



ANNO QUADRAGESIMO PRIMO

# GEORGI II. REGIS.

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## Cap. 134.

An Act to alter and amend an Act, passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for improving the Navigation of the River Hull and Frodingham Beck, from Aike Beck Mouth to the Clough on the East Corner of Fishholme, and for extending the said Navigation from the said Clough into or near the Town of Great Driffield in the East Riding of the County of York, and to extend and improve the said Navigation.* [2d July 1801.]

**W**HEREAS by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for improving the Navigation of the River Hull and Frodingham Beck, from Aike Beck Mouth to the Clough on the East Corner of Fishholme, and for extending the said Navigation from the said Clough into or near the Town of Great Driffield in the East Riding of the County of York, several Persons therein named, and their Successors to be appointed as therein mentioned, were appointed Commissioners for improving and extending the said Navigation, and for putting the said Act into Execution according to the Rules, Provisions, Orders, and Directions* Preamble.

[Loc. & Per.] 28 T rections

rections in the same Act contained: And whereas the Commissioners acting under and by virtue of the said recited Act have proceeded to put the same into Execution, but the said Navigation still remains defective and insufficient by reason of Shoals and Obstructions in the said Navigation and River, and of the crooked Course of the same River: And whereas the said Navigation would be greatly amended and rendered less expensive and tedious, by removing the said Shoals and Obstructions and by straightening and altering the Course of a certain Part of the said River, from or near a Clough called *Goodball Clough*, in the said Riding, to or near a Place called *Seven Hills* in the same Riding; also by making proper Towing Paths, and by erecting a Lock and Weir in the said River at or near *Seven Hills* aforesaid, as herein-after mentioned; and if certain Navigable Cuts were made from the said River by straightening, widening, and deepening the West Beck, and by widening and deepening the said River from the Clough on the East Corner of *Fisholme* to *Frodingham* Bridge in the said Riding, and by widening and deepening the said *Frodingham* Beck, the same would be productive of great Benefit to the Neighbourhood, and be of publick Utility: And whereas, in order to effect the several Works aforesaid, and the Purposes herein-before and herein-after mentioned, it is necessary that the Powers of the said recited Act should be altered, amended, and enlarged, and some further Tolls or Rates granted; may it therefore please your Majesty that it may be enacted; and be it enacted by the King'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, That the said Commissioners appointed in, or under, or by virtue of the said recited Act, and their Successors, to be appointed in manner therein mentioned, shall be and they are hereby appointed Commissioners for putting this Act in Execution, and shall be, and they are hereby fully authorized and empowered, from and immediately after the passing of this Act, to make and complete, and at all Times hereafter support and maintain, a Navigable Cut, by straightening and altering the Course of the said River *Hull* from and out of the said River, at or near a Point there, opposite *Goodball Clough* aforesaid, to and into the same River at or near a Point opposite *Seven Hills* aforesaid; also another Navigable Cut, by straightening, widening, and deepening and altering the Course of the said West Beck from and out of the said River *Hull* at or near a Point thereof opposite *Emmotland*, in the said Riding, to or near a Place called *Corps Landing* in the said Riding; and another Navigable Cut from and out of the said River *Hull* at or near the said Clough, on the East Corner of *Fisholme*, to *Frodingham* Bridge in the said Riding, by widening and deepening the said River *Hull* and the said *Frodingham* Beck; also to stop up the present Course of the said River *Hull* from or near *Goodball Clough* aforesaid to or near *Seven Hills* aforesaid, when the said intended Cut first mentioned shall be made and completed; and to stop up such Parts of the said West Beck as shall not be used for the said intended Cut, from the said River to *Corps Landing* aforesaid, when the same Cut shall be made and completed; also to erect, make, and complete, and at all Times hereafter to support and maintain, a Lock and Weir at or near *Seven Hills* aforesaid, close to one Side of the said first mentioned new Cut, and between the Outward Wall of which Lock and the opposite Side

Navigable  
Cuts, &c. to  
be made.

Side of the River there shall be Two clear Openings, each of Twenty Feet Width, in which shall be placed Falling Gates, capable of being lowered to any necessary Extent, and to lie flat on the Bottom of the River, whenever the Water at *Frodingham* Bridge, during the Time that *Foston* large Water Mill is not going, shall cover the Offset on the West Abutment of the said *Frodingham* Bridge; also within Six Years next after the passing of this Act to pull down and to heighten and rebuild and at all Times thereafter to support and maintain, the Bridge called *Hull Bridge*, situate and being across the said River *Hull*, in the Township of *Tickton* in the said Riding, as herein-after mentioned, if the said Commissioners shall, within the said Six Years, find it advantageous and necessary to pull down the same for or on account of the said Navigation; also to make, and at all Times hereafter to support and maintain, proper Towing Paths, convenient for towing, haling, and drawing, with Men, Horses, or otherwise, of Boats and other Vessels passing upon the said River and Cuts, or any of them, from *Hull Bridge* aforesaid to the said Clough on the East Corner of *Fisholme*, and to *Frodingham* Bridge aforesaid; (including the said intended Cut from or near *Goodball* Clough to or near *Seven Hills* aforesaid,) upon the Bank on the West Side of the said River and Cut, and of the said *Frodingham* Beck; and also the like Towing Paths on both Sides, or on either Side, of the said Cut from the said River *Hull*, opposite *Emmotland* aforesaid by the said West Beck, to *Corps Landing* aforesaid; any Thing in the said recited Act contained against or contrary to the said intended Cuts, Lock, and Weir, *Hull* Bridge, and Towing Paths notwithstanding; and also to make, erect, execute, do and perform all such Works, Matters, and Things as shall be requisite and convenient for making and completing, supporting, repairing, maintaining, and using the said intended Cuts, and the Navigation thereof, and for supplying the same with Water, and for making and completing, supporting, repairing, and maintaining the said Lock and Weir, and the said Towing Paths, and for pulling down, heightening, rebuilding, supporting, repairing, and maintaining, within the said Six Years, the said *Hull* Bridge, and for making, erecting, supporting, repairing, and maintaining such Wharfs, Quays, Landing Places, Houses, Warehouses, Toll Houses, Bridges, Arches, Trenches, Drains, Watercourses, Ways, Passages, Banks, Fences, Gates, Stiles, and other Works, adjoining or near to the said Navigation and intended Cuts, or any of them, as may be requisite and necessary for the Purposes of the said Navigation, and according to the true Intent and Meaning of this Act and of the said recited Act: And the said Commissioners; their Agents, Servants, Workmen, and Labourers, and all Bodies Politick, Corporate, or Collegiate, Corporations aggregate or sole, Husbands, Femes Covert, Guardians, Feoffees in Trust, Committees, Executors, Administrators, and all Trustees, and all and every Person and Persons whomsoever, shall have and be seized, possessed of, and is and are hereby invested with such and the like Authorities, Powers, Abilities, Estates, Interests, Privileges, and Advantages, and shall be and is and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Controul, Payments, Penalties, Forfeitures, Punishments, and Benefits of Appeal, with respect to the said intended Cuts, Lock, and Weir, Towing Paths, *Hull* Bridge, and other

other Works hereby authorized to be made, erected, and maintained, and to the Purchase or Sale and Conveyance of Lands and Hereditaments for that Purpose, and to the borrowing and taking up Money at Interest, and to the assigning of the Tolls hereby granted as a Security for the same with lawful Interest, and to the letting of the same Tolls, and to the Appointment and Payment of Officers, and to the making altering, and repealing of Bye-Laws, and to all other Matters and Things in anywise relating to all or any of the Objects, Ends, Intents, and Purposes of this Act, as are mentioned, directed, given, granted, prescribed, established, and inflicted in and by the said recited Act with respect to the said Navigation and Works thereby authorized to be made and carried on, and to the Purchase of Lands and Hereditaments for making the said Navigable Cuts and the said Towing Paths, and for other the Purposes of this Act, and to the borrowing and taking up Money at Interest, and to the assigning of the Tolls thereby granted as a Security for the same with Interest, and to the letting of the same Tolls, and to the Appointment and Payment of Officers, and to the making, altering, and repealing of Bye-Laws, and to all or any of the other Matters and Things relating to all or any of the Objects, Ends, Intents, and Purposes of the said recited Act, and in all Respects whatsoever, save only and except so far as any Alteration is made by this present Act; and that the said recited Act, and the several Clauses, Provisoos, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things therein contained, shall, so far as the same will apply, and the Nature and Circumstances of the Case will admit, and so far as the same are not repealed, altered, re-enacted, or otherwise provided for in and by this present Act, extend, and are hereby extended to, and shall take Effect, operate, and be put in Execution in, for, and in respect of the making, completing, repairing, supporting, maintaining, and using the said intended Cuts, Lock, and Weir, Towing Paths, and *Hull* Bridge, and the several Works, Matters, and Things by this Act authorized to be made, done, and performed, and for the Punishment of Offences relating thereto, and for the purchasing, selling, and conveying of Lands and Hereditaments, and ascertaining the Value thereof, and for the determining and assessing of Damages and Costs, and for the borrowing and taking up of Money at Interest, and for the assigning and letting of the Tolls hereby granted, and for the Appointment and Payment of Officers, and for the making, altering, and repealing of Bye Laws, and all other Matters and Things which shall relate to or happen or arise by or in consequence of the Execution of all or any of the Powers of this Act, in such and the same Manner, and as fully and effectually, to all Intents and Purposes whatsoever, as the same can or may operate and be executed to, upon, for, or in respect of the Navigation, and the several Works, Tolls, Matters, and Things in the said recited Act mentioned, or authorized to be made, done, and performed, and as if all the said Clauses, Provisoos, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things were herein repeated, re-enacted, and applied to the said intended Cuts, Lock, and Weir, Towing Paths, and *Hull* Bridge, and the several Tolls, Works, Matters, and Things in this Act mentioned, or authorized to be made, done,

done, and performed, or as the same would have done if the said intended Cuts, Lock, and Weir, Towing Paths, and *Hull* Bridge, and the several Tolls, Works, Matters, and Things in this Act mentioned, or authorized to be made, done, and performed, had been mentioned or authorized to be made, done, and performed by the said recited Act, or been Part of the Works thereby authorized to be made and maintained.

II. And be it further enacted, That such Parts of the said River *Hull* and *West Beck*, as shall become useless for the Purpose of Navigation, in consequence of the making of the Cuts hereby authorized, together with the Ground and Soil of the same, and the Fee-simple and Inheritance thereof, shall be vested in the said Commissioners, who, or any Seven or more of them, are hereby authorized and empowered to sell and convey, or exchange the same, in such Manner as by the said recited Act they are authorized and empowered to sell and convey, or exchange Lands, which they might become possessed of, and should not have occasion for, for the Purposes of the said Navigation.

Parts of Hull River and West Beck rendered useless to vest in Commissioners.

III. And whereas a Map or Plan, describing the Lines of the said intended Cuts and Towing Paths, and the Lands through which the same are proposed to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited at the Office of the Clerk of the Peace for the East Riding of the County of *York*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said Riding, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference: Provided always, That in making the said intended Cuts respectively, no greater Deviation than Twenty Yards shall be made from the Line or Course thereof respectively described in the said Map or Plan, nor shall any such Deviation be made into or carried through the Lands of any Person not named in the said Book of Reference, without the Consent in Writing of such Person, or his or her Guardians, Husband, Trustees, or Committees: Provided nevertheless, That no Advantage shall be taken of, or against the said Commissioners, or any Interruption be given to the making of the said intended Cuts, or any of them, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Seven or more of the Commissioners appointed in or by virtue of the said recited Act, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake; any Thing herein before contained to the contrary notwithstanding.

Plan of the Cuts. &c. deposited with the Clerk of the Peace.

IV. And be it further enacted, That when and so soon as the said Cuts, Lock, and Weir, shall be made and completed, there shall be paid by all and every Person and Persons, who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever, (except as in the said recited Act, and herein is excepted,) through the said intended

Tolls for using the Cuts.

[Loc. & Per.]

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Lock,

Lock, as or in the Name of a Toll, such Sum and Sums of Money as the said Commissioners, or any Seven or more of them, shall upon due Consideration of the Expences of or relating to the said Cuts, Lock, and Weir, from Time to Time think proper to appoint, not exceeding for every Quarter of Wheat, Rye, Beans, Peale, or Rape-seed, Three-pence :

For every Quarter of Malt or Oats, Two pence :

For every Quarter of Barley, or any other Sort of Grain not before enumerated, Two-pence :

For every Sack of Meal or Flour, containing Five Bushels, Three-pence :

For every Chaldron of Coals, Culm, or Cinders, reckoning Forty-eight Bushels to the Chaldron, One Shilling and Nine-pence, and so in proportion for any greater or lesser Quantities of the Goods and Commodities aforesaid :

For every Ton of Brick, Stone, Tile, or Lime, for building, One Shilling and Nine-pence :

And for every Ton of Goods, Wares, Merchandizes, or Commodities whatsoever, not before enumerated, Two Shillings, and so in proportion for any greater or less Weight than a Ton.

Toll for  
Towing  
Paths.

V. And be it further enacted, That when and as soon as any of the said Towing Paths shall be made and completed, there shall be paid by all and every Person or Persons, who shall use the said Towing Paths, or any of them, and shall carry or convey any Goods, Wares, Merchandizes or Commodities whatsoever, (except as in the said recited Act excepted), up or down the said River, and intended Cuts, or any of them, or any Part of any of them, between *Hull Bridge* aforesaid and the said Clough on the East Corner of *Fishholme* aforesaid, and *Corps Landing* and *Fodingham* aforesaid, or any of them, for or in respect of the said Towing Paths, and as or in the Name of a Toll, the Sum of One Farthing *per Ton per Mile*, and without any Allowance or Deduction for any Fraction of a Mile or Ton.

Toll for  
Pontage.

VI. And be it further enacted, That when and as soon as the said *Hull Bridge* shall be pulled down and rebuilt, in pursuance of this Act, there shall be paid for Pontage, as or in the Name of a Toll, before the passing of any Boat or Vessel under the said intended Bridge shall be permitted, in lieu of the present Tolls, the Sum of Two Shillings and Sixpence for every such Boat or other Vessel.

Tolls to be  
in addition  
to former  
Tolls, and  
paid where  
the Commis-  
sioners  
appoint.

VII. And be it further enacted, That all the said Tolls hereby granted shall be paid over and above the Tolls granted by the said recited Act, and shall be paid to the Collector or Collectors for the Time being, acting under the said recited Act and this Act, at such Place or Places upon or adjoining to the said River and Cuts, or any of them, as the said Commissioners, or any Seven or more of them, shall from Time to Time appoint, and shall be and are hereby vested in the said Commissioners, and shall be applied and disposed of in such Manner as the said Commissioners, or any Seven or more of them, shall from Time to Time direct for the Purposes of this Act; and in case of Neglect or Denial of Payment on demand of such Tolls, or any Part thereof,

Goods and  
Boats may  
be seized and

of, such Collector or Collectors is and are hereby authorized and required to seize and detain any of the Goods, Wares, Merchandizes, and Commodities, or the Boats or Vessels conveying the same; and in case such Tolls shall not be paid within the Space of Five Days after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandizes, Commodities, Boat, or Vessels, rendering the Overplus, (if any,) to the Owner or Owners thereof, after the said Tolls, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be deducted and paid.

fold for Non-payment of Tolls.

VIII. And be it further enacted, That all the Monies, Tolls, and Profits, which shall be raised or received under or by virtue of this Act, shall be applied for the Purposes of this Act only; and that full and true Accounts thereof, and also of all the Monies which shall be paid or expended in or about the obtaining and passing of this Act, and the carrying the same into Execution, shall be made and kept for ever hereafter, and shall be so made and kept distinct and separate from the Accounts of the Receipts and Payments under the said recited Act, and all other Accounts whatsoever.

Application of Monies, in separate Accounts thereof to be kept.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, with the Consent of the Person or Persons entitled to Two Third Parts of the Money then owing upon the Credit of the Tolls hereby made payable from Time to Time, to lessen the same Tolls for such Time as the said Commissioners shall think proper; and such Tolls so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls hereby made payable are to be collected, recovered, and applied; and the said Commissioners, or any Nine or more of them, may from Time to Time raise the said Tolls so lessened, so as the same do not exceed the Tolls hereby granted.

Tolls may be lessened and raised again.

X. And be it further enacted, That as soon as conveniently may be, after the said intended Cuts and Lock and Weir shall be completed, the said Commissioners shall cause the Distance to be measured from *Hull Bridge* aforesaid, to the said Clough on the East Corner of *Fisholme*, and to *Corps Landing* and *Frodingham Bridge* aforesaid, and every of them, and Stones, with proper Inscriptions, to be erected, and for ever after maintained, on the Sides thereof respectively, at the Distance of a Mile from each other.

Stones to be erected every Mile.

XI. And be it further enacted, That the said Navigation, Cuts, Lock, and Weir, Towing Paths, *Hull Bridge*, and Ways, shall be free for the Use of all Persons with Boats, Vessels, Horses, and Carriages, upon Payment of the Tolls in such Behalf appointed to be taken (the said Towing Paths with respect to Carriages only excepted).

Navigation to be free on Payment of Tolls.

XII. And be it further enacted, That no Commissioner shall act in the Appointment of any Clerk, Surveyor, Collector, Treasurer, or other Officer for the Purposes of this Act, or the said recited Act, unless he shall have attended some Meeting of the said Commissioners in the Execution of this Act, and signed the Proceedings thereof, within the Space of Three Years next before such Appointment shall from Time to Time

Commissioners not to act in the Appointment of Officers, who have not attended Meetings.

Time be made, any Thing in this Act, or in the said recited Act, contained to the contrary thereof notwithstanding.

Repeal of  
Clause in  
recited Act  
respecting  
Lock-Keep-  
ers.

XIII. And whereas by a Clause in the said recited Act, it is enacted, That as often as any Boat-Master, or other Person navigating any Boat or other Vessel upon the River, Cuts, or Branches, therein mentioned, should come to any of the Locks therein mentioned with his Boat or Vessel, the Person or Persons having the Care or Management of any such Lock should immediately draw the Cloughs, and open the Locks, and freely permit such Boat or Vessel to pass through such Lock upwards or downwards; and every Person or Persons neglecting or refusing so to do, should for every such Offence forfeit and pay the Sum of Five Pounds: And whereas, in consequence of the great Expence of employing Persons constantly to attend and open the said Locks, no Person hath been employed by the said Commissioners for that Purpose, but the Boat-Masters, or other Persons navigating the Boats or other Vessels upon the said River, Cuts, or Branches, have drawn the Cloughs, and opened the Locks themselves, which it is also intended they should do in future; and great Damage and Inconvenience having ensued to the said Commissioners by reason of the said Clause, and the said Boat-Masters and other Persons excusing themselves from making Compensation for any Damage done by them in drawing the said Cloughs, and opening the said Locks, be it therefore enacted, That the said Clause be and the same is hereby repealed.

Land Owners  
may make  
Navigable  
Cuts, &c.

XIV. Provided always, and be it further enacted, That it shall be lawful for any Proprietor or Proprietors of Lands, at his, her, or their own Costs and Charges, to make any Navigable Cuts, Trenches, Soughs, Tunnels, Drains, Ditches, Sluices, Locks, Staunches, Dams, Engines, or other Works, or to make or erect any Warehouses, Weigh-Beams, Cranes, Quays, Landing Places, or Wharfs, into, through, or upon his, her, or their own Lands, and also the Lands of any other Person or Persons, with the Consent of such Person or Persons testified in Writing, under his, her, or their Hand or Hands, and also through or upon the Banks and Towing Paths of the said River *Hull*, and intended Cuts, or any of them, in such Manner as he, she, or they shall think proper, so that the same be done without any Injury or Damage to the said Navigation, otherwise than such as shall necessarily and unavoidably arise in performing the Matters and Things aforesaid, and without overflowing or injuring the Lands of any other Person or Persons, and so that the Person or Persons making every such Cut, Trench, Sough, Tunnel, Drain, Ditch, Sluice, Lock, Staunch, Dam, Engine, or other Works, shall make, erect, and maintain, proper Engines and Works in every such Cut, in order to prevent the Water from overflowing or injuring the Lands of any other Person or Persons, and from wasting out of the said River and Cuts, or any of them, by Means of any such Cut, Trench, Sough, Tunnel, Drain, Ditch, Sluice, or other Work as aforesaid, and proper Bridges where necessary upon the said Banks and Towing Paths, except in the Case herein-after mentioned, and so that all the said Works be repaired and kept in good Repair, by the Person or Persons making the same from Time to Time, as Occasion shall be or require; and that the same be made, and afterwards from Time to Time repaired,



repaired, with as much Expedition, and so as to occasion as little Damage to be done as may be: Provided always, That in case of any navigable Cut being made by any such Proprietor, which shall extend to the Foot of the rising Ground, then and in every such Case the Bridge or Bridges, to be erected over any such navigable Cut, for the Purposes of the said Towing Path, shall be erected and set up, and for ever afterwards kept in Repair, by the said Commissioners, out of the Tolls arising or to arise by virtue of this Act.

XV. And whereas, by making the said intended Cut from or near *Goodhall Clough* to, or near *Seven Mills* aforesaid, the Lands of *Charlotta Bethell* Widow, will be separated and divided; and such Division and Separation of her Lands, without a Communication Bridge across the said intended Cut, would be injurious and inconvenient to her and her Tenants; be it therefore further enacted, That the said Commissioners, or any Seven or more of them, shall, immediately after the making of the said Cut, erect and make, and for ever thereafter support and maintain in good Repair and Condition, a Swivel or Swing Bridge, of such Construction, Materials, and Dimensions, and across such Part of the said intended Cut, as the said *William Chapman*, or some other able and experienced Engineer to be appointed by the said *Charlotta Bethell*, or the Owner for the Time being of her said Lands shall approve and think proper for the convenient Enjoyment of the Lands to be so separated and divided as aforesaid, and at the same Time so as not to obstruct or injure the said Navigation.

A Communication Bridge to be made for Mrs. Bethel.

XVI. And be it further enacted, That, in order to convey the Water in *Nafferton* Beck into the West Beck, within the Township of *Wansford* in the said East Riding, and without Injury to the said Navigation, it shall and may be lawful to and for *Sir Christopher Sykes* Baronet, his Heirs and Assigns, to make and maintain such a Culvert under the present *Driffield* Navigable Canal, within the Township of *Wansford* aforesaid, and such Gates or Doors to the same, and also such Drains through his or their own Lands in the same Township, and in such Manner as he or they shall think proper, and as shall be approved by the said *William Chapman*, or some other able and experienced Engineer, on behalf of the said Commissioners, and so that such Culvert, and such Gates or Doors thereto, and also such Drains, be made and for ever maintained by and at the Expence of the said *Sir Christopher Sykes*, his Heirs or Assigns, and in such Manner and Form that the Officers, Agents, or Servants of the said Commissioners shall and may, when and so often and so long as they or any of them shall think necessary, convey the Water in the said *Nafferton* Beck into and for the Use of the said *Driffield* Canal, and which the said Officers, Agents, and Servants, or any of them, shall have full Power to do accordingly; and the said *Sir Christopher Sykes*, his Heirs and Assigns, shall at all Times hereafter save harmless and keep indemnified the said Commissioners, and all other Persons interested in the said Navigation, from all Damages and Expences to be occasioned by reason of the said Culvert and Drains, or any of them.

Power for Sir Christopher Sykes to make a Culvert under the Driffield Canal.

XVII. And whereas the said Bridge called *Hull Bridge* is the Property of the Mayor, Aldermen, and Burgesses of the Town of *Beverley* in the  
[Loc. & Per.] 28 X County

Hull Bridge may be pulled down and rebuilt.

County of *York* who are entitled to the Sum of Four-pence for each Boat or Vessel passing under the same, and the said Mayor, Aldermen, and Burgeses, at the Request of the said Commissioners, have consented to the said Commissioners pulling down and heightening and rebuilding of the said Bridge within the Time and in Manner herein-after mentioned in case the same shall, within Six Years next after the passing of this Act, be necessary or advantageous to the said Navigation, but not otherwise; be it therefore enacted, That until the said Bridge shall be pulled down and rebuilt, in pursuance of this Act, the said Mayor, Aldermen, and Burgeses shall be entitled to the said Bridge, and shall have, receive, and enjoy the same Toll, Benefit, and Advantage, and in the same Manner, and as fully and effectually as they would have been entitled to and have had, received, and enjoyed the same, if this Act had not been made; but in case the said Commissioners shall, within the said Six Years, deem it necessary or advantageous to the said Navigation to pull down and heighten and rebuild the said Bridge, then that they the said Commissioners, at their Expence, shall and may, within the said Six Years, and not afterwards, pull down the same, and shall forthwith erect and build One other good, substantial, and commodious Stone or Iron Bridge with proper and sufficient Battlements on each Side thereof, (and not a Draw, Swing, or Swivel Bridge, or without Battlements), for Travellers, Horses, Cattle, and Carriages, of at least the Breadth of the present Bridge, and upon the Scite of the said present Bridge, and shall cover the same New Bridge, and the Turnpike Road at each End thereof, with sufficient Gravel and other proper Materials, to the Satisfaction of an experienced Workman to be appointed in that Behalf by the said Mayor, Aldermen, and Burgeses, and so that the Approaches and Passage to and over the said new Bridge may not be more difficult or inconvenient than to and over the present Bridge, but may be safe and easy for Travellers, Horses, Cattle, and Carriages; and shall also make a convenient temporary Bridge adjoining or near to *Hull* Bridge aforesaid, for Travellers, Horses, Cattle, and Carriages, whilst the said Bridge shall be pulling down and rebuilding; and after the said Bridge shall be so pulled down, the said Mayor, Aldermen, and Burgeses shall be for ever exonerated and discharged from the building of any other Bridge in lieu thereof, and from the future Support and Reparation of any Bridge to be built in lieu thereof, and after the said Bridge shall be so pulled down, as well the Scite thereof, as any other Bridge to be built in lieu thereof, shall be the Property of the said Commissioners, and shall be supported and maintained by them, and at their Expence, in good Repair and Condition, for ever thereafter; and the said Toll of Four-pence *per* Boat or Vessel shall from thenceforth cease and be for ever extinguished; and the said Commissioners shall at all Times thereafter well and sufficiently save harmless and indemnify the said Mayor, Aldermen, and Burgeses, of, from, and against all Damages, Costs, Charges, and Expences which shall or may happen or be occasioned by or in consequence of the pulling down of the said Bridge, and the building, supporting, or maintaining of any other Bridge in lieu thereof, and shall pay the Amount of such Damages, Costs, Charges, and Expences, when and so often as the same shall be occasioned, out of the Tolls hereby granted, in preference to any other Application thereof; any Thing herein contained to the contrary thereof notwithstanding.

XVIII. And

XVIII. And whereas *Catherine Griffith* of *Padworth*, in the County of *Berks* Widow, is the Owner of Two Corn and Flour Mills, and a Wharf, situate and being in the Township of *Foston* in the said East Riding, to which there is a Navigation by *Fiodrigham* Beck and *Foston* Beck from the said River *Hull*, and it is at present uncertain how far the Works and Improvements intended to be made under this Act will be advantageous to the Occupiers for the Time being of the said Mills, in the Conveyance of Corn thereto, and of Flour and Bran therefrom, and of other Commodities to and from the said Wharf; be it therefore enacted, That *William Wright*, of *Foston* aforesaid, Yeoman, shall be and he is hereby appointed Arbitrator, to inquire and consider the present Rate of Carriage of Corn, Flour, and Bran to and from the said Mills, and also of other Commodities to and from the said Wharf, and what may be the future Rate of Carriage thereof after the making of the Improvements intended to be made under this Act; also to inquire and ascertain what Advantage the Occupiers for the Time being of the said Mills and Wharf can or may receive in the Carriage of Corn to the said Mills, and of Flour and Bran therefrom, and also in the Carriage of other Commodities to and from the said Wharf, by the Works and Improvements intended to be made under this Act; and also to ascertain, fix, and finally determine whether any, and, if any, what Proportion of the said Tolls in respect of the said intended Cuts, Lock, and Weir, granted by this Act, by reason of such Advantage, (if any,) shall be paid for the Carriage of Corn through the said intended Lock to the said Mills or either of them, and for the Carriage of Flour and Bran through the same Lock from the said Mills or either of them, and for the Carriage of other Commodities through the said Lock, to and from the said Wharf; and the Determination and Award of the said *William Wright* after hearing of the Parties concerned, or some Person on their respective Behalf, and examining such Evidence on both Sides, and using such other Means to obtain full Information respecting the Question as the said *William Wright* shall think proper, shall be binding and conclusive, to all Intents and Purposes, upon all Persons whomsoever, so that the said Award be made in Writing, and be ready to be delivered to the said Commissioners, and to the said *Catherine Griffith*, her Heirs or Assigns, within Twelve Calendar Months next after the said intended Cuts, Lock, and Weir, and Towing Paths shall be made; and no other Toll or Duty for any such Corn, Flour, Bran, and other Commodities, as aforesaid, shall be demanded or taken by this Act, in respect of the said Cuts, Lock, and Weir, other than such (if any) as shall be by the said *William Wright* so as aforesaid determined and awarded to be paid, any Thing herein contained to the contrary thereof notwithstanding.

Tolls for Carriage of Corn submitted to Arbitration.

XIX. And be it further enacted, That if the said *William Wright* shall die, refuse, or become incapacitated to act before the Execution of the Powers hereby vested in him, then and in such Case some other intelligent and disinterested Person shall be forthwith jointly appointed by the said *Catherine Griffith*, her Heirs or Assigns, and by the said Commissioners, to be such Arbitrator between them as aforesaid; and the Person so to be appointed shall have the like Powers as are hereby vested in the said *William Wright*, and so as often as any such

Another Arbitrator to be appointed in case of Death, &c.

Arbitrator

Arbitrator to be appointed in the Stead of the said *William Wright* shall die, refuse, or become incapacitated to act.

For making  
Recompence  
for Injury  
done to ad-  
joining Banks  
and Lands  
by the Lock  
and Towing  
Paths.

XX. And, for removing any Apprehension of Injury or Damage to any of the Banks or Lands adjoining or near to the said River *Hull* and intended Cuts, or any of them, or to the Crops of Corn, Grass, or other Things, growing or to grow in or upon the same, or to any Gates, Stiles, Hedges, or Fences, erected or set up upon the said Lands, by reason of the said Lock and Weir, and Towing Paths, or any of them, occasioning any such Banks to be broken down or injured, or any of such Lands to be overflowed with Water, be it further enacted, That whenever any such Damage or Injury shall so happen or be done, it shall be lawful for the Person or Persons injured thereby to make Complaint thereof to the said Commissioners assembled at any Meeting, or to their Clerk; and the said Commissioners, or any Seven or more of them, shall, and they are hereby authorized and required, within One Month next after receiving Notice in Writing of such Injury or Damage, signed by the Person or Persons so injured, to appoint a Person (not interested in the Matter) as an Arbitrator; and the Person or Persons so injured shall, and he, she, and they is and are hereby authorized and required, within the Month last mentioned, to appoint One other Person (not interested in the Matter) as another Arbitrator; which Two Persons so appointed shall be, and they are hereby authorized and empowered to settle and determine the Recompence which shall be made by the said Commissioners to the Person or Persons so injured; and the said Commissioners shall, out of the Monies to arise by virtue of this Act, make to the Person or Persons so injured, such Recompence accordingly; but lest the said Arbitrators should not agree in Opinion touching such Recompence, they shall and are hereby authorized and required, before they proceed to settle and determine such Recompence, to nominate a Third Person (not interested in the Matter) as an Umpire, who shall and is hereby authorized and required to attend them the said Arbitrators upon any Survey or Surveys, to be by them the said Arbitrators made; and in case of such Difference in Opinion as aforesaid, to settle, determine, and award the Recompence which shall be made to the Person or Persons injured as aforesaid by the said Commissioners, who are hereby authorized and required, out of the Monies arising as aforesaid, to make such Recompence accordingly: Provided always, That such Arbitrators and Umpire, so appointed as aforesaid, shall, and they and he are and is hereby respectively authorized and required, to make an Award in Writing under their Hands and Seals, or his Hand and Seal, to ascertain and award the Recompence to be made as last aforesaid, which Award or Awards, so to be made by the said Arbitrators or Umpire as aforesaid, shall be Evidence, and taken as final and conclusive, and be admitted as Evidence in any Court of Law or Equity; and in case the said Arbitrators or Umpire so appointed shall die, or refuse or neglect to act, or shall not settle the Matter aforesaid, and make an Award within the Space of Three Calendar Months next after Notice given to them of such their Appointment, then another Arbitrator or Umpire shall be appointed in Manner aforesaid; and such Arbitrator, Arbitrators, or Umpire, shall severally and respectively have and enjoy the like Powers and Authorities as are hereby vested, or hereby intended

to be vested, in the Arbitrators and Umpire last mentioned: Provided also, That in case the said Arbitrators or Umpire shall be of Opinion, that Injury or Damage has been sustained by the said Lock and Weir, and Towing Paths, or any of them as aforesaid, then the said Commissioners shall, and they are hereby authorized and required, to defray the Charges and Expences incident to the said Arbitration and Award; but if the said Arbitrators or Umpire shall deem such Complaint groundless or frivolous, then the Person or Persons complaining as aforesaid shall, and they are hereby authorized and required to defray all the Charges and Expences incident to the said Arbitration and Award.

XXI. Provided always, and be it further enacted, That if the said intended Lock and Weir shall at any Time or Times hereafter be injurious to any of the Banks of the said River *Hull* and intended Cuts, or any of them, or to any of the Lands adjoining or near to the same, or any of them, by penning up the Water, and occasioning the Water to break or damage any of the said Banks, or to overflow any of the said Lands, then and so often the said Commissioners, or any Seven or more of them, shall forthwith alter, make, construct, and maintain the said Lock and Weir in such a Manner that the same shall not be so injurious, and shall forthwith effectually repair all and every such Banks which shall be so broken or damaged, and also shall at all Times hereafter save harmless and keep indemnified all and every Person and Persons interested in the said Banks and Lands respectively from all Loss, Damages, Costs, Charges, and Expences to be occasioned thereto respectively, or to the Crops or Produce of the said Lands, or any of them, by the said Lock and Weir being so injurious as aforesaid; any Thing herein contained to the contrary thereof notwithstanding.

For guarding against the Lock and Wier proving injurious to Banks and adjoining Lands.

XXII. And be it further enacted, That the Treasurer or Treasurers for the Time being to the said Commissioners, and the Collector or Collectors for the Time being of the Tolls hereby granted, and every of them, shall compensate for, and pay out of the Tolls hereby granted, and in preference to any other Application thereof (except on Account of the said *Hull* Bridge), all Damages and Expences which the said Commissioners are or shall be liable to pay or be chargeable with under this Act; and the Person or Persons who shall be entitled to receive Compensation for any such Damages and Expences shall and may maintain and prosecute any Action or Actions against such Treasurers and Collectors, and every or any of them, for such Compensation, and recover the same.

Damages, etc. occasioned by the Navigation to be paid out of the Tolls.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to take away, reduce, or lessen the Overfall or Overfalls for the Water, to be placed in the Banks lying on the Wolds or West Side of the River *Hull*, or in the Becks, Brooks, or Streams, communicating therewith, which, for the Preservation and Security of the Low Grounds and Carrs, lying in what is commonly called the *Holderness* Drainage, are stipulated or directed to be made by an Act of Parliament lately passed, intituled, *An Act for draining, preserving, and improving the Low Grounds and Carrs lying in the several Parishes, Lordships, Townships, Hamlets, Precincts, and Territories*  
[Loc. & Per.]

For preserving the Powers of certain Drainage Acts.

*teries of Beverley, Saint John of Beverley, Grovehill, S andholme, Storkhill, Molecroft, Leconfield, Arram, Scorbrough, Lockington, Ayke, Belwick, Wiltholme, Kilnwick, Watton, Hutton, Cranwick, Rotsea, Featherholme, Skerne, Brigham, Fisholme, Nafferton, Lawthorpe, Harpham, Little Kelk, Foston, Burton, Agnes, Glansmoor, Lisset, Barmston, Ulram, otherwise Oworm, Skipsea, Dringhoe, Beeford, North Frodingham, Brandsburton, Moor-Town, Leven, Emmitland, Hempholme, Goodhill-House, and Struncheon-Hill, all in the East Riding of the County of York; and that nothing herein contained shall extend or be construed to extend to authorize or empower the making of any Banks or Towing Paths on the Wolds or West Side of the said River Hull, higher or nearer to the Banks commonly called or known by the Name of the Holderness Drainage Banks, than is stipulated or directed for the same Purpose by the same Act of Parliament; and also that nothing herein contained shall extend or be construed to extend to authorize or empower the making of any Lock, Weir, Staunch or Dam, in, over, or across that Part of the River Hull, which lies between Beverley Beck, and Mickley Bank, in Holderness; and further, that nothing herein contained shall extend, or be construed to extend, to empower or authorize the said Commissioners to injure, prejudice, alter, or in anywise interfere with any of the Banks or Works erected or made, or to be erected or made, under or by virtue of an Act of Parliament passed in the Fourth Year of His present Majesty's Reign, intituled, *An Act for draining, preserving, and improving the Low Grounds and Carrs lying and being in the Parishes, Townships, Hamlets, Lordships, Precincts, and Territories of Sutton, Ganstead, Swine, Beningholme, Benningholme Grange, and Fairholme, North Skirlaugh, Rowton, Arnold, Long Riston, Leven, Heigholme, and Hallytreeholme, Brandesburton, and Burtall, Esk, Tickton, Weel, Routh, Meaux, and Waghen otherwise Wawn in Holderness, in the East Riding of the County of York, or under or by virtue of an Act passed in the Sixth Year of His present Majesty's Reign, to render the same Act more effectual; and furthermore, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the making of the Span of the Arch of the Bridge over the River Hull, in the Township of Tickton aforesaid, of less Dimensions than it is at present.**

To oblige  
Subscribers  
to pay their  
Subscrip-  
tions.

XXIV. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards defraying the Expences of executing the Works hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Commissioners, or any Seven or more of them, shall order and direct; and the same shall be paid to such Person or Persons as the said Commissioners, or any Seven or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to sue for and recover the same in the Name of the said Commissioners, or any Seven or more of them, or in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, Bill, Plaint, Suit, or Information, wherein no

Essoign, Protection, or Wager at Law, or more than One Imparlançe shall be allowed.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for the *Driffeld* Navigation, together with the Name or Names of such Person or Persons as Seven of the Commissioners for executing the said Act and this Act, shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced, Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation, where exceeding 200l.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds,

Application where the Compensation does not exceed 200l nor less than 20l.

Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons, so entitled respectively.

Provisions of the former Act confirmed.

XXVIII. And be it further enacted, that all and every the Provisions and Clauses of this Act shall, in the Execution of the said recited Act, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same had been specially enacted in the said Act; and all and every the Provisions and Clauses of the said recited Act shall, in the Execution of this Act, except where the same are hereby expressly varied, be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Expences of the Act to be paid.

XXIX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Commissioners, by and out of the Money that shall come to their Hands after the Day of passing this Act, by virtue hereof.

Publick Act.

XXX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

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