



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 43.

An Act for altering and amending an Act, passed in the Forty-first Year of His present Majesty, for enabling *Charlotta Bethell*, Widow, to make and maintain a Navigable Canal from the River *Hull* to *Leven Bridge*, in the East Riding of the County of *York*. [5th June 1805.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for enabling Charlotta Bethell, Widow, to make and maintain a Navigable Canal from the River Hull, at a Point in the Parish of Leven near the Boundary between Eike and Leven Carrs, in the East Riding of the County of York, to Leven Bridge, in the said Riding, whereby the said Charlotta Bethell, or the Person or Persons who for the Time being should be in the actual Possession or entitled to the Rents and Profits of the Lands and Grounds through which the said Canal was intended to pass, should and might, and she and they respectively was and were thereby empowered by herself, himself, or themselves, her, his, or their Agents, Officers, Workmen, and Servants, to make and complete a Canal navigable for Boats and other Vessels from and out of the River Hull, at a Point in the* 41 G. 3.

[Loc. & Per.]

Parish

Parish of *Leven* near the Boundary between *Eske* and *Leven Carrs*, in the said East Riding, to *Leven Bridge*, in the same Riding, and to supply the said intended Canal while making, and at all Times for ever after the same should be made, with Water from the said River *Hull*, and all such Brooks, Springs, Streams, Rivulets, Waters, and Watercourses, as were or should flow or be found in digging or making the said Canal; and also such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for supplying the said Canal with Water, as by the said *Charlotta Bethell*, or the Person or Persons thereby authorized as aforesaid, should be deemed necessary and proper; and certain Tonnage Rates and Duties were thereby granted to the said *Charlotta Bethell*, and the Proprietor or Proprietors of the said Canal for the Time being, in consideration of the great Charges and Expences the said *Charlotta Bethell* should be at in making the said Canal: And whereas in pursuance of the said Act the said *Charlotta Bethell* hath completed the said Canal, which is now open for publick Use, but much more Expence hath been incurred in completing the said Canal and Works than the same were originally estimated at; and the Rates granted by the said Act have been found insufficient to indemnify the said *Charlotta Bethell* for the Expences incurred in making the said Canal and Works, and in making, maintaining, and repairing the Roads leading to and from the same; and it is therefore expedient that certain Rates for the Wharfage of Goods, Wares, and Merchandize should be granted in addition to the Rates of Tonnage and Wharfage authorized to be taken by the said recited Act: And whereas the said Act hath in other Respects been found defective, and it is expedient that the Powers and Provisions thereof should be altered, amended, and enlarged: 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 it shall be lawful for the said *Charlotta Bethell*, or the Person or Persons who for the Time being shall be in the actual Possession or entitled to the Rents and Profits of the Lands and Grounds through which the said Canal and Works do pass, and she, he, or they is: and are hereby authorized and empowered from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for her, his, or their own Use and Benefit, for the Wharfage of all Goods and other Things which shall be navigated, carried, or conveyed upon or along the said Canal, over, above, and in addition to the Rates which the Person or Persons so authorized by the said Act is or are already empowered to demand and receive, the Rates herein-after mentioned; that is to say,

Allowing additional Rates to be taken.

Additional Rates.

For the Wharfage of all Lime and Limestone, Dung, Soot, Rape, Dust, and other Manure; and for all Coal and Coke; Wheat, Rye, Beans, Pease, Malt, Oats, Barley, Rape-Seed, Mustard Seed, Linseed, and other Grain and Seeds of all Sorts; and for all Stones, Bricks, Tiles, Slate and Sand; and for all other Goods, Wares, Merchandize, and Things whatsoever, the additional Sum of Seven Shillings for every Boat, Barge, or other Vessel loaded therewith, and using and navigating upon the said Canal.

Vessels to pay same Rates on returning through Locks.

II. And be it further enacted; That it shall be lawful for the said Proprietor or Proprietors from Time to Time, and at all Times hereafter, to ask,

ask, demand, and recover, to and for her, his, or their own Use and Benefit, for all Boats or other Vessels passing the Lock in returning from as well as entering into the said Canal, the several Rates granted by the said recited Act for the Tonnage and Wharfage of all Goods, Wares, Merchandize, and Things whatsoever carried or conveyed upon the said Canal the whole Length thereof, or any Part thereof:

Which said additional Rates shall and may be ascertained, collected, levied, and recovered by such and the like Ways and Means, and in such and the like Proportions and Manner as the Rates of Tonnage and Wharfage granted and made payable to the Proprietor or Proprietors, for the Time being in and by the said recited Act are thereby directed to be ascertained, collected, levied, and recovered, and are subject to.

III. Provided always, and be it further enacted, That it shall be lawful for the said *Charlotta Bethell*, or the Proprietor or Proprietors, for the Time being of the said Canal and Works, to lessen or reduce all or any of the Rates granted by this or the said recited Act, and again to raise all or any of the said Rates so lessened to any Sum, not exceeding the Rates granted by the said recited Act and this Act, as often as it shall be deemed necessary for the Benefit of the said Navigation.

The Rates may be lessened.

IV. And, for the better Regulation of Boats or other Vessels which shall or may be placed along the Side or Sides of any of the Wharfs or Quays belonging to the said Canal, for the Purpose of loading or unloading their respective Cargoes, and for preventing Delay and Inconvenience to the Person or Persons using the said Canal; be it further enacted, That if any Person or Persons having the Care of any Boat or other Vessel, shall, in loading or unloading the same, wilfully, vexatiously, or without just and necessary Cause, suffer such Boat or Vessel to lie or remain along the Side or Sides of any of the Wharfs or Quays aforesaid, or on the Side or Sides of the Banks of the said Canal, or shall be moored therein longer than Forty-eight Hours after such Boat or other Vessel shall have passed the Lock, without the Consent in Writing of the said *Charlotta Bethell*, or the Proprietor or Proprietors for the Time being of the said Canal and Works, the Person or Persons so offending shall forfeit and pay for every such Offence the Sum of One Shilling for every Hour during which such Boat or other Vessel shall lie or remain as aforesaid after the Expiration of the Time aforesaid; which said Forfeiture shall be recovered by such and the like Ways and Means, and in such and the like Manner as the Fines and Forfeitures inflicted by the said recited Act are directed to be recovered.

Regulation of Boats in loading and unloading their Cargoes along the Sides of the Wharfs and Quays.

V. 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 were 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 said Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Provisions of the former Act extended to this.

VI. And

Publick Act.

VI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1805.