CHAPTER xlv.

An Act to confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Kingston-upon-Hull. A.D. 1872.

[27th June 1872.]

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that the said Order should be so confirmed:

Be it therefore 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:

Provisional Order in schedule confirmed.

1. The Provisional Order contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act.

Explanation of the word "river."

2. The term "sea" used in the sixth section of the said Order shall be confined to so much of the sea as is included in what is commonly termed the river Humber, and the Order shall be read as if the word "river," meaning the river Humber, stood in place of the word "sea" in the said section.

Saving rights of the Trinity House of Kingston-upon-Hull and dock company.

3. Nothing contained in the Provisional Order, or in this Act, shall authorise any interference with or in any way affect the rights, powers, or authorities of the guild or brotherhood of masters and pilots seamen of the Trinity House of Kingston-upon-Hull, or of the haven master appointed by them, or the rights, powers, or authorities of the dock company at Kingston-upon-Hull,

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acquired by them under any Act of Parliament or otherwise legally subsisting.

Corporation to make compensation to dock company in case of injury to dock company's works.

4. In case at any time within three years after the completion of the works by the said Provisional Order for Kingston-on-Hull and this Act authorised it shall appear that the execution of such works has aggravated or increased the accretion or accumulation of silt or mud which now takes place in the Humber Dock basin of the dock company at Kingston-upon-Hull, so as injuriously to affect the works or property of the said company, the company may claim compensation in respect thereof from the municipal corporation referred to in the said Order, and for this purpose the Lands Clauses Consolidation Acts shall extend to the said Provisional Order and to this Act, and the said municipal corporation shall under such Acts be and be deemed to be "the promoters of the undertaking," and the said Provisional Order and this Act shall be and be deemed to be "the special Act," and the compensation (if any) awarded to the company on such claim may be awarded and made payable either in one gross sum or by yearly or other periodical payments, and the same shall be paid out of and be a charge on the borough fund or borough rates of the borough of Kingston-upon-Hull: Provided always, that the said company shall at all times hereafter dredge, sluice, scour, and cleanse the said dock basin, to the same extent and in like manner as they have heretofore dredged, sluiced, scoured, and cleansed the same for the keeping down and removing the accumulations of mud and silt heretofore arising in the said dock basin, and any default of the said company in so dredging, sluicing, scouring, and cleansing the said basin may be given in evidence against them, and shall be taken into consideration in determining any claim for compensation which may be made by the said company against the corporation.

Act incorporated with 21 & 22 Vict. c. 98.

5. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

6. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1872."

SCHEDULE.

KINGSTON-UPON-HULL.

Provisional Order partially repealing and altering a Local Act in force within the District of the Borough of Kingston-upon-Hull.

Whereas the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull are the Local Board of Health for the district of the borough, acting in the execution of the Kingston-upon-Hull Improvement Act, 1854, and in such capacity are herein-after referred to as "the Local Board of Health:"

And whereas the said mayor, aldermen, and burgesses are the municipal corporation of the said borough, and in such capacity are herein-after referred to as "the municipal corporation," and as such municipal corporation are the owners of the ferry boat dock wharf or landing-place made and maintained under the provisions of the Local Act herein-after referred to, and as such municipal corporation consent to this Order:

And whereas there is in force in the said borough an Act passed in the forty-first year of the reign of His late Majesty King George the Third, intituled "An Act for enlarging and improving the market place of the town of Kings-"ton-upon-Hull, and for making a commodious street from thence to the river "Humber, with a dock and wharf or landing-place for the ferry and market boats "belonging and resorting to the said town," such Act having relation to the purposes of the Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and the same is herein-after called "the Local Act:"

And whereas the Local Board of Health have, under the provisions of the said Local Government Act, 1858, presented a petition to me as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act:

And whereas in pursuance of the said Local Government Act, due inquiry has been made in respect of the several matters mentioned in the said petition, and report has been duly made to me thereon by Robert Morgan, Esquire, an inspector appointed for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. So much of sections 3 and 4 of the said Local Act as relates to the making, maintaining, supporting, and keeping in repair a dock for ferry and

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market boats, and a public wharf or landing-place, and also sections 36, 37, 38, 39, and 40 of the said Act, shall be repealed.

2. The municipal corporation shall and may forthwith fill in, inclose, and make up the dock for ferry and market boats directed by the said Local Act to be made and maintained, and also remove and take away the public wharf or landing-place belonging or attached thereto; and all public rights in and over the same (except as herein provided) shall thereupon cease.

3. Upon such dock being filled in, enclosed, and made up as aforesaid, the Local Board shall and may take possession of the same as a public pleasure ground for the inhabitants of the same borough, and in respect thereof shall and may have and exercise all the rights, powers, and authorities vested in them under or by virtue of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter sixty-three, section seventy-four, in respect of pleasure grounds provided by the Local Board under such section.

4. The Local Board shall and may continue and improve their outfall sewer from the end of Queen Street in the said borough through and over the site of the said ferry boat dock by a new sewer or culvert carrying the same in a southerly direction to the river Humber, and make, construct, and maintain all proper culverts, penstocks, tidal gates, and other works necessary and proper for the purpose.

5. The municipal corporation shall from time to time remove or cause to be removed from the shore on the southern side of the site of the said ferry boat dock any shoals or deposits caused by the construction and maintenance of the works authorised by this Order, and which may, in the opinion of the River Humber Conservancy Commissioners, be injurious or prejudicial to the navigation of the river Humber.

6. The said Local Board shall not, in pursuance of the powers conferred upon them by this Order, construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows 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 said Board of Trade approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the said Local Board 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, and if any such work shall be commenced or completed without such consent or approval the said Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost of the said Local Board, and the amount of such costs shall be a debt due to the Crown, and recoverable against the said Local Board accordingly.

7. The Local Board may construct and make a new road or way from the street in the said borough called Nelson Street along the east end of the

site of the said ferry boat dock, and thence along the southern boundary of such site to the west end thereof, and thence along the west end thereof, so as to form a junction with Nelson Street aforesaid at a point opposite a street in the said borough called Pier Street, and shall flag, channel, pave, and maintain the same as public highways of the said borough.

8. The municipal corporation may, on the site of the said ferry boat dock, make and maintain a proper and suitable landing place or places from the river Humber at some convenient place at the east end of the site of the ferry boat dock, with convenient steps or landing-places adjoining to and communicating with the river Humber, for the use and convenience of the public.

9. The municipal corporation may appoint from time to time, and at pleasure suspend or remove, a person to be the superintendent of the said landing place or places, who shall have full power and authority to direct the mooring, unmooring, moving, or removing of any ship, boat, or other vessel lying at or being moored at or near any such landing place or places, and also to appoint and direct the times and manner of any such ship, boat, or other vessel coming to, lying at, or being moored as aforesaid, and also to appoint the berth for any such ship, boat, or other vessel to land or deliver, or to land or take in passengers' luggage or cargo.

10. No master or other person having charge or direction of any such ship, boat, or other vessel shall disobey the orders and directions of the said superintendent as to any matter within the scope of his authority hereby given.

11. No master or other person having charge or direction of any ship, boat, or other vessel shall (except with the sanction of such superintendent) permit or suffer such ship, boat, or other vessel to lie across or in any way obstruct the free and convenient use of any such landing-place.

12. No person shall throw, cast, or place any ballast, earth, dust, ashes, stones, or any other article or thing whatsoever upon any such landing-place which may create annoyance to any person using the same, or which may prevent the free and convenient public use of the same.

13. Any person guilty of any of the offences aforesaid shall for each and every offence forfeit and pay any sum not exceeding five pounds.

14. All penalties under these provisions shall be recoverable in accordance with the provisions of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, with respect to the administration of justice, and shall be applied in the same manner as penalties imposed under the Kingston-upon-Hull Improvement Act, 1854.

15. Nothing contained in this Order or in the Act confirming the same shall authorise the said Local Board 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

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Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Order or 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.

Given under my hand, this nineteenth day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

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