



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. lviii.

An Act to incorporate the *Humber* Conservancy Commissioners, and to make Provision for a Lease to them of Foreshores of the *Humber* and the Estuary thereof between the Confluence into the same of the Rivers *Ouse* and *Trent* and the Sea, and to amend the Enactments relating to the Commissioners ; and for other Purposes.

[25th June 1868.]

**W**HEREAS by the River *Humber* Conservancy Act, 1852, 15 & 16 Vict. c. cxxx.  
(in this Act referred to as the Conservancy Act of 1852,) a Body of Commissioners was constituted by the Name of the River *Humber* Conservancy Commissioners, and Powers of Conservancy over the *Humber* and the Estuary thereof were vested in them : And whereas it is expedient that the Commissioners be incorporated, and that the Agreement set forth in the Schedule to this Act for a Demise to them by the Board of Trade for a long Term of Years of the whole or Part of the Foreshores or Bed of the *Humber* and the Estuary thereof from the Confluence into the same of the Rivers *Ouse* and *Trent* to the Sea, as far as the Foreshores and Bed aforesaid are under the Management of the Board of Trade, should

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be confirmed: And whereas it is expedient that further and other Powers be conferred on the Commissioners, and that the Enactments relating to them be in divers Particulars amended: 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,)

- Short Title. 1. This Act may be cited as *The Humber Conservancy Act, 1868.*
- Construction of Act. 2. This Act shall be construed as One Act with the Conservancy Act of 1852.
- Incorporation of Commissioners. 3. The Commissioners constituted by the Conservancy Act of 1852 are hereby incorporated for the Purposes of that Act and this Act by the Name of the *Humber Conservancy Commissioners*, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property (which incorporated Commissioners are in this Act intended when the Expression "the Commissioners" is used).
- Property, &c. vested in Commissioners. 4. All Property and Rights of or to which the River *Humber* Conservancy Commissioners, or any Person on their Behalf, are or is seised, possessed, or entitled at Law or in Equity at the passing of this Act, shall be by virtue of this Act to the same Extent and for the same Estate and Interest vested in the Commissioners, and may be held, used, and enjoyed accordingly.
- Conveyances, &c. to be in force as to Commissioners. 5. All Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted by, with, or with reference to the River *Humber* Conservancy Commissioners shall be as valid and effectual for, against, and with reference to the Commissioners as if the same had been done, entered into, executed, or instituted by, with, or with reference to the Commissioners.
- Actions, &c. not to abate. 6. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the River *Humber* Conservancy Commissioners shall abate or be discontinued or prejudicially affected by or by reason of this Act, but on the contrary every such Action, Suit, Prosecution, or other Proceeding may be maintained, continued, or prosecuted by or against the Commissioners, as the Case may be, in the

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the same Manner and as effectually as the same might have been maintained, continued, or prosecuted by or against the River *Humber* Conservancy Commissioners.

7. All Contributions, Rates, Rents, Charges, and Penalties at the passing of this Act due and payable or accruing to and payable to or recoverable by the River *Humber* Conservancy Commissioners shall be payable to and may be collected, recovered, and enforced by the Commissioners.

Rents, &c.  
to be paid  
to Commis-  
sioners.

8. All Debts due to the River *Humber* Conservancy Commissioners, or to any Person on their Behalf, with all Interest (if any) due or to accrue due thereon, shall be paid to the Commissioners, and shall be recoverable by them; and all Debts due by the River *Humber* Conservancy Commissioners, with all Interest (if any) due or to accrue due thereon, shall be paid by the Commissioners, and shall be recoverable from them.

Debts to be  
paid and  
received by  
the Commis-  
sioners.

9. All Officers of and Persons employed by the River *Humber* Conservancy Commissioners in Office or Employment at the passing of this Act, shall continue in their respective Offices and Employments as if this Act had not been passed, and shall be deemed to be Officers of or Persons employed by the Commissioners, and they shall be liable as if they respectively had been appointed under this Act.

Officers  
continued.

10. Notwithstanding the Incorporation of the Commissioners, everything before the passing of this Act done or suffered by or with reference to the River *Humber* Conservancy Commissioners shall be as valid as if the Commissioners were not incorporated by this Act; and such Incorporation and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Commissioners had not been incorporated and this Act had not been passed, would be incident to and consequent on any and every thing done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents represent and be deemed a Continuation of the River *Humber* Conservancy Commissioners, and the Generality of the Expressions in this Section shall not be restricted by any other of the Provisions of this Act.

General  
Saving for  
Rights and  
Liabilities.

11. The Powers given to and vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company under the Provisions of the 19th Section of the *Humber* Conservancy Act, 1852, shall and they are hereby declared to be continuing Powers, notwithstanding that the same may for a Time have ceased to be exercised by the said *Man-*  
*chester,*

Continuing  
Powers of  
*Manchester,*  
*Sheffield,*  
&c. Com-  
pany.

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*chester, Sheffield, and Lincolnshire* Railway Company; and notwithstanding any Non-exercise of the said Powers during any Time before the passing of this Act, the said *Manchester, Sheffield, and Lincolnshire* Railway Company shall, immediately upon their agreeing to contribute and pay the yearly Sum of Three hundred Pounds towards the Conservancy Fund, have all the Powers of appointing Commissioners vested in them by the 19th Section of the said Conservancy Act as fully and effectually as if they had continuously contributed to the said Conservancy Fund.

Appoint-  
ment of  
Commis-  
sioner by  
*Manchester,  
Sheffield, &c.  
Company*  
in lieu of  
*River Dun  
Company.*

12. The Power conferred by Section 18 of the Conservancy Act of 1852 on the *River Dun* Navigation Company shall be vested in and may be exercised by the *Manchester, Sheffield, and Lincolnshire* Railway Company on that Company becoming Contributors towards the Conservancy Fund to the Extent specified in the same Section, in addition to any other Contribution required to be made by that Company under the Conservancy Act of 1852.

Commis-  
sioner repre-  
senting *Aire  
and Calder  
Navigation.*

13. Section 18 of the Conservancy Act of 1852 shall be read and have Effect as if there were inserted therein, after the Words "any Member of the said Board of Directors," the following Words; (that is to say,) "or any Shareholder in the Undertaking of the Navigation of the Rivers *Aire and Calder*, or any Officer employed by the said Board."

Annual  
Meetings.

14. Section 7 of the Conservancy Act of 1852 shall be read and have Effect as if the last *Thursday in July* were therein mentioned instead of the *First Thursday in August*, and if and as long as the *Manchester, Sheffield, and Lincolnshire* Railway Company contribute towards the Conservancy Fund, then and so long the Annual Meeting of the Commissioners shall be held at the Town Hall of *Grimby* in every alternate Year, beginning in or reckoned from the Year 1869.

Summoning  
of Special  
Meetings.

15. The Power of calling Special Meetings of the Commissioners conferred on Two or more of the Commissioners by Section 10 of the Conservancy Act of 1852 shall be exerciseable also by the Clerk of the Commissioners.

Quorum of  
Commis-  
sioners.

16. Notwithstanding anything in Section 8 of the Conservancy Act of 1852, if at any Time the Number of the Commissioners is less than Fifteen the Quorum of Commissioners shall be Four.

Committees  
of Commis-  
sioners.

17. The Commissioners may from Time to Time, at a Special Meeting, appoint out of their own Body any Committee or Committees for the Execution of any Powers of the Commissioners, and delegate to each such Committee such of the Powers and Duties of the

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the Commissioners as the Commissioners think fit, and the Acts and Proceedings of every such Committee within the Limits of such Delegation shall be deemed the Acts and Proceedings of the Commissioners, or the Commissioners may from Time to Time appoint any Committee for the Execution of any of the Powers of the Commissioners, so that the Acts of every such last-mentioned Committee shall, if the Commissioners so order but not otherwise, be submitted to the Commissioners for Approval, and the Quorum of every such Committee as aforesaid shall be such as the Commissioners direct, and the Commissioners may from Time to Time make such Regulations as they think fit for the Guidance of any such Committee as aforesaid, and may from Time to Time remove any Members of any such Committee as aforesaid, and appoint in the Stead of them, or any of them, other Commissioners.

18. The Commissioners may from Time to Time appoint and employ a Treasurer, Engineer, Surveyor, and all such other Officers to assist in the Execution of this Act and the Conservancy Act of 1852 as they think fit, and from Time to Time remove any of such Officers and appoint others in the Room of those who are removed, or who die, resign, or discontinue their Offices, and may out of Money coming to their Hands under this Act or the Conservancy Act of 1852 pay to their Officers, and to their Clerk, and to the Conservator such Salaries and Allowances as they think reasonable.

Appoint-  
ment of  
Officers, &c.

19. So much of Section 17 of the Conservancy Act of 1852, and so much of Section 77 of the *Hull Docks Act*, 1861, as limit the Salary and Expenses therein mentioned, and Sections 23 and 24 (relative to Vessels sunk or stranded) and Section 35 (relative to Land reclaimed) of the Conservancy Act of 1852, are hereby repealed.

Repeal of  
certain  
former  
Enactments.

20. Notwithstanding such Repeal of Section 17 of the Conservancy Act of 1852 and of Section 77 of the *Hull Docks Act*, 1861, it shall not be lawful for the Commissioners to exceed the Sum of Seven hundred Pounds *per Annum* for the Salary and Expenses therein mentioned without previously obtaining the Sanction of the Board of Trade to each Increase of Expenditure over that Sum.

Limiting  
Expense of  
Manage-  
ment.

21. In either of the following Cases; that is to say,

(1.) Where a Vessel is sunk or stranded within the Limits of the Conservancy Act of 1852, and the Commissioners deliver to the Master or other Person who has or at the Time of such sinking or stranding had the Charge or Command of such Vessel, or to the Owner of such Vessel, or leave at the

Removal  
of sunken  
or stranded  
Vessels.

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usual or last known Place of Abode or Business in the United Kingdom (if any) of such Master or other Person or Owner, a Notice in Writing requiring such Master or other Person or Owner, or One of them, to remove such Vessel or procure her to be removed within the Time therein specified, not being less than Seven Days from the Delivery or leaving of such Notice, and such Master or other Person or Owner fails to comply with the Requisitions of the Notice ;

(2.) Where a Vessel is sunk or stranded within the Limits of the Conservancy Act of 1852, and neither the Master or other Person who has or at the Time of such sinking or stranding had the Charge or Command of such Vessel, nor the Owner of such Vessel, is after reasonable Inquiry known to the Commissioners, or such Master or other Person or Owner appears to the Commissioners after reasonable Inquiry to be dead, or his Place of Abode or Business in the United Kingdom (if any) is not after reasonable Inquiry known to the Commissioners, then after the Expiration of One Month from such sinking or stranding ;

any Person appointed by the Commissioners for the Purpose may cause such Vessel to be weighed and raised, or if the same cannot be effected at a reasonable Expense, or at all (whereof the Commissioners shall be sole Judges), then to be blown up with Gunpowder, or otherwise removed.

Power to  
Commis-  
sioners to  
sell Vessel,  
&c.

**22.** In case of any Vessel being so weighed and raised, or blown up, or otherwise removed by the Commissioners, they may cause the Vessel, or any Part thereof, and the Furniture, Tackle, and Apparel thereof, or any Part thereof, and any Goods and Effects found on board the same or otherwise saved thereout, to be sold by Public Auction or otherwise, and shall apply the Proceeds of such Sale in paying the Expenses of weighing and raising or attempting to weigh or raise the Vessel, and the Expenses of blowing up or otherwise removing the Vessel and clearing the River therefrom, whether a previous Attempt to weigh or raise her has been made by the Commissioners or not, and also the Expenses of such Sale, rendering the Overplus (if any) to the Person entitled thereto ; and in case such Proceeds are insufficient to defray the Expenses aforesaid, or if from any Cause no Sale can be had, the Deficiency or the total Amount of the Expenses aforesaid (as the Case requires) may be recovered by the Commissioners in a summary Manner from the Master or other Person who at the Time of the sinking or stranding of the Vessel had the Charge or Command of the same, or from the Person who at that Time was the Owner thereof, or from the Executors

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Executors or Administrators of such Master or other Person, or of such Owner.

23. Provided always, that until the Commissioners proceed by some Person appointed by them for the Purpose to weigh and raise any Vessel so sunk or stranded as aforesaid, or to blow her up, or otherwise remove her, the Master or Person having the Charge thereof, or the Owner thereof, may weigh and raise her as if this Act had not been passed.

Saving for Owners to remove Vessels.

24. The Agreement set forth in the Schedule to this Act is hereby confirmed, and shall be carried into effect.

Confirmation of Agreement in Schedule.

25. Nothing in this Act or in the Agreement set forth in the Schedule to this Act contained shall apply to any Land or Foreshore, coloured Red on certain Plans, marked respectively with the Letters A, B, and C, signed by the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and deposited at the Office of Woods, Forests, and Land Revenues, or to any other Land or Foreshore mentioned or referred to in Sections 17, 18, 19, or 20 of "The Crown Lands Act, 1866;" neither shall anything in this Act or in the Agreement in the Schedule to this Act contained affect the Title to any of the Subjects, or any Rights, Powers, or Authorities, mentioned in or reserved by Section 21 or Section 22 of the same Act.

Exception of Parts of Foreshores, &c.

26. Nothing in this Act, or in the Agreement confirmed by this Act, shall apply to such Parts of Foreshores of the *Humber* and the Estuary thereof 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.

Exception of Leases, &c.

27. Nothing in this Act, or in the Agreement confirmed by this Act, 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 at *Kingston-upon-Hull* from the Crown, or any Rights of such Company attaching to or connected with those Lands.

Not to affect Lands, &c. of Hull Dock Company.

28. Nothing in this Act contained shall extend to take away, diminish, or affect any existing Rights, Privileges, or Powers now vested in the *Manchester, Sheffield, and Lincolnshire* Railway Company, but that Company shall, notwithstanding any of the Provisions of this Act, have all such Powers and Privileges for the Construction and Maintenance of any Works and the Performance of any Acts authorized to be executed and performed by them, or

Not to affect Rights of Manchester, Sheffield, and Lincolnshire Railway Company.

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for the Alteration of such Works in accordance with such Powers as they already possess, as they could have had if this Act had not been passed.

Not to affect Rights of Corporation of Grimsby, &c.

**29.** This Act or anything therein shall not, by Implication or otherwise, alienate, defeat, lessen, prejudice, derogate from, alter, or impair any Estate, Right, Title, Interest, Property, Power, or Privilege which the Mayor, Aldermen, and Burgesses of the Borough of *Grimsby* have, or which the Earl of *Yarborough*, his Heirs or Successors in Estate, has or have, as being or claiming to be Owner or Owners of Lands situate in the Parish of *Grimsby* or any other Parish abutting on the Foreshores of the *Humber* and the Estuary thereof, or of any Oyster Beds in the *Humber* or the Estuary thereof, or which they or he might have had or availed themselves or himself of or been entitled to in case this Act had not been passed.

Not to affect Rights of Corporation and Local Board of Hull.

**30.** This Act or anything therein shall not, by Implication or otherwise, alienate, defeat, lessen, prejudice, derogate from, alter, or impair any Estate, Right, Title, Interest, Property, Power, or Privilege which the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Hull* or the Local Board of Health for that Borough have, or which those Bodies or either of them might have had, availed themselves of, or been entitled to in case this Act had not been passed.

Not to affect Rights of Lords of Manors, &c.

**31.** Nothing in this Act shall take away, lessen, prejudice, or interfere with any Estate, Right, Title, Claim, or Demand which any Lord of a Manor or Seigniority has at the passing of this Act, or would have had if this Act had not been passed.

General Saving of Rights, &c.

**32.** Saving to Her Majesty, Her Heirs and Successors, (except only so far as regards the Estate and Interest of the Crown intended to be affected by the Agreement 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.

Expenses of Act.

**33.** 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 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 Conservancy Act of 1852.



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The **SCHEDULE** to which the foregoing Act refers.

**AGREEMENT between the BOARD OF TRADE and the COMMISSIONERS.**

AGREEMENT between the Board of Trade and the Humber Conservancy Commissioners respecting the Foreshores and Bed of the River Humber and the Estuary thereof from the Confluence into the same of the Rivers Ouse and Trent to the Sea, as far as the Foreshores and Bed aforesaid are under the Management of the Board of Trade (herein-after referred to as the Foreshores).

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 the Foreshores (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 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 authorizing 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 Foreshores 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 Foreshores except with the Consent of the Board of Trade.

4. The Commissioners shall keep a separate Account in respect of the Foreshores, 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 Foreshores 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 the Year 1868, 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 of the Foreshores.

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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 Foreshores, 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 Five of the Humber Conservancy Commissioners have set their Hands, this Second Day of May One thousand eight hundred and sixty-eight.

Witness,

C. CECIL TREVOR,  
Assistant Secretary.

THOS. HENRY FARRER, Secretary.

Witness to the Signatures  
of the Commissioners,  
EDW. S. WILSON,  
Clerk to the Conservancy.

GEO. CHRIS. ROBERTS,  
JOHN R. RINGROSE,  
H. ESTILL,  
ANTHY. BANNISTER,  
JOHN LUMSDEN,

} Humber Conservancy  
Commissioners.

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