion thereof as herein-before authorised) hereby extended for five years that is until the 28th day of July 1906. Extending time for completion of Junction Canal.

48. The powers granted by the Act of 1895 for the compulsory purchase of lands for the purposes of the alterations of the bridges and approaches thereto known as Harrison's Bridge Birkwood Bridge King's Road Bridge and Jackson's Bridge respectively and the canal widenings and works connected with those alterations by that Act authorised are hereby revived and extended and may be exercised at any time before but not after the expiration of two years from the passing of this Act and the period limited by the same Act for the completion of any of the works authorised by that Act (except the alteration of the bridge and the approaches thereto known as Gagg's Bridge) is hereby extended for three years that is until the 30th day of May 1908. Revival of time for purchase of lands and extension of time for completion of works under Act of 1895.

49. And whereas it may happen from floods or accidents that the works of the canals or navigation of the Undertakers or some of them 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 Therefore the Undertakers may when and so often as the same may happen 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 canal or navigation where such accident shall have happened (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 Works damaged by floods or accidents may be repaired by Undertakers.

A.D. 1899.

lands than five hundred yards therefrom) and dig for work get and carry away and use all such earth clay stones gravel and other materials as may be necessary or proper for the purposes aforesaid without the consent of the owner or occupier or of other person interested in such lands the Undertakers 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 earth clay 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 any such canal or navigation caused by the neglect of the Undertakers or the insufficiency or want of repair of any such canal or navigation 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 person may sustain and which he would but for the other provisions of this Act be entitled to recover from the Undertakers Provided further that the Undertakers shall not for the purposes of this section enter upon any of the railways and works of the Lancashire and Yorkshire Railway Company without their previous consent nor do any act which may endanger the safety of the said railways.

Costs of  
Act.

**50.** The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Undertakers.



The SCHEDULES.

A.D. 1899.

The FIRST SCHEDULE referred to in the foregoing Act.

ACTS RELATING TO THE UNDERTAKERS.

- 10 & 11 Will. III. cap. xix. (1698).  
14 Geo. III. cap. xcvi. (1774).  
1 Geo. IV. cap. xxxix. (1820).  
9 Geo. IV. cap. xcvi. (1828).  
Wakefield Pontefract and Goole Railway Act 1845 (8 & 9 Vic. cap. clxxii.).  
Wakefield Pontefract and Goole Railway and Port of Goole Act 1846  
(9 & 10 Vic. cap. ccxii.).  
33 Geo. III. cap. cx. (1793).  
48 Geo. III. cap. xiii. (1808).  
Barnsley Canal Transfer Act 1871 (34 & 35 Vic. cap. cxcv.).  
11 Geo. III. cap. lxxxix. (1771).  
42 Geo. III. cap. xciii. (1802).  
Bradford Canal Act 1871 (34 & 35 Vic. cap. clv.).  
Bradford Canal Transfer Act 1878 (41 & 42 Vic. cap. clvi.).  
Ouse (Lower) Improvement Act 1884 (47 & 48 Vic. cap. clxi.).  
Aire and Calder Navigation Act 1889 (52 & 53 Vic. cap. xxxii.).  
Aire and Calder and River Dun Navigations Junction Canal Act 1891  
(54 & 55 Vic. cap. clxx.).  
Aire and Calder Navigation Act 1893 (56 & 57 Vic. cap. cxlviii.).  
Canal Rates Tolls and Charges (Navigation of the Rivers Aire and Calder)  
Order Confirmation Act 1893 (56 & 57 Vic. cap. ccxxvi.).  
Aire and Calder Navigation Act 1895 (58 Vic. cap. xxxiii.).

A.D. 1899.      The SECOND SCHEDULE referred to in the foregoing Act.

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

AIRE AND CALDER NAVIGATION ACTS 1895 and 1899.

To the Undertakers of the Aire and Calder Navigation.

I (WE) as tenant for life or having or being authorised to exercise the powers of a tenant for life under the Settled Land Acts [or as trustee or trustees upon a trust for or with power of sale with power to give receipts for purchase money or acting under an order in lunacy made on the day of 18 in the matter of *as the case may be*] in respect of a share in the old stock in the undertaking of the Aire and Calder Navigation representing the nominal amount of £ in the capital of the undertaking and now registered in the name of hereby give you notice that I (We) desire to convert the said share [or such part of the said share as represents £ in the said capital] into Aire and Calder Navigation new stock of the like amount and request you in accordance with the provisions of the Aire and Calder Navigation Acts 1895 and 1899 to issue such new stock to and register the same in the [name] [names] of [setting forth full names addresses and descriptions].

Dated the                      day of

Name of Applicant

Address

The THIRD SCHEDULE referred to in the foregoing Act.

A.D. 1899.

THIS INDENTURE made the 8th day of November 1873 between the CORPORATION of the LEVEL OF HATFIELD CHASE of the one part and JOHN SPENCER STANHOPE of Cannon Hall ANDREW MONTAGU of Melton-on-the-Hill WILLIAM ALDAM of Frickley Hall and WALTER THOMAS WILLIAM SPENCER STANHOPE of Cannon Hall aforesaid all in the West Riding of the county of York Esquires (trustees for the Undertakers of the Navigation of the Rivers Aire and Calder in the same county and herein-after called "the said trustees") of the other part.

WHEREAS certain landowners of the Level of Hatfield Chase commonly known as the participants of the Level of Hatfield Chase are liable by the tenure of their lands to repair and maintain the banks and foreshores of a certain river called the Dutch River commencing in the township of Fishlake in the county of York and terminating at the outfall of the said Dutch River into the River Ouse in the township of Goole in the same county which banks were constructed for the protection of the adjacent country from floods And whereas by the Level of Hatfield Chase Act 1862 the said participants were incorporated by the name and style of "The Corporation of the Level of Hatfield Chase" And whereas the said trustees for the Undertakers of the Navigation of the Rivers Aire and Calder are seized of considerable lands and hereditaments in the said township of Goole and in the adjoining township of Hook and it would conduce to the benefit of those lands and hereditaments if they could have the control of so much of the north bank and foreshore of the said Dutch River as is co-extensive therewith and they have accordingly requested the said Corporation of the Level of Hatfield Chase to convey to them the right interest and estate of the said corporation in the portion of the said north bank and foreshore herein-after defined which it has been agreed that the said Undertakers shall hereafter repair and maintain and the said corporation have consented to make such conveyance on having the covenant and indemnity herein-after contained:

Now this Indenture witnesseth that in consideration of the covenant and indemnity on the part of the said trustees herein-after set forth they the said Corporation of the Level of Hatfield Chase do hereby grant and convey unto the said trustees all the right interest and estate of the said Corporation of the Level of Hatfield Chase in the portion of the north bank and foreshore of the said Dutch River situate in the township of Goole in the county of York and shown and defined in the plan drawn on the second skin of these presents and extending from the point marked A to the point marked B on the said plan and in the northern moiety of the said river co-extensive therewith together with the appurtenances to have and to hold the said

A.D. 1899.

portion of the bank foreshore and bed so shown and defined unto and to the use of the said trustees their heirs and assigns for ever upon trust nevertheless for themselves and the rest of the Undertakers of the said navigation:

And this Indenture further witnesseth that in consideration of the grant aforesaid by the said Corporation of the Level of Hatfield Chase they the said trustees do hereby for themselves their heirs and assigns covenant promise and agree to and with the Corporation of the Level of Hatfield Chase their successors and assigns in manner following (that is to say) That they the said trustees their heirs and assigns shall and will at all times hereafter save harmless and keep indemnified the said Corporation of the Level of Hatfield Chase their successors and assigns of from and against all and all manner of action and actions suit and suits distresses costs losses charges and expenses whatsoever which may be instituted or prosecuted against or paid or borne by the said Corporation of the Level of Hatfield Chase their successors or assigns for or in consequence of the said portion of the north bank and foreshore of the said Dutch River shown and defined on the said plan or any part thereof not being repaired and maintained or for or on account of any flooding of or damage to the adjacent country in consequence of the same portion of the said north bank from any cause being defective or proving insufficient for protecting the adjacent country from floods and damages thereby and shall and will place and for ever maintain a suitable boundary post at the point marked A on the said plan so as to mark the point where the liability of the said corporation in respect of the non-repair of the said northern bank and foreshore ceases.

In witness whereof the said corporation have hereunto affixed their common seal and the other parties hereto have set their hands and seals this eighth day of November one thousand eight hundred and seventy-three.

L.S.

ANDREW

L.S.

MONTAGU.

WM.

L.S.

ALDAM.

WALTER T. W.

L.S.

SPENCER STANHOPE.

Sealed with the common seal of the Corporation of the Level of Hatfield Chase in the presence of

THOS. TURNER  
JOHN COULMAN } Commissioners.

Common  
Seal of the  
Corporation of the  
Level of  
Hatfield Chas e.

[62 & 63 VICT.] *Aire and Calder Navigation Act, 1899.* [Ch. cvi.]

MEMORANDUM that the within-named John Spencer Stanhope died at Cannon Hall on the seventh day of November one thousand eight hundred and seventy-three and was buried at the parish church of Cawthorne in the county of York after the within written Indenture was engrossed but before presentation thereof to him for signature. A.D. 1899.

Signed sealed and delivered by the within-named  
William Aldam in the presence of  
EDMUND WILSON  
Solicitor Leeds.

(Sworn) FRANCIS MALLONE LEAK  
Clerk to Messrs. Newstead and Wilson  
Solrs. Leeds.

Signed sealed and delivered by the within-named  
Walter Thomas William Spencer Stanhope in the  
presence of  
P. SPENCER STANHOPE Gent.  
70 Harley Street London.

Signed sealed and delivered by the within-named  
Andrew Montagu in the presence of  
THOS. S. CUNDY  
Land Agent Wetherby.

A memorial was registered at Wakefield the thirteenth  
of January one thousand eight hundred and  
seventy-four at two in the afternoon in Book 710  
page 25 number 22.

WILLIAM PICKARD  
Deputy Registrar.

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