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ANNO QUINTO

GEORGII IV. REGIS.

C A P. LII.

An Act to amend so much of an Act of the Forty-second Year of His late Majesty, for making additional Basons or Docks at *Kingston-upon-Hull*, as relates to certain Lands belonging to His Majesty. [3d June 1824.]

WHEREAS by an Act passed in the Forty-second Year of the Reign of His late Majesty, intituled *An Act for amending an Act passed in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for making and establishing public Quays or Wharfs at Kingston-upon-Hull, for the better securing His Majesty's Revenue of Customs, and for the Benefit of Commerce in the Port of Kingston-upon-Hull; for making a Bason or Dock, with Reservoirs, Sluices, Roads, and other Works, for the Accommodation of Vessels using the said Port; and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money out of His Majesty's Customs in the said Port for those Purposes, and for establishing other necessary Regulations within the Town and Port of Kingston-upon-Hull;'* and also for making additional Basons or Docks at Kingston-upon-Hull, with an Entrance into the same from the River Humber, and for granting certain Lands belonging to His Majesty in Aid of the said Works: it was enacted, that from and after the passing of the said Act all that Piece or Parcel of Ground, being Part of the Land belonging to His Majesty's Military Works at *Kingston-upon-Hull*, on the East Side of the River *Hull*, containing by Estimation Thirty-seven Acres or thereabouts, situate, lying, and being in the County of the Town of *Kingston-upon-Hull* and County of *York*, or one of them, together with and including the Foreshores of the same Piece or Parcel of Ground, extending to the Low Water Mark of the River *Humber*, the Building called the

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North Blockhouse, and all other Buildings, Gates, Walls, inner and outer Ditches, Cuts, Land covered with Water, Ramparts, Jetties, Mooring Posts, and other Works, in, upon, or belonging to the said Piece or Parcel of Ground and Premises, which said Piece or Parcel of Ground and Premises comprized the whole of the Land and Buildings belonging to His Majesty's Military Works on the East Side of the said River *Hull*, (save and except the Citadel and the Foreshore thereof, and which said Citadel and Foreshore or Space comprehended between Two straight Lines drawn on a right Angle with the Curtain of the said Citadel, and extending from the said Citadel to the Low Water Mark of the said River *Humber*, were meant and were thereby declared to be reserved to His Majesty, His Heirs and Successors,) should be granted and confirmed, and the same were thereby accordingly granted and confirmed unto the said Mayor and Burgesses and Guild or Brotherhood, and their respective Successors for ever, freed and discharged of and from all Claim, Right, and Title whatsoever of His said Majesty, His Heirs and Successors, in Right of His Crown or otherwise; and it was by the said Act directed, that the said Sum of Eight thousand Pounds should be paid into the Treasury of His Majesty's Office of Ordnance, to be applied to the current Service of the said Office of Ordnance by the said Mayor and Burgesses, the said Guild or Brotherhood, and the Dock Company of *Kingston-upon-Hull* aforesaid, in the Proportions and at the Times therein-after mentioned; that is to say, the Sum of Four thousand Pounds (being One Moiety or equal Half Part thereof) by the said Dock Company, and the further Sum of Four thousand Pounds (being the Residue and in full of the said Sum of Eight thousand Pounds) by the said Mayor and Burgesses and the said Guild or Brotherhood, in equal Shares and Proportions, by Eight Annual Instalments of One thousand Pounds each, at the Times and in Manner therein mentioned: And it was also further enacted, that until Payment should be made of the said Sum of Eight thousand Pounds in manner therein mentioned, or of the Shares or Proportions of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively, on the several Days and Times therein-before limited and appointed for that Purpose, contrary to the true Intent and Meaning of the said Act, the said Sum of Eight thousand Pounds should be charged upon all and every the Estates, Lands, and Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood respectively; and that, in default of Payment thereof, in manner aforesaid, it should be lawful to and for His said Majesty, His Heirs and Successors, into or upon all and every or any of the Estates, Lands, or Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood, to enter and distrain, and thereby, or by such other Ways and Means as are therein mentioned, to raise the Sum or Sums of Money which should be so in arrear or unpaid, and all Costs and Charges attending the same, or in anywise relating thereto: And whereas after the passing of the said recited Act it was found that the giving up of the whole of the Ditch which surrounded the said Citadel, and which formed Part of the Piece or Parcel of Ground granted by the said Act, would be prejudicial to the Defences of the Place, and otherwise injurious to the Public Service; and such Part of the said Ditch as was necessary for the Use and Protection of the said Citadel, containing by Admeasurement Eight Acres One

Rood and Two Perches, was kept and retained for that Purpose, and that the Residue only of the said Piece or Parcel of Ground was delivered up to the said Mayor and Burgesses and Guild or Brotherhood: And whereas on account of such Retention as aforesaid, and on other Accounts, no Part of the said Sum of Eight thousand Pounds in the said Act mentioned and directed to be paid by the said Three Corporations was paid by them, or any of them, at the Times and in Manner therein mentioned, or at any Time since: And whereas the said Mayor and Burgesses and the said Guild or Brotherhood have duly performed and fulfilled all the other Matters and Things which in and by the said Act were undertaken to be performed and fulfilled by them, and have suffered a very heavy Loss by reason of the Retention of such Part of the said Ditch or Piece or Parcel of Ground, containing Eight Acres One Rood and Two Perches as aforesaid, wherefore the said Principal Officers of His Majesty's Ordnance did consent and agree that, as a Compensation for such Retention and Loss, they the said Mayor and Burgesses and Guild or Brotherhood should receive, in equal Proportions, from the said Dock Company, the said Sum of Four thousand Pounds, so payable by them the said Dock Company under the said Act into the Treasury of His Majesty's Ordnance, and should be released and discharged from the Payment of the said other or remaining Sum of Four thousand Pounds, so payable under the said Act by them the said Mayor and Burgesses and Guild or Brotherhood into the said Treasury: And whereas, in pursuance of the said Agreement, the said Dock Company did consent to pay and have accordingly paid to the said Mayor and Burgesses and Guild or Brotherhood the said Sum of Four thousand Pounds, in equal Shares or Proportions between them: And whereas it is necessary that the said Piece or Parcel of Ground, containing Eight Acres One Rood and Two Perches, so kept and retained by the said Principal Officers, and now forming the Ditch of the said Citadel as aforesaid, should, together with another Piece of Land or Ground on the West Side of the said Citadel, now occupied by the Sluice used for filling the said Ditch with Water, be divested out of the said Mayor and Burgesses and the said Guild or Brotherhood respectively, and that the said Two Pieces or Parcels of Land or Ground and Sluice should thereupon be vested in the said Principal Officers, in trust for His Majesty, for the Use or Service of the Ordnance Department, and that the several Estates, Lands, and Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood, which by the said recited Act are charged with the Payment of the said Sum of Eight thousand Pounds, should be released and discharged therefrom; which said several Matters and Things cannot be effected without the Aid and Authority of 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That all that the said Piece or Parcel of Land or Ground covered with Water, containing by Admeasurement Eight Acres One Rood and Two Perches or thereabouts, which has been so kept and retained by the said Principal Officers, and which now forms the Ditch surrounding the said Citadel of *Kingston-upon-Hull* as aforesaid, and also all that other Piece or Parcel of Land or Ground on the West Side of the said Citadel, now occupied by the said Sluice used for filling up the said Ditch with Water, together with

The Piece of Land covered with Water, forming a Ditch surrounding the Citadel of *Kingston-upon-Hull*, and the Land

occupied by the Sluice, &c. divested out of the Mayor and Burgesses of Kingston-upon-Hull, and vested in the Principal Officers of the Ordnance in Trust for His Majesty.

with the said Sluice and its Appurtenances, shall be and the same respectively are hereby divested out of the said Mayor and Burgesses and the said Guild or Brotherhood; and that the said Premises respectively shall be, and the same are hereby vested in the said Principal Officers of His Majesty's Ordnance and their Successors, Principal Officers of the Ordnance for the Time being, in trust for His said Majesty, His Heirs and Successors for ever, for the Use or Service of the said Ordnance Department, or for such other Public Service or Services as His said Majesty, His Heirs and Successors, shall from Time to Time by any Order in Council be pleased to direct, freed and discharged of and from all Claim, Right, and Title whatsoever of the said Mayor and Burgesses, and the said Guild or Brotherhood, and their respective Successors, under and by virtue of the said recited Act, or otherwise howsoever.

Estates of the Dock Company, the Mayor and Burgesses, &c. discharged from the Payment of 8,000*l.* payable under recited Act.

II. And be it further enacted, That all and every the Estates, Lands, and Hereditaments of the said Dock Company, the said Mayor and Burgesses, and the said Guild or Brotherhood, respectively, which by the said Act are charged with the Payment of the said Sum of Eight thousand Pounds, shall be and the same are hereby fully released, exonerated, and discharged therefrom, and from every Part thereof, and also of from all and every the Powers, Remedies, and Means which in and by the said Act are provided for raising or levying the same; any thing in the said Act contained to the contrary notwithstanding.

The Piece of Ground on the West Side of the Ditch of the Citadel shall be used only for a Sluice, and the Surface of the Ground shall be in the Enjoyment of the Mayor and Burgesses, &c. for laying out as a Public Highway, &c.

III. Provided always, and be it further enacted, That the said Piece or Parcel of Ground on the West Side of the Ditch of the said Citadel, now occupied by the Sluice used for filling the said Ditch with Water, shall be used and occupied as a Sluice only, and shall contain in Breadth, from a Line drawn along the Centre of the said Sluice, Fifteen Feet and no more, and extend from the Wall of the said Ditch to the River *Hull*, and shall be subject to such Rights and Privileges of the said Mayor and Burgesses and the said Guild or Brotherhood therein, as herein-after mentioned; that is to say, to the full, free, and uninterrupted Use and Enjoyment by them the said Mayor and Burgesses and the said Guild or Brotherhood, and their respective Successors and Assigns, of the Surface of the said Piece or Parcel of Ground at all Times for ever hereafter, for the Purpose of laying out the same as a public Highway, for the Passage of Horses, Carriages, and Foot Passengers, to and from the other Lands or Grounds of the said Mayor and Burgesses and the said Guild or Brotherhood, situated on each Side thereof, or for any other Purpose whatsoever, so as not to obstruct or interfere with the free Use and Enjoyment and Occupation of the said Sluice, and free Access thereto at all Times, for the Purpose of cleaning, repairing, or altering the same, or otherwise, as Occasion may require; the Surface of the said Piece or Parcel of Ground being well, sufficiently, and properly relaid or replaced by or at the Expence of His said Majesty, His Heirs and Successors, whenever the same shall or may be dug, broken, or disturbed for any of the Purposes aforesaid.

