

CHAP. civ.

An Act for confirming agreements made by the Humber Conservancy Commissioners respecting Lands in the Rivers Humber, Ouse, and Trent, and for conferring various powers on the Commissioners ; and for other purposes. A.D. 1871.

[13th July 1871.]

**W**HEREAS the agreements set forth in the schedules to this Act have been made and have received all requisite approvals, and it is expedient that the same be confirmed and carried into effect :

And whereas it is expedient that powers of borrowing money and other powers be conferred on the Humber Conservancy Commissioners, and that the Acts relating to them be in various respects enlarged and amended, and that the bodies contributing to the Humber Conservancy Fund be empowered to advance money to them or guarantee loans raised by them :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as *The Humber Conservancy Act, 1871*, and this Act and the *River Humber Conservancy Act, 1852*, and the *Humber Conservancy Act, 1868*, may be cited together as the *Humber Conservancy Acts, 1852, 1868, and 1871*. Short titles.

2. The following enactments (as far as they are applicable for the purposes of and not inconsistent with this Act) are hereby incorporated with this Act ; (namely,)

The *Lands Clauses Consolidation Acts, 1845, 1860, and 1869* :

The provisions of the *Commissioners Clauses Act, 1847*, with respect to the mortgages to be executed by the Commissioners.

[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871.

Interpreta-  
tion of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect; (namely,)

In this Act "the Conservancy Commissioners" means the Humber Conservancy Commissioners:

In this Act "the Conservancy Act of 1852" means the River Humber Conservancy Act, 1852; "the Conservancy Act of 1868" means the Humber Conservancy Act, 1868; and "the former Conservancy Acts" means the Conservancy Acts of 1852 and 1868:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same meanings:

In this Act, and in any enactment incorporated therewith, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall be taken to include courts of competent jurisdiction within the meaning of this Act.

Construction  
of Act.

4. This Act shall be construed as one Act with the former Conservancy Acts.

Confirmation  
of agreement  
with Com-  
missioner of  
Woods, &c.

5. The agreement set forth in the first schedule to this Act is hereby confirmed, and the same shall be carried into effect.

Payment of  
purchase  
money, &c.

6. The purchase money to be paid by the Conservancy Commissioners under the agreement set forth in the first schedule to this Act, which has been fixed and settled in the manner provided by the said agreement at the sum of nine thousand pounds, and the interest thereon, and the costs, charges, and expenses to be paid by the Conservancy Commissioners under that agreement, shall be a charge on the gross profits to be derived by the Conservancy Commissioners from the foreshores comprised in the agreement between the Board of Trade and the Conservancy Commissioners confirmed by the Conservancy Act of 1868 (as the foreshores are in that agreement defined), and from the property comprised in the agreement set forth in the second schedule to this Act, and those profits shall accordingly be liable to the payment of the purchase money, interest, costs, charges, and expenses aforesaid, before the ascertainment and division of net profits as stipulated for in the two last-mentioned agreements respectively: Provided always, that the provisions in this section contained shall be without prejudice to Article 6 of the agreement in the first schedule to this Act, and the charge thereby created.



7. The Conservancy Commissioners may from time to time for the purposes of the more convenient and profitable user of the island and lands comprised in the agreement set forth in the first schedule to this Act, make and erect thereon such landing-places, farm buildings, roads, and conveniences as they from time to time think requisite, and may expend thereon such sum as they think fit, but so that they do not within three years after the passing of this Act expend thereon out of capital a larger amount than four thousand pounds.

A.D. 1871.  
Improve-  
ment of  
Reads Island,  
&c.

8. The net profits (if any) derived by the Conservancy Commissioners from the property comprised in the agreement set forth in the first schedule to this Act (subject to and after payment and satisfaction of all money charged on that property by that agreement) shall be year by year divided into three equal parts, one whereof shall belong to the Board of Trade, to be disposed of according to the provisions of the Crown Lands Act, 1866, and the two others whereof shall belong to the Conservancy Commissioners, and shall be applied as a fund for the improvement of the navigation of the Humber and the estuary thereof under the former Conservancy Acts and this Act.

Application  
of profits  
from Reads  
Island.

9. The Conservancy Commissioners may from time to time, with the consent of the Lords Commissioners of Her Majesty's Treasury and of the Board of Trade (signified by writing under the hand of a secretary or assistant secretary of such commissioners and of the Board of Trade) borrow and re-borrow at interest such money as they require for the purposes of the former Conservancy Acts and this Act, not exceeding for the purpose of paying the purchase money, interest, costs, charges, and expenses aforesaid nine thousand pounds, and not exceeding, for the improvement of the island and lands aforesaid four thousand pounds, and may mortgage the said island and lands and their revenue and property for securing the repayment of money so borrowed, with interest, accordingly.

Power to  
borrow.

10. The Public Works Loan Commissioners may, if they think fit, lend to the Conservancy Commissioners any money which the Conservancy Commissioners are authorised to borrow under this Act on the security of the said island and lands, and of the revenue and property of the Conservancy Commissioners, without requiring any other security.

Loans by  
Public  
Works Loan  
Commission-  
ers.

11. The several bodies contributing to the Humber Conservancy Fund, or any of them, may from time to time advance to the Conservancy Commissioners for any of the purposes and on any of the securities authorised by this Act any sum or sums of money, and those bodies may severally, and they or any two or more of them

Power for  
contributing  
bodies to  
advance  
money or  
guarantee  
loans.



[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871. — jointly may from time to time guarantee to any person lending money to the Conservancy Commissioners the repayment thereof and the interest thereon.

Limitation on advance or guarantee.

**12.** The aggregate amount of the principal money advanced and guaranteed by the several contributing bodies aforesaid, or any of them, shall not at any one time exceed the sum of thirteen thousand pounds.

Funds out of which advances or guarantees to be made or satisfied.

**13.** Any contributing body making any advance or giving any guarantee under this Act, may make the advance or satisfy the guarantee (as the case may be) out of money which belongs to them or is at their disposal, and which would be applicable by them for the purposes of their contribution to the Conservancy Fund.

Confirmation of agreement with Board of Trade.

**14.** The agreement set forth in the second schedule to this Act is hereby confirmed, and the same shall be carried into effect accordingly.

Exception of leases, &c.

**15.** Nothing in this Act or in the agreement set forth in the second schedule to this Act shall apply to such parts (if any) of the foreshores and beds of the rivers Ouse and Trent as before or at the passing of this Act have been sold or disposed of, or contracted to be sold or disposed of, or are held on lease either for lives or for years.

Power for Board of Trade to make provisional orders, &c.

**16.** Notwithstanding anything in section 13 of the General Pier and Harbour Act, 1861, the Board of Trade may, if they think fit, from time to time by provisional order made under the General Pier and Harbour Act, 1861, and the Acts amending the same, or other Acts, and confirmed by Act of Parliament, and notwithstanding any power or jurisdiction vested in or claimed by any other body or authority, authorise the Conservancy Commissioners to exercise and do the following powers and things, or any of them; (namely,)

- (1.) To execute, construct, and maintain in the Humber or on the foreshore and bed thereof, or on property for the time being demised to or vested in the Conservancy Commissioners, or partly in one and partly in another or others of those situations, improvements and works for straightening, widening, deepening, protecting, training, and otherwise improving the channels, banks, and bed of the Humber:
- (2.) To execute, construct, and maintain therein or thereon any necessary or proper improvements or works for purposes of navigation, and any improvements or works for purposes of reclamation incidental to or expedient in connexion with the same:
- (3.) To levy dues or tolls in respect or in consideration of such improvements and works, or any of them, or otherwise:



(4.) To prevent and remove obstructions to the navigation of the Humber, and encroachments in or on the foreshore, bed, and property aforesaid: A.D. 1871,

(5.) Generally to exercise and discharge such powers and duties in relation to the Humber, and to the foreshore, bed, and property aforesaid, as any such provisional order directs:

Provided always, that nothing in this section contained shall authorise the application by the Conservancy Commissioners for any provisional order to execute, construct, or maintain any works in the Humber or on the foreshore or bed thereof beyond the lines coloured pink on certain plans, respectively dated twenty-first April one thousand eight hundred and sixty-nine, numbered 1, 2, and 3, and signed by John Hawkshaw, William Hamond, Bartholomew Edward Killwick Calver, John Bertie Cator, and Charles Sacré, and deposited with the Conservancy Commissioners, and where on such plans lines have been coloured brown, then not beyond such brown lines.

**17.** In all cases where application is intended to be made for a provisional order under the preceding section, the Conservancy Commissioners shall, in addition to any other notices required by law, give notice of such intended application by transmitting a copy of the memorial within seven days after the presentation of such memorial, making such application to each of the corporations, companies, or parties who may for the time being be contributories to the Conservancy Fund under sections 15 and 18 of the Conservancy Act, 1852; and in all cases where any such application is for a provisional order to authorise such Conservancy Commissioners to execute, construct, or maintain any improvements or works in the Humber or on the foreshore or bed thereof, the Conservancy Commissioners, in addition to any other deposit required by law, shall, at the time of the presentation of the said memorial, cause plans, sections, and working drawings of any proposed improvements or works to be deposited at the office of the clerk to the Conservancy Commissioners, and the same shall from time to time be open to the inspection of the several corporations, companies, or parties entitled to such notice, their officers, solicitors, agents, and surveyors, and they respectively shall be entitled to take copies or extracts from the same.

Notice to be given and plans deposited on application for provisional order.

**18.** The said plans, respectively dated the twenty-first April one thousand eight hundred and sixty-nine, numbered 1, 2, and 3, referred to in section 16 of this Act, shall be deposited at the office of the clerk to the Conservancy Commissioners, and shall from time to time be open to the inspection of the corporations, companies, or parties contributing to the said Conservancy Fund, their officers,

Plans to be deposited with clerk and open to inspection.

[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871. — solicitors, agents, or surveyor, and they respectively shall be entitled to take copies or extracts from the same.

Saving rights of the Crown.

**19.** Except as regards the land comprised in the agreement contained in the first schedule to this Act, nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Conservancy Commissioners to take, use, or in any manner interfere with any land or hereditaments belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, without the previous consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give).

Power to take land by agreement.

**20.** The Conservancy Commissioners may from time to time, with the consent of the Board of Trade, purchase by agreement and hold any land adjoining or near to the Humber which it may be necessary or convenient for them to hold for the purposes of the former Conservancy Acts and this Act.

Power to agree for easements, &c.

**21.** The Conservancy Commissioners may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands, may grant to them any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose, any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Penalty on throwing rubbish, &c. into river.

**22.** If any person without the consent in writing of the Conservancy Commissioners or without lawful excuse (proof whereof respectively shall lie on the accused) lays, throws, or places in, or allows to fall into the Humber at or below high-water mark of ordinary spring tides any coal, cinders, ashes, dirt, or rubbish, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Proceedings for summary convictions and appeals.

**23.** Section 31 of the River Humber Conservancy Act, 1852, is hereby repealed with respect to proceedings to be commenced after the passing of this Act, and from and after the passing of this Act, proceedings with a view to the summary conviction of offenders under this Act, or any enactment incorporated therewith, or under



the former Conservancy Acts, or to the recovery of any money or expenses authorised to be recovered in a summary manner, or any other order to be made by justices under this Act, or any enactment incorporated therewith, or under the former Conservancy Acts, shall be taken according to the provisions of the Act of the session of the 11th and 12th years of Her Majesty's reign, (chapter 43,) "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and section 110 of the Act of the session of the 24th and 25th years of Her Majesty's reign, (chapter 96,) "to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences," shall authorise and apply to appeals in respect of such summary convictions and orders.

A.D. 1871.

**24.** Saving to Her Majesty, her heirs and successors, (except only as far as regards the estate and interest of the Crown intended to be affected by the agreements confirmed by this Act,) and to all other persons, all such estates, rights, titles, claims, and demands, as Her Majesty, her heirs and successors, and all other persons and bodies respectively have at the passing of this Act, or would at any time have had if this Act had not been passed.

General saving of rights, &c.

**25.** Nothing in this Act contained shall extend to or be construed to extend to take away, impeach, infringe, change, lessen, prejudice, alter, or affect any of the rights, dues, estates, interests, powers, authorities, privileges, immunities, and exemptions now vested in, belonging to, or exercised and enjoyed by the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, but the said mayor, aldermen, and burgesses shall have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Act had not been passed.

Saving rights of corporation of Hull.

**26.** Nothing in this Act, or in either of the agreements confirmed thereby, shall prejudice, affect, or interfere with any lands or foreshore of the Dock Company at Kingston-upon-Hull heretofore purchased or contracted to be purchased by the Dock Company, or which that company have power to purchase, or any rights of the company attaching to or connected with any of the said lands or foreshore, or with any other of their existing rights, privileges, or powers.

Saving rights of the Dock Company at Kingston-upon-Hull.

**27.** Nothing in this Act contained shall, by implication or otherwise, extend or be construed to extend to defeat, lessen, prejudice, alter, impair, take away, or affect any of the rights, privileges, powers, or authorities vested in or enjoyed by the commissioners

Saving rights of Ancholme Commissioners.



[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871. — for draining lands within the level of Ancholme, in the county of Lincoln, and making certain parts of the river Ancholme navigable.

Saving for  
Lord Carington.

**28.** Nothing in this Act shall take away, lessen, prejudice, or interfere with any estate, right, title, claim, or demand which Charles Robert Lord Carington or any person in trust for him has at the passing of this Act, or which he or his heirs or successors in estate, or any person in trust for him or them, would have had at any time if this Act had not been passed, or authorise the Conservancy Commissioners to apply for or take under any provisional order as aforesaid any power to impose any due, toll, tax, rate, or charge on any lands of Charles Robert Lord Carington, his heirs or successors in estate, without his or their consent, or to apply for or take under any provisional order as aforesaid authority to make or execute any improvements or works in, or on, or affecting any part of the Humber or of the foreshore or bed thereof adjoining to any lands of, or held in trust for, Charles Robert Lord Carington, his heirs or successors in estate, without proper provisions for securing that the Conservancy Commissioners shall, in the exercise of their powers thereunder, interfere as little as may be with the access to and from those lands from and to the water and channels of the Humber or with the drainage of those lands, and shall make compensation for any damage or loss sustained by Charles Robert Lord Carington, his heirs or successors in estate, by reason of any such interference as aforesaid, the amount of compensation to be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," for ascertainment of compensation for land injuriously affected.

Expenses of  
Act.

**29.** The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Conservancy Commissioners out of the first money coming to their hands under this Act, or out of any money under their control or coming to their hands under the former Conservancy Acts, or either of them.



SCHEDULES referred to in the foregoing Act.

A.D. 1871.

THE FIRST SCHEDULE.

*Agreement between a Commissioner of Her Majesty's Woods, &c.  
and the Humber Conservancy Commissioners.*

ARTICLES OF AGREEMENT made the eighteenth day of June one thousand eight hundred and seventy between the Queen's most Excellent Majesty of the first part, the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, acting under the authority of an Act of the Tenth George Fourth, chapter fifty, and of another Act of the fourteenth and fifteenth Victoria, chapter forty-two, of the second part, and the River Humber Conservancy Commissioners, herein-after called "the Conservancy Commissioners," of the third part.

1. The said Charles Alexander Gore hereby agrees on behalf of the Queen's Majesty to sell to the Conservancy Commissioners, who hereby agree to purchase of Her Majesty, all that piece of land called Reads Island or Ferriby Sands lying in the river Humber, near South Ferriby, in the county of Lincoln, with the surrounding foreshore extending to low-water mark at ordinary tides, being the land delineated on the plan C. referred to in the twenty-fifth section of the Humber Conservancy Act, 1868, marked respectively Read Island, Old Warp, Old Warp Channel, and Ferriby Sand, and coloured pink on the said plan and on the copy thereof hereto annexed.

2. The purchase money to be paid by the Conservancy Commissioners for the said land shall be fixed and settled by John Clutton, of No. 9, Whitehall Place, Westminster, surveyor, whose award shall be final, and the purchase money shall be paid by twenty equal annual instalments, each of which instalments of one-twentieth part of the purchase money shall be paid on the fifth day of April in every year, and the first instalment shall become due and be paid on the fifth day of April one thousand eight hundred and seventy-one.

3. The Conservancy Commissioners shall also pay to Her Majesty interest at four per centum per annum from the fifth day of April one thousand eight hundred and seventy-one, upon such part of the purchase money as may from time to time remain unpaid, but the amount of such interest during the first three years ending on the fifth day of April one thousand eight hundred and seventy-four shall not exceed the sum of one hundred and fifty pounds per annum, and the interest shall be paid by equal half-yearly sums on the fifth day of January and the fifth day of July in every year, the first half-yearly payment thereof, together with the interest calculated from the fifth day of April one thousand eight hundred and seventy-one to the fifth day of July one thousand eight hundred and seventy-one, to be paid on the fifth day of January one thousand eight hundred and seventy-two. In case of nonpayment of any instalment of interest for twenty-one days after it becomes due, the Commissioner or Com-



[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871. — missioners in charge of the land revenue of the Crown in the county of York, herein-after called the Commissioner or Commissioners of Woods, may recover the same by distress and sale of any goods and chattels of the Conservancy Commissioners or by any other means by which rent due to the Crown in respect of land demised is by law recoverable.

4. The Conservancy Commissioners shall be entitled to possession of the said land on the fifth day of April one thousand eight hundred and seventy-one, but notwithstanding the taking possession by the Conservancy Commissioners under this clause the Crown or the Commissioner or Commissioners of Woods shall have full power after that day to distrain any goods and chattels upon the land for any rent under the subsisting tenancy that may have accrued due on the said fifth day of April one thousand eight hundred and seventy-one, and may remain unpaid.

5. Upon payment of the whole of the purchase money and of the interest thereon, and of all costs, charges, and expenses as herein-after mentioned, a conveyance shall be made by the Commissioner of Woods, on behalf of Her Majesty, of the said land, which conveyance shall be prepared in duplicate in the office of the Commissioners of Woods, and no title or evidence of title to the land shall be given or required.

6. Until the whole of the purchase money and interest are paid, the amount remaining unpaid shall constitute a debt due by the Conservancy Commissioners to the Crown, and shall be a first charge on the said land, and shall also be a charge upon all the tolls, rents, revenues, and property of the Conservancy Commissioners; but nevertheless it is agreed that in case the first instalment of the purchase money is not paid on or before the fifth day of April one thousand eight hundred and seventy-one, this agreement shall be absolutely void, without prejudice nevertheless to the recovery of any costs, charges, and expenses to be paid by the Conservancy Commissioners, pursuant to the ninth article of this agreement.

7. If the Conservancy Commissioners should desire to sell any part of the land before the whole of the purchase money payable by them under this agreement is paid, the Commissioner or Commissioners of Woods will, with the concurrence of the Conservancy Commissioners, and upon receiving such portion of the purchase money as herein-after mentioned, by a deed to be prepared as herein-before mentioned, convey such part of the said land as may be sold to the purchaser or purchasers thereof, and his or their heirs and assigns, or as he or they may direct at his or their expense.

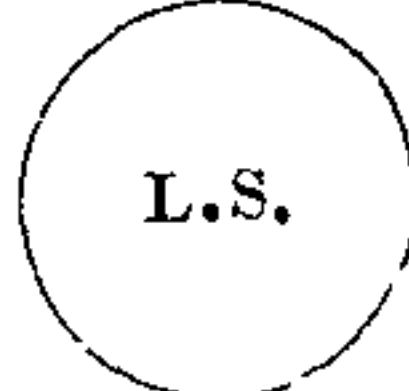
8. Upon any such sub-sale as aforesaid, there shall be paid to the Crown on account of the purchase money payable under this agreement, not less than one moiety of the fair value of the land so sold, the amount of which shall be fixed and ascertained by a surveyor to be appointed or approved of by the said Commissioner or Commissioners of Woods, but it is nevertheless agreed that no such sub-sale shall be made if the value of the said land that would remain after such proposed sale, shall, in the opinion of the said surveyor, be of less value than the balance of the purchase money, if any then remaining unpaid by the Conservancy Commissioners under this agreement, and of the interest due thereon.

9. All costs, charges, and expenses of this agreement and of the valuation to be made by the said John Clutton, and all surveyors and engineers, and other costs, charges, and expenses in anywise incidental to this agreement, shall be paid by the Conservancy Commissioners.




10. This agreement is subject to the approval of the Commissioners of Her Majesty's Treasury. A.D. 1871.

And the said Charles Alexander Gore doth hereby direct, that this deed shall be deemed to be fully and sufficiently enrolled by the deposit of a duplicate thereof in the office of Land Revenue Records and Inrolments, and the filing or making an entry of such deposit by the keeper of the said records and inrolments. In witness whereof the said Charles Alexander Gore has hereunto set his hand and seal, and the said Conservancy Commissioners have hereunto affixed their common seal, the day and year first above written.

Signed, sealed, and delivered by the  
within-named Charles Alexander } CHAS. A. GORE.   
Gore in the presence of

J. T. REDGRAVE,  
Office of Woods, &c.,  
London.

Sealed with the common seal of  
the within-named Conservancy } THOS. WITTY.   
Commissioners in the presence of

THOS. S. NICHOLSON,  
Clerk to E. S. Wilson,  
Solicitor, Hull.

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The SECOND SCHEDULE.

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*Agreement between the Board of Trade and the Humber Conservancy Commissioners.*

AGREEMENT between the Board of Trade and the Humber Conservancy Commissioners respecting parts of the Foreshores and Beds of the Rivers Ouse and Trent.

1. The Board of Trade hereby agree (subject to the approval of Parliament and to the subsequent stipulations of this agreement) to grant to the Humber Conservancy Commissioners a lease of—

First, the foreshores and bed of so much of the Ouse as extends from an imaginary line drawn across the river from a pillar marked H. C., placed on or near the northern bank of the river near Yokefleet Clough to another pillar also marked H. C., placed opposite thereto, on or near the southern bank of the river to the confluence of the Ouse and Trent:

Secondly, the foreshores and bed of so much of the Trent as extends from an imaginary line drawn across the river from a pillar marked H. C., placed on or near the western bank of the river at or near Soil Clough, to another pillar marked H. C., placed opposite thereto, on or near the eastern bank of the river to the confluence of the Ouse and Trent:

as far as the same are under the management of the Board of Trade (except such parts thereof as may be subject to prior grants and existing leases and tenancies), for a term of nine hundred and ninety-nine years, on such terms and conditions as shall be hereafter agreed on, and subject to a power of

[Ch. civ.] *The Humber Conservancy Act, 1871.* [34 & 35 VICT.]

A.D. 1871. re-entry to be reserved to the Board of Trade for enforcing the observance by the Commissioners of the terms and conditions of the lease.

2. Proper provisions shall be introduced in the lease authorising and enabling the Board of Trade to release their power of re-entry in particular cases so as to ensure quiet enjoyment to persons deriving title under the Commissioners to portions of the property demised with the consent of the Board of Trade.

3. The Commissioners shall not execute or seek for powers to execute any embankment or other work on the property demised, except with the consent of the Board of Trade.

4. The Commissioners shall keep a separate account in respect of the property demised, which account and the vouchers relative thereto shall be at all times open to the inspection of the Board of Trade; and the Commissioners shall annually furnish an abstract, or, if required, a copy of that account, to the Board of Trade.

5. The net profits (if any) derived by the Commissioners from the property demised shall be year by year divided into three equal parts, one whereof shall belong to the Board of Trade, to be disposed of according to the provisions of the Crown Lands Act, 1866, and the two others whereof shall belong to the Commissioners, and shall be applied as a fund for the improvement of the navigation of the Humber and the estuary thereof, under the Acts empowering the Commissioners.

6. The Commissioners shall, in the first session of Parliament in 1871, apply for and use their best endeavours to obtain an Act of Parliament to confirm this agreement, or otherwise to enable the Board of Trade to grant such a lease as aforesaid.

7. The expenses of the obtaining and executing of the Act so to be obtained shall be a charge on the gross profits to be derived by the Commissioners from the property demised and from Reads Island, and from the foreshores comprised in the agreement scheduled to the Humber Conservancy Act, 1868, and those profits shall accordingly be liable to the payment of those expenses before the ascertainment and division of net profits, as stipulated for in this agreement.

In witness whereof, Thomas Henry Farrer, the Secretary of the Board of Trade, hath hereunto set his hand, and to a counterpart hereof, the Humber Conservancy Commissioners have affixed their common seal, this twenty-first day of March one thousand eight hundred and seventy-one.

THOS. HENRY FARRER.

Witness,

C. CECIL TREVOR,  
Assistant Secretary.

Sealed with the common seal of the  
Humber Conservancy Commis- } JOHN R. RINGROSE.  
sioners, in the presence of  
EDW. S. WILSON,  
Clerk to the Conservancy.

