

[10 EDW. 7 &  
1 GEO. 5.]

*East Riding County Council*  
*Act, 1910.*

[Ch. cxviii.]



### CHAPTER cxviii.

An Act to amend the Yorkshire Registries Act 1884 in its application to the East Riding of the county of York to vest Hull Bridge in the East Riding County Council and for other purposes. A.D. 1910.  
[3rd August 1910.]

**W**HEREAS by the Yorkshire Registries Act 1884 (hereinafter referred to as "the Act of 1884") certain Acts theretofore in force under the provisions of which register offices were established for the registration of deeds conveyances wills incumbrances and other matters affecting lands and hereditaments within the three ridings of the county of York and the town and county of the town of Kingston-upon-Hull were repealed and the said provisions were consolidated and amended:

And whereas the Act of 1884 contains (inter alia) provisions for the appointment by the county authorities of each of the said ridings of persons to hold the offices of registrar for the respective ridings and by section 37 of the said Act it is (inter alia) provided that no such registrar shall either by himself or in partnership with any other person follow any other calling or profession during the time he holds such appointment:

And whereas the county councils of the said ridings are by virtue of the Local Government Act 1888 the authorities for administering the Act of 1884 within their respective ridings:

And whereas with a view to effecting financial saving it is expedient that the provisions of the said section 37 of the Act of 1884 in their application to the east riding should be amended as by this Act provided:

And whereas by the Act 7 George III. cap. 97 (hereinafter referred to as "the Act of 1767") certain persons and their

A.D. 1910. successors to be appointed in manner provided by that Act were appointed commissioners for improving and extending the navigation of certain portions of the River Hull and Frodingham Beck and for putting the said Act into execution (which commissioners are hereinafter referred to as "the commissioners") and the commissioners were empowered to charge in respect of the carriage or conveyance of goods wares merchandises or commodities upon the said navigation the tolls specified in the said Act:

41 Geo. 3.  
c. 134.

And whereas by the Act 41 George III. cap. 134 (hereinafter referred to as "the Act of 1801") it was provided that if the commissioners should within six years after the passing of that Act pull down and rebuild a bridge (hereinafter referred to as "Hull Bridge") across the said River Hull in the township of Tickton in the east riding of the county of York which was then the property of the mayor aldermen and burgesses of the town of Beverley in the county of York the said bridge and the site thereof should be the property of the commissioners and should be supported and maintained by them:

And whereas the commissioners within the said period of six years specified in the Act of 1801 rebuilt Hull Bridge and the said bridge and the site thereof are accordingly now the property of the commissioners:

And whereas the Act of 1801 further empowered the commissioners to charge for pontage before the passage of any boat or vessel under Hull Bridge after such bridge should have been so rebuilt as aforesaid the sum of two shillings and sixpence:

57 Geo. 3.  
c. 64.

And whereas by the Act 57 George III. cap. 64 (hereinafter referred to as "the Act of 1817") it was provided that one moiety of the cost of maintaining and keeping in repair Hull Bridge should be defrayed out of the tolls arising from the Act of 1767 and the other moiety out of the tolls arising from the Act of 1801:

And whereas by the Act of 1817 it was further provided that the said tolls payable in respect of vessels passing under Hull Bridge should be applied by the commissioners as to one half thereof to the same purposes as the other tolls raised under the Act of 1767 are thereby directed to be applied and as to the remaining half thereof in or towards the payment and discharge of the salaries of officers and the expenses of maintaining and

keeping in repair the several works executed under the authority A.D. 1910.  
of the Act of 1801 or of the Act of 1817:

And whereas the condition of Hull Bridge is such as to necessitate expenditure upon repairs thereto but the commissioners have not and are unable to raise sufficient funds to defray such expenditure:

And whereas the commissioners have agreed to transfer to the county council of the east riding of Yorkshire (hereinafter referred to as "the East Riding Council") Hull Bridge upon the terms hereinafter set forth and it is expedient that the said transfer should be sanctioned as provided by this Act and that the other provisions contained in this Act with respect thereto and to the said tolls in respect of the passage of boats and vessels under Hull Bridge should be made:

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

And whereas an absolute majority of the whole number of the East Riding Council at a meeting held on the twenty-fifth day of October one thousand nine hundred and nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Yorkshire Herald a newspaper published and circulating in the said east riding such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the county fund and county rate of the said east riding:

And whereas such resolution was published twice in the Yorkshire Herald and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the East Riding Council held in pursuance of a similar notice on the thirty-first day of January one thousand nine hundred and ten being not less than fourteen days after the deposit of the Bill in Parliament:

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

A.D. 1910. — and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the East Riding County Council Act 1910.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The East Riding Council” means the county council of the east riding of Yorkshire;

“The Act of 1884” means the Yorkshire Registries Act 1884;

“The Act of 1767” means the Act 7 Geo. III. cap. 97 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 Fisholme 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”;

“The Act of 1801” means the Act 41 Geo. III. cap. 134 intituled “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 Fisholme 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”;

“The Act of 1817” means the Act 57 Geo. III. cap. lxxiv. intituled “An Act to amend and enlarge the powers of two Acts of His present Majesty for improving the Navigation of the River Hull and Frodingham Beck and extending the same to the Town of Great Driffield in the County of York”;

“The commissioners” means the commissioners acting under and by virtue of the Act of 1767 the Act of 1801 and the Act of 1817;

“Hull Bridge” means the bridge known as Hull Bridge in the townships of Storkhill and Sandholme and Tickton and Hull Bridge or one of them in the said east riding carrying the road from Beverley to Hornsea over the River Hull and the site of the said bridge; A.D. 1910.

“The commissioners of sewers” means His Majesty’s Commissioners of Sewers for the east parts of the east riding of the county of York acting in execution of the statute 23 Henry VIII. cap. 5 and other subsequent statutes relating to commissioners of sewers;

“The Beverley and Barmston Drainage Commissioners” means the commissioners acting in execution of the Beverley and Barmston Drainage Acts 1798 and 1880;

“The Holderness Drainage Trustees” means the trustees acting in execution of an Act passed in the second year of the reign of His late Majesty King William the Fourth intituled “An Act to alter and enlarge the powers of two Acts passed in the fourth and sixth years of the reign of King George the Third for draining and improving certain low grounds and carrs in Holderness in the East Riding of the County of York” and of the two said several Acts.

**3.** Section 37 (Appointment of officers &c.) of the Act of 1884 in its application to the east riding of the county of York but not further or otherwise is hereby amended in the following manner (that is to say):-- Amending  
Yorkshire  
Registries  
Act 1884.

(1) The said section shall be read and have effect as if there were added at the end of subsection (1) thereof the words “except for such period and upon and subject to such terms and conditions as may in each case be approved by the Lord Chancellor”:

(2) Any person being the clerk or deputy clerk of the peace or of the county council of the east riding and being a barrister or solicitor of not less than seven years’ standing shall for the purposes of the said section (but subject to the proviso to subsection (1) of that section and to the concluding paragraph of that subsection as amended by subsection (1) of this section) be deemed to be qualified for appointment as registrar or deputy registrar for that riding if at the date of his appointment as such clerk or deputy clerk he was a practising barrister or a practising solicitor.

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Vesting Hull  
Bridge in  
East Riding  
Council.

4.—(1) As from the twentieth day of August one thousand nine hundred and ten (in this Act referred to as "the appointed day") Hull Bridge and all the estate and interest of the commissioners therein shall by virtue of this Act be vested in and be the property of the East Riding Council and shall for all purposes be deemed to be a county bridge under the jurisdiction control and management of the East Riding Council.

(2) As from the appointed day all liability of the commissioners under the Act of 1801 or otherwise to support and maintain Hull Bridge shall cease and determine.

Restrictions  
in event of  
reconstruc-  
tion of Hull  
Bridge.

5.—(1) In the event of the reconstruction by the East Riding Council of Hull Bridge or of the erection by them of a new bridge in lieu thereof the East Riding Council shall not be bound by the restrictions specified in section 17 of the Act of 1801 with respect to the form or mode of construction of the bridge referred to in that section but may notwithstanding such restrictions make such reconstructed or new bridge of such form or mode of construction as they may think fit subject to the following provisions:—

(a) In the event of the new bridge being constructed as a fixed bridge such new bridge shall have a clear span over the waterway of not less than forty-three feet and the depth of the waterway thereunder shall not be reduced below the depth of the existing waterway and the headway under such bridge shall not be less than that under the existing bridge:

(b) In the event of such bridge being constructed as an opening bridge then the following provisions shall apply:—

(i) Such bridge shall be constructed so as to leave a clear opening span of at least thirty feet over that part of the river at which the depth is sufficient for navigation and the underside of the bridge to the full extent of the opening span when closed shall be not less than twelve feet six inches above Ordnance datum and the East Riding Council shall (a) maintain the depth of water under the new bridge to the full extent of the opening span at not less than the present depth of the deepest part of the river under the existing bridge and (b) if reasonably necessary for the purpose of forming a

continuous navigable channel between the existing navigable channel of the river and the portion of the river under the new bridge dredge to an adequate depth for a sufficient distance northward and southward of such bridge; A.D. 1910.

(ii) The East Riding Council shall provide all necessary machinery works and conveniences to the satisfaction of an engineer to be appointed by the Board of Trade for opening the opening span of the bridge and shall at all times maintain the same in good working condition and the East Riding Council shall provide proper persons to be in attendance at the bridge by night as well as by day whose duty it shall be to open the same with all reasonable despatch whenever required for the passage of any vessel barge or boat which cannot pass under the same when closed and no fee shall be paid or required for the opening of the bridge from any person connected with any such vessel barge or boat or the cargo thereof;

(iii) If the East Riding Council shall neglect or refuse to comply with any of the provisions of the last preceding paragraph they shall be liable to a penalty of ten pounds and to a further penalty of the like amount in respect of every day on which such neglect or refusal shall continue after conviction thereof such penalties to be recoverable summarily at the instance of any aggrieved party;

(iv) If any person whose duty it shall be to open the bridge shall contrary to the provisions hereinbefore contained neglect or refuse to do so he shall for each offence be liable to a penalty not exceeding five pounds recoverable summarily at the instance of any aggrieved party;

(v) Subject to their obtaining where necessary the sanction of the Board of Trade the Council shall provide and maintain proper and sufficient mooring posts works and conveniences adjoining or near to the bridge in suitable positions on each side thereof for the mooring thereto of any vessel barge or boat pending the opening of the bridge.

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(2) During the time the bridge is being constructed or shall be under repair the East Riding Council shall not do or permit or cause to be done any act or thing further or otherwise than shall be necessary which shall or may interfere with the free and uninterrupted flow of the water and the navigation of the river:

(3) During any works of repair or alteration of Hull Bridge or of any reconstructed bridge or of any new bridge erected in lieu of Hull Bridge the East Riding Council shall maintain a clear navigable space beneath the said bridge of not less than twenty feet and such works shall be carried out and completed as expeditiously as possible and so far as practicable without causing any impediment or obstruction to the passage of traffic along the said river.

East Riding  
Council to  
forward plan  
and section  
of works to  
Board of  
Trade.

6. In the event of the reconstruction by the East Riding Council of Hull Bridge or of the erection by them of a new bridge in lieu thereof the East Riding Council shall not less than one month before commencing such reconstruction or erection forward to the Board of Trade for their information a plan and section of the works proposed to be carried out including any temporary bridge to be provided during the carrying out of such works.

Works below  
high-water  
mark not  
to be com-  
menced  
without con-  
sent of Board  
of Trade.

7. The East Riding Council shall not in connection with the reconstruction of Hull Bridge or the construction of a new bridge in lieu thereof execute any works below high-water mark of ordinary spring tides without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the East Riding Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the East Riding Council and the amount of such costs and charges shall be a debt due from the East Riding Council to the Crown and shall be recoverable as a Crown debt or summarily.



8. For the protection of the commissioners of sewers the Beverley and Barmston Drainage Commissioners and the Holderness Drainage Trustees (in this section sometimes referred to as "the respective drainage authorities") the following provisions shall have effect (that is to say):—

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For protec-  
tion of com-  
missioners of  
sewers Be-  
verley and  
Barmston  
Drainage  
Commis-  
sioners and  
Holderness  
Drainage  
Trustees.

(1) In the event of the reconstruction by the East Riding Council of Hull Bridge or of the erection by them of a new bridge in lieu thereof the waterway under such bridge shall be of such total width not being less than fifty-three feet as the East Riding Council may determine and such bridge shall have not more than two spans or arches. If such bridge shall have one span only the same shall be placed over the middle of the river:

(2) The soffit or under surface of any girders or arch of any such new or reconstructed bridge as aforesaid shall not be lower than twelve feet six inches above Ordnance datum and the foundations and the abutments of any such bridge shall be so constructed as to permit the respective drainage authorities in the case of a bridge having one span only to dredge the main channel thereunder and in the immediate vicinity thereof for a width of thirty feet in the middle of the river to a depth of six feet below Ordnance datum and for the remainder of the waterway to slopes rising from each side of such central dredged portion of three feet horizontal to one foot perpendicular or in the case of a bridge having two spans to dredge the channel under and in the immediate vicinity of each span to a depth of six feet below Ordnance datum and for the remainder of the waterway to slopes rising from that depth of three feet horizontal to one foot perpendicular:

(3) The East Riding Council shall not without the consent of the respective drainage authorities (which consent shall not be unreasonably withheld and may be given upon such reasonable terms and conditions as they may respectively think fit) (a) during any works of repair or alteration of Hull Bridge or of any reconstructed bridge or of any new bridge erected in lieu of Hull Bridge place in or over any part of the river any structure girder matter or thing so as to reduce

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the width of waterway or the headway hereinbefore prescribed or to interfere with the free or uninterrupted flow of the water in the river or (b) at any time place in the waterway of the river any mooring-posts works or conveniences for the mooring of vessels unless the same shall have been sanctioned by the Board of Trade Provided that simultaneously with any application made by them for such sanction as aforesaid the East Riding Council shall send to the respective drainage authorities notice in writing of such application together with a copy of all such plans or particulars as they may submit to the Board of Trade with such application and that at any time within one month after the receipt by them of such notice as aforesaid the respective drainage authorities may make such representations as they may think fit to the Board of Trade with respect to such application and shall at the same time send to the East Riding Council a copy of such representations:

- (4) Not less than one month before forwarding to the Board of Trade any plan or section pursuant to the section of this Act of which the marginal note is "East Riding Council to forward plan and section of works to Board of Trade" the East Riding Council shall send a copy of such plan or section to the respective drainage authorities for their information and the Board of Trade shall have regard to any representations with reference to such plan or section made to them by the respective drainage authorities within one month after such plan or section shall have been forwarded to the said Board by the East Riding Council who shall at the same time give notice thereof to the drainage authorities:
- (5) The respective drainage authorities shall not be liable to the East Riding Council for any damage that may be caused to any part of any such bridge or to the foundations or abutments thereof by dredging the river in a reasonable and workmanlike manner in accordance with the provisions of and to the extent specified in subsection (2) of this section:
- (6) If any question shall arise between the East Riding Council and the respective drainage authorities under

this section such question shall be referred to and determined by an engineer to be appointed (unless otherwise agreed between the parties) by the Board of Trade upon the application of any of such parties but subject to the foregoing provisions of this subsection the Arbitration Act 1889 shall apply to any such reference to arbitration :

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- (7) Except as in this section expressly provided nothing in this Act contained shall be construed to take away lessen prejudice alter or affect any of the rights privileges properties powers authorities duties or obligations of the respective drainage authorities :
- (8) In consideration of the obligations imposed upon them by this section the East Riding Council shall not be liable for or in respect of any damage injury or loss which may arise or result from or in consequence of any increase by them of the width of the existing waterway under Hull Bridge :
- (9) The provisions of this section may be varied by agreement in writing between the East Riding Council on the one hand and the respective drainage authorities on the other hand Provided that no such variation shall extend to relieve the East Riding Council from any obligation liability or restriction imposed upon them by the section of this Act whereof the marginal note is " Restrictions in event of reconstruction of Hull Bridge."

**9.** As from the appointed day the following provisions shall apply and have effect with respect to the pontage tolls authorised by the Act of 1801 :—

As to pontage tolls.

- (1) Section 6 (Toll for pontage) of the Act of 1801 shall be read and have effect as if the words "one shilling and threepence" were inserted therein in lieu of the words "two shillings and sixpence" :
- (2) So much of section 8 (Application of moneys and separate accounts thereof to be kept) of the Act of 1801 as relates to the tolls and charges by way of pontage for the passage of boats and vessels under Hull Bridge and sections 3 (Hull Bridge to be repaired out of the tolls arising from the first and second Acts in equal proportions) and 4 (The tolls for Hull Bridge

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to be continued for the general purposes of the whole navigation) of the Act of 1817 shall be and the same are hereby repealed:

- (3) The East Riding Council and the commissioners may enter into and carry into effect agreements and arrangements for and with respect to the collection of the said tolls and charges:
- (4) All sums received by the commissioners in respect of the said pontage tolls shall be applied by them for the general purposes of the Acts defining their powers and duties.

Crown  
rights.

**10.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the East Riding Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Act.

**11.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the East Riding Council as payments for general county purposes within the meaning of the Local Government Act 1888.

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