ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

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Kingston-upon-Hull Dock Act, 1774), 42 *George* 3, Cap. 91. (the *Kingston-upon-Hull* Dock Act, 1802), 45 *George* 3, Cap. 42. (the *Kingston-upon-Hull* Dock Act, 1805), 7 & 8 *Victoria*, Cap. 103. (the *Kingston-upon-Hull* Dock Act, 1845), 8 *Victoria*, Cap. 5. (the *Kingston-upon-Hull* Dock Act, 1845), 10 & 11 *Victoria*, Cap. 283. (the *Kingston-upon-Hull* Dock Act, 1847), and 12 & 13 *Victoria*, Cap. 69. (the *Kingston-upon-Hull* Dock Act, 1849): And whereas the Dock Company are under those Acts, or some of them, entitled to demand and take, in respect of Shipping resorting to the Port, certain Rates called Tonnage Rates and Wharfage Rates: And whereas the Corporation of the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House of Kingston-upon Hull* (in this Act called the *Hull Trinity House*) are an ancient Guild, established and endowed for certain public and charitable Purposes: And whereas the *Hull Trinity House* claim to be entitled for the charitable Purposes for which they are Trustees to levy and receive by the Name of "Primage" certain Dues on all Goods imported into and exported from the Port over Sea: And whereas other Ports on the Eastern Coast of *England* now compete with the Port of *Hull*, and it has become desirable that the Rates, Dues, and other Charges on Shipping resorting to and on Goods imported into and exported from the Port of *Hull* should be reduced, in order that the Trade and Commerce of the said Port may be successfully maintained: And whereas it would tend to the Advantage of the Borough of *Kingston-upon Hull* (in this Act called *Hull*), and it is expedient that the Corporation be empowered, as by this Act provided, to modify, reduce, or abolish the said Tolls, Rates, and Duties, called respectively Import Dues, Export Dues, Water Bailiff Dues, Anchorage Dues, Jettage Dues, Hostage Dues, and Ballast Dues, Toll Thorough, Toll Traverse, the Bridge Toll, the Cart Toll, the Market Toll, and the Corn Toll: And whereas, with a view to a Reduction of such Rates, Dues, and Charges being eventually made by the Corporation and the *Hull Trinity House*, as well as by the Dock Company, the Dock Company, at a General Meeting thereof held on the Third Day of *February* One thousand eight hundred and fifty-one, passed Resolutions that it was expedient to revise the whole of the Port Charges levied by the Corporation, the Dock Company, and the *Hull Trinity House* respectively, and that they were willing to reduce their Tonnage Rates, on the Water Bailiff Dues and the Primage Dues being reduced in equitable Proportion, and authorized the Directors of the Dock Company to treat with the Corporation and the *Hull Trinity House*, and to reduce the Tonnage Rates accordingly, and in accordance with such Resolutions the Directors of the Dock Company some Time since made such a Reduction of the Tonnage Rates as is estimated to be equivalent to a Reduction of Ten *per Centum* on the gross Amount thereof: And whereas on the Thirteenth Day of *October* One thousand

thousand eight hundred and fifty-one the Directors of the Dock Company entered into a Resolution whereby they undertook to agree, that on a Reduction to the Extent of Seventy-five Pounds *per Centum* of the Water Bailiff's Dues, and a Reduction to the Extent of Five thousand Pounds a Year of the Primage Dues being made, the Dock Company would make such further Reduction of their Tonnage Rates as should be estimated to be equivalent, with the Reduction already made by them, to a Reduction of Twenty Pounds *per Centum* on the gross Amount thereof: And whereas by Articles of Contract dated the Twenty-third Day of *April* One thousand eight hundred and fifty-two (under the Seal of the Dock Company), and made between the Dock Company of the One Part, and *Henry Blundell*, *John Crowther Metcalf Harrison*, *Anthony Bannister*, *William Hunt Pearson*, *Henry Smith Bright*, and *John Middleton*, therein respectively described, of the other Part, the Dock Company covenanted that if in the then present Session of Parliament or in any future Session commencing within Three Years from the Day of the Date of those Articles, an Act of Parliament affecting or authorizing a Reduction of the Water Bailiff Dues receivable by the Corporation, and effecting or authorizing a Reduction of the Primage Dues receivable by the *Trinity House*, should be passed, and if within Three Years after the passing of such Act a permanent Reduction to the extent of Seventy-five *per Centum* of the gross Amount of the Water Bailiff Dues, and a permanent Reduction equal to the Sum of Five thousand Pounds a Year of the Primage Dues, should be effected, then from the Time at which such Reductions or the last of such Reductions should take effect, the Dock Company would reduce the gross Amount of Tonnage Dues payable to them on Shipping to such an Extent as with the Reduction of Ten *per Centum* then already made, as therein and herein-before recited, would make a total Reduction of Twenty *per Centum* upon the gross Amount of those Dues, and that such Reduction should be permanent, and those Tonnage Dues should not afterwards be raised: And whereas it is expedient that those Articles and the several Provisions thereof should be confirmed: And whereas a Committee of the *Hull Trinity House* lately appointed to take the Subject of a Reduction of the Primage Dues into consideration reported that after due Deliberation they were of opinion that the Trade of the Port could not be maintained under the existing Dues; and the said Guild of the *Trinity House* have expressed their Willingness, with the Sanction of the Court of Chancery, to concur with the Dock Company and the Corporation in a general Reduction, in equitable Proportions, of the said several Rates, Duties, and Charges levied by them respectively; but it is apprehended they may not be enabled to make a permanent Reduction in such several Rates, Duties, and Charges without the Authority of Parliament: And whereas such several Purposes cannot be effected without

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:

Short Title.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Hull* Dues Act, 1852."

Interpretation of Terms.

II. The following Expressions have in this Act the following Meanings; (to wit,)

The Expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The Expression "the Board of Trade" means the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, or any Two Members of that Committee:

The several Expressions "the Mayor" and "the Town Council" and "the Town Clerk" mean the Mayor and the Town Council and the Town Clerk respectively of the Borough of *Kingston-upon-Hull*.

Corporation may reduce or abolish specified Tolls.

III. That the Corporation may from Time to Time, with the Approval of the Treasury, modify, reduce, or abolish the Toll Thorough, the Toll Traverse, the Bridge Toll, the Cart Toll, the Market Toll, and the Corn Toll, or any of them: Provided always, that any such Modification or Reduction shall not be made directly or indirectly in favour of or against any particular Party: Provided also, that the Corporation, before applying to the Treasury for any such Approval, shall give One Month's public Notice of their Intention so to do.

Gross yearly Amounts Water of Bailiff Dues and Dock Companies Rates.

IV. That for the Purposes of this Act the Sum of Six thousand Pounds shall be deemed to be the gross yearly Amount of the Water Bailiff Dues, and the Sum of Thirty-nine thousand Pounds shall be deemed to have been the gross yearly Amount of the Dock Company's Tonnage Rates, immediately before the recited Reduction thereof already made by the Dock Company.

Provision for Reduction of Water Bailiff Dues, &c.

V. That the Corporation may from Time to Time, with the Approval of the Treasury, modify, reduce, or abolish all or any of the Import Dues, the Export Dues, the Water Bailiff Dues, the Anchorage Dues, the Jettage Dues, the Hostage Dues, and the Ballast Dues: Provided always, that any such Modification or Reduction shall not be made directly or indirectly in favour of or against any particular Party: Provided also, that the Corporation before

before applying to the Treasury for any such Approval shall give One Month's public Notice of their Intention so to do: Provided also, that no Resolution shall be come to by the Corporation for or respecting the Modification, Reduction, or Abolition of any of the Tolls or Dues which it is hereby authorized to modify, reduce, or abolish, unless a Notice of the Motion intended to be made for such Purpose, and of the Terms thereof, shall have been given at some Meeting of the Town Council held at least Three Weeks before the Meeting of the Town Council at which it shall be intended to make such Motion, which Notice shall be entered upon the Minutes of the Meeting at which it shall be given; and if such Motion shall be passed and resolved upon by the Meeting at which the same shall be moved pursuant to such Notice, the same shall nevertheless be of no Force or Effect unless the same shall be confirmed at a Meeting of the Town Council to be held on that Day Five Weeks, which the Mayor is hereby required in such Case to convene for the Purpose of deciding upon, confirming, or rejecting the said Resolution.

Certificate of Reduction of Water Bailiff Dues.

VI. That when the Corporation have made any Reduction of the Water Bailiff Dues, they may apply to the Board of Trade to certify the Particulars of such Reduction, and by what Per-centage of the gross yearly Amount of those Dues it is reasonably estimated that that gross yearly Amount is reduced; and on such Application, and the Production of such Evidence as the Board of Trade think proper and sufficient, the Board of Trade may grant a Certificate accordingly, stating in the Certificate the respective Amounts of the particular Items of those Dues as so reduced.

Publication of Certificate.

VII. That within One Month after obtaining any such Certificate of the Board of Trade the Corporation shall give public Notice thereof.

Mode of giving public Notice.

VIII. That every public Notice to be given for any of the Purposes of this Act shall be given by Advertisement in Two *Hull* Newspapers, and by affixing a Copy of the Notice on or near the principal outer Door of the *Hull* Town Hall.

Recited Contract to be binding.

IX. That the Articles of Contract of the Twenty-third Day of *April* One thousand eight hundred and fifty-two, so entered into as herein-before recited, between the Dock Company and the said *Henry Blundell*, *John Crowther Metcalf Harrison*, *Anthony Bannister*, *William Hunt Pearson*, *Henry Smith Bright*, and *John Middleton*, and the Covenants, Provisions, and Agreements therein contained, shall be valid and binding on the Dock Company and the other Parties thereto respectively, and shall be carried into effect accordingly.

Power for Corporation, Trinity House, and Dock Company to enter into Agreements for Reduction of PortCharges, &c.

X. That in addition to the several Powers herein-before contained, it shall be lawful for the said Corporation, by a Resolution of the Town Council passed and confirmed in the Manner herein-before provided, the said *Hull Trinity House*, and the said Dock Company, at any Time and from Time to Time, to enter into any Agreement or Agreements for the Reduction of the said Port Charges by the Reduction or Abolition of any of the said several Rates, Dues, and other Charges on Shipping and Goods in such Manner and upon such Conditions, and either permanently or temporarily, and with such Powers and Provisions for the Alteration and Revision of any such Agreement, as shall be mutually agreed on between them; but that every such Agreement shall as to the said Corporation be subject to the Approbation of the Lords Commissioners of Her Majesty's Treasury in such Manner as is by Law required for the Alienation of their Corporate Property, and as to the said *Hull Trinity House* shall be subject to the Approbation of the Court of Chancery in the Exercise of its Jurisdiction over Charitable Trusts; and that every such Agreement, when so made and approved of, shall be thereafter binding on all the said several Parties thereto; and so long as any such Agreement shall continue in force it shall not be lawful for any of them the said Corporation, the said *Hull Trinity House*, and the said Dock Company to levy, take, or receive any higher or other Charges than they shall by such Agreement respectively have agreed to take.

The taking of other Charges not to affect Rights of Corporation, &c.

XI. That the taking or levying of any Rate, Due, or other Charge under any such Agreement different from any ancient Rate, Due, or other Charge shall not affect the Right of any of them the said Corporation, the said *Hull Trinity House*, and the said Dock Company, under any Law, Charter, Prescription, or Usage whatsoever, but that each of them the said Corporation, the said *Hull Trinity House*, and the said Dock Company shall have in all respects the same Rights and Remedies in respect of the reduced and altered Rates, Dues, and Charges as they are or would have been entitled to in respect of their original and full Rates, Dues, and Charges respectively.

No higher Rate to be taken under any Agreement.

XII. Provided always, That the said Corporation, the said *Hull Trinity House*, and the said Dock Company respectively shall not, nor shall any of them, by virtue or under colour of any such Agreement or of this Act, be entitled or presume to take any higher Rate, Due, or Charge than they are respectively entitled to or would have been entitled to if this Act had not passed.

Expenses of Act.

XIII. That One Half of the taxed Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act in the Form

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in which it shall be passed into a Law, including One Half of all Costs in Committee, shall be paid by the Corporation, so as such One Half of such Costs shall not amount to more than One thousand five hundred Pounds; and before such Taxation at least a Fortnight's Notice of the Time and Place of such Taxation, with a Copy of the Bill as intended to be submitted for Taxation, shall be served on the Town Clerk of *Kingston-upon-Hull*, in order that he may attend the said Taxation on behalf of the Corporation, and object to such Charges as he may deem irregular in any respect or not relating to the Bill as it shall have passed into a Law.

Saving Rights of Corporation.

XIV. That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudicially affect any of the Estates, Franchises, Rights, Powers, Authorities, or Privileges of the Corporation; and this Act, or anything therein contained to the contrary, notwithstanding any Modification, Reduction, or Abolition by the Corporation, under this Act, of the Toll Thorough, the Toll Traverse, the Bridge Toll, the Cart Toll, the Market Toll, the Corn Toll, the Import Dues, the Export Dues, the Water Bailiff Dues, the Anchorage Dues, the Jettage Dues, the Hostage Dues, and the Ballast Dues, or any of them, being respectively prescriptive Tolls or Dues, shall not in any Manner take away or prejudicially affect the prescriptive Title thereto, or prevent the Residue thereof respectively being recoverable, either at Law or in Equity, in like Manner as those Tolls and Dues respectively might be recovered if the same were not so modified or reduced; and that no Act which the Corporation or their Town Council shall or may do, which they shall be authorized to do under or by virtue of this Act, shall be held, deemed, or taken to be any Breach of Trust, either in Law or Equity, by the said Corporation, or by the said Town Council, or by any of the Members thereof.

Act not to affect Rights of Dock Company, save only for due Execution of Contract.

XV. That this Act or anything therein contained shall not take away, lessen, prejudice, alter, affect, or apply to the Rights, Powers, or Privileges of the Dock Company, or repeal, alter, or affect the Acts relating to the Docks or to the Dock Company, or any of them, or any Part thereof respectively, save only so far as the same are expressly altered by this Act, or as is necessary for the due Execution of the recited Agreement between the Dock Company and the said *Henry Blundell*, *John Crowther Metcalf Harrison*, *Anthony Bannister*, *William Hunt Pearson*, *Henry Smith Bright*, and *John Middleton*, but, except as last aforesaid, all the Powers, Authorities, Rights, and Privileges of the Dock Company, and the Provisions of the several Acts relating to the Dock Company in force immediately previous to the passing of this Act, shall remain in full Effect and capable of being exercised as if this Act had not passed.

XVI. That,

Saving Rights of Hull Trinity House.

XVI. That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudicially affect any of the Property, Powers, Authorities, or Privileges of the *Hull Trinity House*.

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