CHAPTER liv.

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An Act to constitute and incorporate Commissioners for the management of Blyth Harbour in the county of Northumberland and to vest the harbour undertaking in them and empower them to construct additional works; and for other purposes. [19th June 1882.]

17 & 18 Vict. c. xcii.

WHEREAS by the Blyth Harbour and Dock Act 1854 the Blyth Harbour and Dock Company (in this Act called the Company) were incorporated and authorised to improve the harbour of Blyth in the county of Northumberland by the construction of breakwaters and other works and to raise share and loan capital for the purpose and to levy tolls and dues for the use of the harbour and works:

21 & 22 Vict. c. lxviii.

And whereas the Company raised capital both share and loan and partially constructed the said works and by the Blyth Harbour and Dock Act 1858 (in this Act called the Act of 1858) the former Act was repealed but the Company were continued incorporated and their share capital was fixed at £150,000 and they were authorised to borrow £40,000 and to complete the said works and otherwise to improve the said harbour and to levy the tolls rates dues and charges by the Act now under recital prescribed and their powers were in divers ways extended and amended:

23 & 24 Vict. c. cvi.

And whereas by the Blyth Harbour and Dock Act 1860 the Company were authorised to execute further works for the improvement of the harbour and to levy additional tolls:

And whereas the paid-up share capital of the Company consists of the sum of £66,136 10*s.* raised at par by ordinary shares and of the sum of £35,000 raised at par by preference shares and entitled to a dividend of £5 per centum per annum:

And whereas the further improvement of the harbour by the deepening thereof and the construction of additional breakwaters would be of public and local advantage and in order the better to provide for the same and for the management of the harbour it is expedient to constitute and incorporate a body of Commissioners and

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to vest the harbour undertaking in them and authorise them to construct and maintain the works herein-after described:

And whereas the works already constructed were so constructed in part on land given by the late Sir Matthew White Ridley Baronet who was or claimed to be the owner of the soil of a part of the harbour and of estates in the township of Newsham and South Blyth and the township of Cambois on either side thereof and certain privileges were in consideration of such gift conferred on the said Sir Matthew White Ridley and his successors in estate:

And whereas the present Sir Matthew White Ridley Baronet being the successor in estate of the late Sir Matthew White Ridley and being or claiming to be the owner of the soil of the said part of the harbour and of the said estates has expressed his intention of giving certain of the land required for the works by this Act authorised and it is expedient that the privileges by this Act appearing be conferred on him and his successors in estate:

And whereas it is expedient that such provision as in this Act appears should be made with respect to the payment of interest to the mortgagees of the Company and of interest by way of dividend to the preference and ordinary shareholders of the Company:

And whereas it is expedient that the Commissioners be authorised to borrow money for the construction of the said works and that certain of the tolls and dues leviable under the recited Acts be altered and that those Acts be in divers particulars amended:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and a book of reference to those plans containing the names of the owners or reputed owners the lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Northumberland and are in this Act referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected 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):

Part I.—Preliminary.

Short title.

1. This Act may be cited for all purposes as the Blyth Harbour Act 1882.

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Incorporation of Acts. 10 & 11 Vict. c. 16.

2. The following enactments (as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act) shall be incorporated with this Act (that is to say):

The provisions of the Commissioners Clauses Act 1847 with respect to the following matters:—

The qualification of Commissioners (except clauses 6 7 and 9);

The meetings and other proceedings of the Commissioners and their liabilities (except sections 40 42 43 and 45);

The contracts to be entered into and the deeds to be executed by the Commissioners (section 57 being construed as if the amount required therein were five hundred pounds instead of one hundred pounds);

The liabilities of and legal proceedings by or against the Commissioners;

The appointment and accountability of officers of the Commissioners;

The mortgages to be executed by the Commissioners (except section 84);

The accounts to be kept by the Commissioners (except section 92);

Giving notices and orders; and

Access to the special Act;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and the determination of any other matters referred to justices the clauses in that Act being construed as if the expression "the Commissioners" had been inserted instead of the expression "the Company;" — 8 & 9 Vict. c. 20.

The provisions of the Harbours Docks and Piers Clauses Act 1847 except sections 25 and 26 and (unless the Board of Trade shall otherwise require) the provisions with respect to lifeboats and the keeping of a tide and weather gauge the clauses in the Harbours Docks and Piers Clauses Act 1847 being construed as if the expression "the Commissioners" had been inserted instead of the expression "the undertakers"; — 10 & 11 Vict. c. 27.

Part V. (Amalgamation) of the Railways Clauses Act 1863 and in construing the clauses in that part the Commissioners shall be deemed the amalgamated company and this Act shall be deemed the amalgamating Act; — 26 & 27 Vict. c. 92.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 and in construing those Acts the Commissioners shall be deemed the promoters of the undertaking. — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

Interpretation.

3. In this Act and for the purposes thereof respectively in the Acts incorporated therewith respectively the following words terms

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and expressions shall 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 harbour" and "Blyth Harbour" respectively mean and include the limits of the Act of 1858 as those limits are defined in section 5 of that Act and all lands breakwaters piers wharves and works for the time being of the Commissioners;

"Harbour revenue" means and includes all tolls rates rents charges and moneys not being capital moneys leviable by or payable to the Commissioners;

"Vessel" shall mean any ship lighter keel barge boat wherry raft or craft or any other kind of vessel whatsoever whether navigated by steam or otherwise but shall not include any vessel belonging to the Royal Navy or for the time being employed by any department of the Government as a hired transport;

"Master" when used in relation to any such vessel shall mean any person whether owner master or other person lawfully or wrongfully having or taking the command charge or management of the vessel for the time being;

The Commissioners" shall mean "the Blyth Harbour Commissioners" incorporated by this Act;

"The clerk" shall mean the clerk to the Commissioners;

"Successor" when used in relation to Sir Matthew White Ridley shall mean and include his heir or grantee being the owner for the time being of the townships of Newsham and South Blyth and of Cambois or some part thereof and if there be more than one such owner then that one who shall by express devise or grant be the successor for the purposes of this Act or (in default of such devise or grant) who shall be the owner of the larger portion in value of such townships;

"The local boards" shall mean the South Blyth Local Board and the Cowpen Local Board;

"License of the Commissioners" shall mean a license under the seal of the Commissioners;

"Permission of the Commissioners" shall mean permission in writing signed by the clerk to the Commissioners;

"Goods" shall include all wares merchandise and articles of every description;

"Tolls" shall mean the rates or dues by the recited Acts and by this Act authorised.

"Electors" shall mean the persons entitled to vote in the election of Commissioners under this Act; and the expression "register of electors" shall mean the registers of the names

and addresses of the electors made or kept in pursuance of this Act;

Words terms and expressions to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless they be otherwise defined in this Act or there be something in the meaning or context repugnant to such construction and in this Act and for the purposes of this Act in any enactment incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt and not a debt or demand created by statute and the term "superior courts" shall include any court of competent jurisdiction.

Distances how to be measured.

4. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane and may be determined by the map made under the survey commonly known as the Ordnance Survey.

Defining rubbish.

5. The word "rubbish" in the Act of 1858 shall be construed to include coals cinders culm coke chalk and any other materials whatsoever which would tend to choke or cause any obstruction in the harbour.

Part II.—Incorporation of Commissioners, &c.

Incorporation of Commissioners.

6. There shall be Commissioners for carrying this Act into execution the full number of whom shall be thirteen subject to the reduction of that number to twelve by the non-election of a Commissioner by the traders as herein-after provided and such Commissioners shall be a body corporate by the name of "the Blyth Harbour Commissioners" and by that name shall have perpetual succession and a common seal and shall have power to take purchase and hold lands tenements and hereditaments goods chattels and other property for any of the purposes of this Act subject to the restrictions herein contained.

Constitution of Commissioners.

7. The Commissioners shall be constituted as follows (that is to say):

Sir Matthew White Ridley and his successor;

One person to be appointed from time to time by Sir Matthew White Ridley or his successor;

One person to be from time to time elected by the ordinary shareholders of the Company;

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One person to be from time to time appointed by the North-eastern Railway Company;
One person to be from time to time appointed by the other Commissioners for the time being as a landowner;
Three persons to be from time to time elected by coalowners;
Two persons to be from time to time elected by shipowners;
One person to be from time to time elected by traders except in the events herein-after prescribed;
One person to be appointed from time to time by the South Blyth Local Board; and
One person to be appointed from time to time by the Cowpen Local Board;

the said Sir Matthew White Ridley (his successor being included in that expression) is in this Act referred to as the "hereby constituted Commissioner" and the Commissioners to be so appointed and elected respectively as aforesaid are in this Act respectively referred to as "appointed Commissioners" and "elected Commissioners."

First Commissioners.

8. The persons who at the passing of this Act are the directors of the Company together with the hereby constituted Commissioner and with the appointed Commissioners when and as they respectively are appointed shall be the first Commissioners and such of the Commissioners as were directors shall hold office until the first election of elected Commissioners and the appointed Commissioners shall hold office for the periods herein-after provided.

As to Commissioner appointed by Sir Matthew White Ridley.

9. As to the appointment of a Commissioner by Sir Matthew White Ridley and his successor the following provisions shall have effect (that is to say):

1. Every appointment shall be in writing under the hand of Sir Matthew White Ridley or his successor and shall be revocable in the like manner;
2. Any Commissioner so appointed shall hold office until such appointment be revoked;
3. If the power of appointment be vested in a minor an idiot or a lunatic it may be exercised by the guardian of such minor or the committee of such idiot or lunatic;
4. If any successor cease so to be within the meaning of this Act any Commissioner appointed by him shall cease to be a Commissioner.

Qualification of landowners' Commissioner.

10. The qualification of a person to be appointed a Commissioner as a landowner shall be his being in his own right or in right of his wife in the actual possession or in receipt or enjoyment of the rents and profits of any hereditaments of the rateable value of not

less than two hundred pounds within the distance of five miles of the harbour.

Appointment of landowners' Commissioner.

11. George Arthur Hutton Croft shall be the first Commissioner appointed as a landowner and he shall remain in office until the second annual meeting after the passing of this Act when he shall go out of office but shall be eligible for re-appointment and the Commissioners shall at their annual meeting in the second year after the passing of this Act and at the annual meeting in every succeeding third year appoint as a Commissioner a duly qualified landowner who shall continue in office (being qualified) until the third annual meeting after his appointment when he shall go out of office but be eligible for re-appointment.

Appointment of North-eastern Railway Commissioner.

12. The Commissioner to be appointed by the North-eastern Railway Company may be appointed as soon as may be after the passing of this Act by the directors of that company and his appointment shall be testified by writing under the hand of their chairman or their secretary and such Commissioner shall continue in office for five years unless sooner removed by the directors of that company such removal to be testified in like manner and on his going out of office at any quinquennial day of appointment he shall be eligible to be re-appointed.

Appointment of Commissioners by local boards.

13. At the second ordinary meeting of the said local boards respectively which shall be held after the passing of this Act and at the first ordinary meeting of each of the local boards which shall be held in every succeeding third year each of the local boards may appoint one Commissioner who shall continue in office for three years if he shall so long live and continue qualified and every such Commissioner on retiring shall if qualified be eligible for re-election.

Every such Commissioner shall either be a member of the local board by whom he shall be appointed or be possessed of the requisite qualification to be such member.

The appointment of every such Commissioner shall be notified in writing to the clerk to the Commissioners by the clerk to the local board by whom such Commissioner shall have been appointed.

Coalowners to send statement of shipments to Commissioners.

14. The clerk shall on or before the fifteenth day of August in the year of election of Commissioners by the coalowners cause an advertisement to be published in a newspaper circulating in the Blyth district requiring all coalowners to make and deliver to him at his office a statement of the total number of tons of coal coke and cinders delivered or put on board by them respectively in the harbour during the previous year ending the thirtieth day of June and the coalowners shall on or before the first day of September then next

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following make and deliver such statement accordingly under their respective hands or the hand of their respective fitter or other agent.

Clerk to prepare list of coalowners entitled to vote.

15. For the purposes of this Act the clerk shall on or before the seventh day of September in the year one thousand eight hundred and eighty-two and the seventh day of September in every subsequent third year make and deliver to the Commissioners a list wherein shall be entered the names of all persons being respectively coalowners who in the year ending with the thirtieth day of June then next preceding shipped at least five thousand tons of coal coke or cinders in the harbour and the quantities of coal coke or cinders so shipped by them respectively during the year and shall at the foot of the list sign a certificate of its accuracy.

Shipowners to send claims to Commissioners.

16. The clerk shall on or before the fifteenth day of August in the year of election of Commissioners by shipowners cause an advertisement to be published in a newspaper circulating in the Blyth district requiring every person residing within five miles of the harbour and being on the thirtieth day of June then next preceding the owner or part owner of a vessel wheresoever registered and having within the preceding three years ending on the said thirtieth day of June paid tonnage rates to the Company or to the Commissioners and being desirous of claiming as herein-after mentioned to deliver to the clerk at the office of the Commissioners a notice in writing claiming to be placed on the list of shipowners entitled to vote at the election of Commissioners to be elected by shipowners and every person so desirous shall on or before the first day of September then next following deliver such statement accordingly under his hand or the hand of his agent.

Every such notice shall state the name and residence of the claimant the name and registered tonnage of every vessel in respect of which he claims and his share in any such vessel of which he was not sole owner and the name of the port at which every such vessel is registered and that he has paid such tonnage rates as aforesaid.

Clerk to prepare list of shipowners.

17. The clerk shall forthwith prepare from such claims and deliver to the Commissioners a list of the shipowners claiming as aforesaid who were on the said thirtieth day of June residing within five miles of the harbour and had paid Blyth Harbour tonnage rates within the three years ending on that day together with the registered tonnage belonging to them respectively on that day and he shall at the foot of the list sign a certificate of its accuracy to the best of his knowledge.

Scale of votes of coalowners.

18. The coalowners shall be entitled to votes according to the following scale (to wit) every person appearing by the revised list to be the shipper of five thousand tons or upwards of coal coke or

cinders shall have one vote for every five thousand tons up to ten thousand tons and one additional vote for every ten thousand tons above the first ten thousand tons.

Scale of votes of shipowners.

19. The shipowners shall be entitled to votes according to the following scale (to wit) every person appearing by the revised list to be a shipowner whether as part owner or sole owner or both to the amount or aggregate amount of one hundred tons or upwards shall have one vote for the first or only one hundred tons and one additional vote for every two hundred and fifty tons above the first one hundred tons but no shipowner shall have more than six votes.

Commissioners to keep a register of traders.

20. For the purposes of this Act the Commissioners shall make a register to be called the register of traders and shall keep it at their office and therein shall enter the names of all persons residing within five miles from any part of the harbour who respectively in the year ending the thirtieth day of June then next preceding pay any of the rates or duties mentioned in Schedule B to the Act of 1858 as amended by this Act to the amount in the whole of five pounds or upwards not being rates or duties on coal coke culm or cinders or in respect of ballast and in the register shall enter the total sums paid by every such person: Provided that the person appearing on the bills of lading or other shipping documents in the case of exports as consignor and in the case of imports as consignee shall for the purposes of the register be deemed the person paying the rates and duties.

Commissioners to prepare list of traders.

21. If in the year ending the thirtieth day of June one thousand eight hundred and eighty-two or if in any subsequent third year ending on the thirtieth day of June it shall appear by such register of traders that the total amount of rates and duties (other than those excepted in the last preceding section) reached in such year the sum of one hundred pounds then on or before the seventh day of September in such year the Commissioners shall make an alphabetical list of all persons whose names appear by such register to have paid in such year such rates or duties to the amount in the whole of five pounds or upwards and the alphabetical list shall specify the number of votes to which every such person is entitled under the provisions herein-after contained.

Votes of traders.

22. The traders when entitled to vote shall vote according to the following scale (to wit) every person who in the year ending with the thirtieth day of June next before the making of the list has paid any of the aforesaid rates and duties to the amount of five pounds or upwards shall have one vote for the first or only five pounds and one additional vote for every twenty-five pounds above the first five pounds up to one hundred and five pounds and one

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additional vote for upwards of one hundred and five pounds but no trader shall have more than six votes.

As to votes of partners and joint owners.

23. In every case of several persons being coalowners in partnership and in every case of several persons being registered as joint owners of any ship or share of a ship and in every case of several persons being traders in partnership they respectively shall with respect to the scale of votes be deemed one person and in case of partnership the member whose name stands first in the firm or one of the members authorised in writing by the other members of the firm or by a majority of them and in the case of joint owners the person whose name stands first on the revised list shall alone be entitled to exercise their right of voting at the election of Commissioners by the coalowners or the shipowners or the traders as the case may be.

Lists to be printed and published.

24. The Commissioners shall print the certified lists of coalowners and shipowners and the alphabetical list of traders and on every day during the seven days ending with the twenty-first day of September one thousand eight hundred and eighty-two and during the seven days ending with the twenty-first day of September in every subsequent third year a printed copy of each of the said lists shall be posted by the Commissioners on the door of their principal office and printed copies thereof shall be kept at that office for public inspection and on payment of a reasonable sum for the same not exceeding sixpence the Commissioners shall deliver a copy of any printed list to any person requiring it.

Revisors of lists to be appointed.

25. On or within one month before the thirtieth day of August one thousand eight hundred and eighty-two and on or within one month before the thirtieth day of August in every subsequent third year the Commissioners shall appoint two of their number to be two of the revisors of the lists of coalowners and of shipowners respectively and of traders if such lists as aforesaid of traders shall have been made and the two persons so appointed shall on or before the fourteenth day of September next after their appointment appoint a third person being a person whose name is on one of the lists for the year ending with the thirtieth day of June in that year to be the third of those revisors and to be the chairman of the revisors and the three persons so appointed shall be the revisors of the lists.

Revision of lists.

26. The revisors shall during the seven days next before the first day of October one thousand eight hundred and eighty-two and the seven days next before the first day of October in every subsequent third year revise at the Commissioners' office the lists of the coalowners and of the shipowners respectively and the list of the

traders if there be such list giving not less than three nor more than seven days' public notice of every such revision: Provided always that in the case of the decease or failure to act of any of the revisors the others or other of them may make or complete the revision.

Claims and objections before revisors.

27. On every such revision any person whose name is omitted from any list may in person or by his agent claim to have his name inserted therein and any person whose name is inserted in any list may in person or by his agent claim to have the number of votes attributed therein to him corrected and may object to any other person as not being entitled to have his name retained therein or as not being entitled to the number of votes attributed to him therein and for the purposes of this section partnerships may act by any of their partners in the name of the partnership and bodies corporate may act by their secretary or any person appointed for the purpose under the common seal of the body.

Revisors to correct the lists.

28. The revisors shall retain the name of any person or the number of votes so objected to if the objection be not established to their satisfaction and shall insert the name of any person shown to their satisfaction to be entitled to have his name inserted therein and shall retain the name of every person to whom and every number of votes to which an objection is not made and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name therein and shall correct the number of votes inaccurately attributed therein to any person on such inaccuracy being shown to their satisfaction.

Revisors to sign lists.

29. The decision of the revisors or the majority of them shall be final and conclusive and the revisors shall forthwith after every revision sign their names at the foot of each list revised.

Production to revisors of books, &c.

30. For the revision of the lists the Commissioners shall produce to the revisors such of the books and accounts of the Commissioners as are proper and sufficient to enable the revisors to revise the lists and shall afford to them all reasonable and proper facilities in that behalf.

Evidence of revised lists.

31. Every list purporting to be a list revised and signed as by this Act provided shall be primâ facie evidence of the same being a list duly made and revised.

Duration of revised lists.

32. Every revised list shall be in force until the revision of the then next list and the persons whose names appear on any revised list from time to time in force shall be the persons entitled to vote in the election of Commissioners and shall at every such election be respectively entitled to such a number of votes as appears by such list.

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Revised lists to be printed and published.

33. Every revised list shall forthwith after the revision thereof be printed and published by the Commissioners and every person whose name appears therein shall be entitled to a copy thereof on paying for every copy such a sum not exceeding sixpence as the Commissioners think reasonable.

Retirement of elected Commissioners.

34. On the third Wednesday in October one thousand eight hundred and eighty-five and on the third Wednesday in October in every subsequent third year all of the elected Commissioners except the Commissioner elected by the shareholders shall retire from office and on the third Wednesday in October one thousand eight hundred and eighty-four and on the third Wednesday in October in every subsequent third year the Commissioner elected by the shareholders shall retire from office and in every case their vacancies shall be supplied by the election of Commissioners as by this Act provided.

Meetings for election of Commissioners by coalowners shipowners and traders.

35. On the third Wednesday in October one thousand eight hundred and eighty-two and on the third Wednesday in October of every subsequent third year the coalowners and the shipowners respectively and the traders if in that year there is to be an election by traders shall meet for the election of Commissioners and at every such meeting the coalowners shall elect three Commissioners the shipowners shall elect two Commissioners and the traders shall elect one Commissioner: Provided that no meeting for the election of traders shall be held and no Commissioner shall be elected by the traders in any year unless in the year ending the thirtieth day of June previous to such respective days the total amount of rates and duties (other than rates and duties on coal coke culm and cinders and in respect of ballast) paid by the traders shall have amounted to the sum of one hundred pounds.

Meetings for election of shareholders' Commissioner.

36. On the third Wednesday in October one thousand eight hundred and eighty-two and on the third Wednesday in October one thousand eight hundred and eighty-four and on the third Wednesday in October in every subsequent third year the ordinary shareholders shall meet for the election of a Commissioner and at every such meeting the said shareholders shall elect one Commissioner and each ordinary shareholder shall be entitled to such a number of votes as is prescribed by section 75 of the Companies Clauses Consolidation Act 1845 every twenty pounds of ordinary share capital being equivalent to one share.

8 & 9 Vict. c. 16.

Time of meeting.

37. Every such meeting shall be held at such convenient place as the Commissioners from time to time appoint and between the hours of ten in the forenoon and four in the afternoon and the

Commissioners shall give not less than four nor more than ten days' public notice specifying the time and place thereof.

Meetings to be separate &c.

38. The meeting of each class of electors shall be separate and the Commissioners elected by each class shall be elected from that class.

Procedure at the meetings.

39. At every such meeting the electors present at the commencement of the meeting personally or by proxy appointed in writing shall forthwith appoint a chairman and the person so appointed shall receive the votes and shall act in all other respects as chairman of the meeting and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of elected Commissioners under this Act.

Copies of register of electors to be conclusive.

40. The clerk shall cause to be supplied to each such meeting copies of the register of electors qualified to vote thereat with his signature appended thereto in writing or in print and any of such copies shall for all purposes of the meeting be conclusive evidence of the matters therein appearing.

Qualification of elected Commissioners.

41. No person shall be qualified to be an elected Commissioner unless he shall either in his own name or as the nominee of some corporate body be or be entitled to be on the register of electors under the provisions and conditions herein contained.

Election to be by majority of votes.

42. The persons to be from time to time elected as elected Commissioners shall be the persons receiving the greatest number of votes of the electors present personally or by proxy at the meeting held for that purpose, and such votes shall be given in writing under the hands of the respective electors or their proxies and in every case of an equality of votes the chairman of the meeting shall when requisite to decide the election have an additional or casting vote.

Regulations respecting proxies.

43. The appointment of a proxy shall be made by an instrument in writing signed by the appointor or if the appointor is a body corporate sealed with the common seal of the body corporate or signed by the secretary thereof. No person shall be capable of acting as a proxy except an elector or in case of a firm or body corporate a member of such firm or a member or officer of such body corporate.

Result of election to be communicated to clerk.

44. The result of every election shall immediately after the conclusion of the meeting at which it takes place be communicated in writing by the chairman of the meeting to the clerk.

Expenses of elections.

45. The expenses incurred by the Commissioners or their clerk of and incident and preparatory to the obtaining and preparation

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of lists the publication of advertisements and the holding of elections directed by this Act or otherwise relative thereto shall be paid by the Commissioners as part of the ordinary expenses.

Commissioners may alter date in respect of first elections.

46. The Commissioners if they deem it expedient may appoint any days other than the days in this Act mentioned for the first election of elected Commissioners and for and in relation to the several matters preparatory or incidental thereto in this Act mentioned.

Vacancies in office of Commissioners to be filled up.

47. Any vacancy in the office of appointed Commissioners or elected Commissioners occasioned by death resignation removal disqualification or any other cause whatever shall be filled up with all convenient speed by the appointment or election as by this Act provided of a Commissioner by the persons or body by whom or which the Commissioner whose vacancy is to be filled up may have been originally appointed or elected and the Commissioner so substituted shall hold office for the time during which the Commissioner in whose stead he is appointed or elected would have been entitled to continue in office.

No bankrupt to be a Commissioner.

48. No bankrupt and no person who has compounded with his creditors or submitted his affairs to liquidation shall be capable of being or continuing a Commissioner unless his creditors have been paid in full.

As to contracts by Commissioners.

49. No person interested in a contract with the Commissioners shall on that account be disqualified from acting as a Commissioner and no Commissioner shall as such be incapable of being interested in a contract with the Commissioners but any Commissioner interested in any contract or proposed contract shall on the subject thereof be precluded from voting or otherwise acting as a Commissioner.

First meeting of Commissioners.

50. The Commissioners shall meet at the office of the Company or at some other convenient place upon the second Saturday after the passing of this Act at the hour of eleven o'clock in the forenoon for the purposes of this Act.

Annual meeting of Commissioners.

51. A meeting shall be held on the first Saturday in the month of February in the year one thousand eight hundred and eighty-three and in every subsequent year on the first Saturday in the month of February or on such other day as may from time to time be appointed by the Commissioners in that behalf and such meeting shall be called the Commissioners' annual meeting.

Periodical meetings to be held.

52. The Commissioners may hold such periodical and other meetings as shall from time to time be appointed by them for any

of the purposes of this Act and may from time to time fix the days and times for holding such meetings. A list of the days and times of holding any periodical meetings shall be duly fixed and continued in some conspicuous part of the usual place of meeting of the Commissioners and upon any such day and time being fixed the Commissioners for the time being are required to attend such periodical meetings without any notice.

Meetings of Commissioners to be styled Commissioners' meetings.

53. Every meeting of Commissioners under the authority and for the purposes of this Act shall be styled a Commissioners' meeting.

No extraordinary business at periodical meetings unless notice be given.

54. No new rules or regulations shall be adopted nor any extraordinary business be transacted at the periodical meetings unless due notice thereof has been given at a prior meeting and the subject of such business been notified to each Commissioner by means of written or printed notices delivered or left in the same manner as herein required for special meetings.

Special meetings of Commissioners.

55. The Commissioners may hold special meetings and any three or more of the Commissioners may require a special meeting to be held but no such meeting shall be held unless two days' notice thereof shall be given except in cases of emergency.

How notices of special meetings of the Commissioners to be given.

56. All notices of any special meeting to be held under the authority of this Act shall be in writing or print including lithograph or partly in writing and partly in print including lithograph and shall be delivered and sent by the clerk by post or otherwise to the usual place of abode or place of business of each of the Commissioners two days previous to such meeting except as aforesaid and every notice shall specify the time and place of meeting and the object thereof and no business shall be transacted at any such meeting except such as is stated in the notice thereof.

Quorum of Commissioners.

57. The quorum of the Commissioners shall be three and all questions at any meeting shall be decided by a majority of the votes of those present and in case of an equal division of votes the chairman shall have a second or casting vote in addition to his vote as a Commissioner.

Meetings may be adjourned to any place.

58. Any meeting of the Commissioners may be from time to time adjourned to such place as may at the time of adjournment be fixed.

Part III.—Vesting Harbour Undertaking in Commissioners &c.

Harbour undertaking vested in

59. On the passing of this Act the harbour undertaking of the Company shall vest in the Commissioners and the powers of the

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Commissioners.

Company and the directors thereof shall cease except for the purpose of winding up the affairs of the Company and when and so soon as their affairs are wound up the Company shall be by virtue of this Act dissolved.

Who to be deemed shareholders in Company.

60. The several persons whose names at the passing of this Act appear in the books of the Company to be proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall notwithstanding the dissolution of the Company be considered shareholders of the Company for the purposes of this Act those who appear therein as proprietors of ordinary shares being considered ordinary shareholders and those who appear therein as proprietors of preference shares being considered preference shareholders.

Forthwith after the passing of this Act the register books of the Company comprising "the register of shareholders" "the shareholders' address book" "the register of transfers" and "the register of mortgages and bonds" shall be transferred to and kept by the Commissioners and their clerk and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters that is to say:—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The borrowing of money by the Company on mortgage or bond;

shall so far as they are applicable and not inconsistent with the provisions of this Act extend and apply to the principal moneys and to the preference and ordinary share capital of the Company by this Act respectively charged on the harbour revenue and for the purposes of such application:—

The expressions "the Company" and "the secretary" when used in those provisions shall respectively mean the Commissioners and their clerk;

And save as aforesaid none of the provisions of the Companies Clauses Consolidation Act 1845 or of the recited Acts relating to share or loan capital shall apply to the Commissioners.

Part IV.—New Works &c.

Power to make works.

61. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the piers and other works herein-after described and the Commissioners may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the

purposes of the undertaking. The works herein-before referred to are the following that is to say :—

(1.) An extension (in direct continuation seaward) of the existing east pier or breakwater of the Company partly in the township of Cambois in the parish of Bedlington and partly in the bed of the German Ocean such extension commencing at the southern extremity of the said pier and terminating beyond low-water mark about 330 yards south of such point of commencement;

(2.) A pier or breakwater partly in the township of Newsham and South Blyth in the parish of Earsdon and partly in the bed of the German Ocean such pier or breakwater commencing in the said township of Newsham and South Blyth and parish of Earsdon at a point distant 250 yards or thereabouts measured in a straight line in a southerly direction from the more eastern of the two leading or guiding beacons which are situated on Blyth Links and thence proceeding in a straight line in an easterly direction and terminating below low-water mark at a point about 850 yards from the said point of commencement.

Power to make subsidiary works.

62. Subject to the provisions of this Act the Commissioners may from time to time make and maintain in connexion with the before-mentioned works or any or either of them all necessary and convenient entrances cuts locks basins timber ponds graving docks gates sluices ditches sewers drains culverts arches walls embankments piers jetties dolphins moorings buoys beacons staiths groynes quays wharves warehouses sheds offices buildings machinery cranes lifts drops railways tramways rails junctions turn-tables sidings roads bridges approaches works and conveniences.

Limits of deviation.

63. In constructing the works by this Act authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the said sections to any extent not exceeding five feet upwards and ten feet downwards: Provided that no deviation of any works authorised by this Act within the limits of deviation shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

Lights on works.

64. The Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every

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night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve and shall at the outer extremity of the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve. If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Commissioners to exhibit lights.

65. The Commissioners shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct.

Abatement of works abandoned or decayed.

66. If any of the works constructed by the Commissioners on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Survey of work by Board of Trade.

67. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal waters or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Period for compulsory purchase of lands.

68. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

69. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Commissioners any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this

behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to acquire additional lands.

70. The Commissioners may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land and foreshore not exceeding in the whole twenty acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement of water) and the Commissioners may from time to time appropriate and use for the purposes of this Act any lands or foreshore for the time being vested in them or which may be reclaimed by or by reason of the execution of any of the works by this Act authorised.

Power to retain sell &c. lands.

71. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or the erection of warehouses buildings or appliances for the use of the harbour or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands belonging to them and adjacent to the harbour or acquired by them under this Act and any lands and foreshore which may be reclaimed by or by reason of the execution of any of the works by this Act authorised and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and foreshore and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Commissioners may appropriate parts of works to use of particular trades &c.

72. It shall be lawful for the Commissioners from time to time as they think fit to set apart and appropriate any part or parts of the harbour or the whole or any part of any graving dock landing places warehouses or other buildings work or convenience to or for the use and accommodation of any particular trades persons companies vessels or class of vessels or goods.

Period for completion of works.

73. If the respective works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing those respective works or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

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PART V.—FINANCE—RATES &c.

Mortgage debts &c. charged on harbour revenue.

74. The share and loan capital of the Company shall as between the Company and the Commissioners be deemed to consist of the following amounts and shall subject to the provisions of this Act as to loans raised by the Commissioners be charged upon the harbour revenue in the following order (that is to say):

(1) The principal moneys due and owing by the Company on mortgage at the passing of this Act such moneys continuing subject to the same conditions for the repayment thereof and bearing the same rate of interest as if this Act had not passed;

(2) The preference share capital of the Company as it stands paid up at the passing of this Act and bearing interest after the rate of five pounds per centum per annum.

(3) The ordinary share capital of the Company as it stands paid up at the passing of this Act and bearing interest in the following manner (that is to say):

In any year ending the thirtieth day of June in which the quantity of coals coke and cinders shipped in the harbour shall not amount to four hundred thousand tons no interest;

For every year ending the thirtieth day of June in which the quantity of coals coke and cinders so shipped shall amount to four hundred thousand tons but shall not amount to six hundred thousand tons interest after the rate of one pound per centum per annum;

For every year ending the thirtieth day of June in which the quantity of coals coke and cinders so shipped shall amount to six hundred thousand tons but shall not amount to eight hundred thousand tons interest after the rate of two pounds per centum per annum;

For every year ending the thirtieth day of June in which the quantity of coals coke and cinders so shipped shall amount to eight hundred thousand tons but shall not amount to one million tons interest after the rate of three pounds per centum per annum;

For every year ending the thirtieth day of June in which the quantity of coals coke and cinders so shipped shall amount to one million tons but shall not amount to twelve hundred thousand tons interest after the rate of four pounds per centum per annum;

For every year ending the thirtieth day of June in which the quantity of coals coke and cinders so shipped shall

amount to or exceed twelve hundred thousand tons interest after the rate of five pounds per centum per annum.

As to paying off &c. capital of Company.

75. The Commissioners may at any time and from time to time out of any moneys borrowed under the powers of this Act purchase by agreement with the holders thereof any preferential capital of the Company but no such purchase shall be made at a higher rate than the market price at the time of such purchase and if at that time there be no market price no such purchase shall be made at a higher rate than the par value and all such capital so purchased shall be ipso facto cancelled.

Power to borrow.

76. The Commissioners may from time to time borrow on the security of the harbour revenue the following sums :—

To pay off the mortgage debt of the Company such sums as that debt shall amount to at the passing of this Act not exceeding twenty-seven thousand pounds ;

To pay off the said preferential capital of the Company not exceeding thirty-five thousand pounds such sums as may be necessary for the purpose ;

For the purposes of the harbour and other the purposes of this Act one hundred and twenty thousand pounds.

Priority of mortgages for paying off mortgages of the Company.

77. Where the Commissioners borrow any money on mortgage for paying off any mortgage of the Company the Commissioners if they so think fit may attach to the principal and interest secured by the respective mortgages the like priority or preference in charge on the harbour revenue as attached to the mortgage of the Company so paid off : Provided always that the moneys borrowed with any such priority or preference shall be applied only for paying off such mortgage and the accounts of the Commissioners shall duly show the application thereof accordingly.

As to repayment of borrowed money &c.

78. The Commissioners shall pay off all moneys borrowed by them under the powers of this Act (including the mortgage debt of the Company) either by yearly or half-yearly instalments or by sinking funds or partly by instalments and partly by sinking funds : Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum.

As to sinking funds.

79. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of sinking funds the following provisions shall have effect (that is so say) :

The Commissioners shall after ten years from the passing of this Act commence and thenceforth in every year appropriate and

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set apart out of the harbour revenue such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed on such security including the mortgage debt of the Company in the following periods (that is to say) :

As to moneys borrowed before the expiration of the said ten years and as to the mortgage debt of the Company within sixty years after the expiration of the said ten years ;

As to moneys borrowed after the expiration of the said ten years within sixty years from the time of borrowing such moneys ;

The Commissioners may from time to time apply the whole or any part of the sinking funds in or towards the discharge of the principal moneys for the discharge of which such funds respectively shall have been established : Provided that they pay in each year into the fund so applied and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the sinking fund or part of sinking fund so applied : Provided also that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding and to be paid off by means of such fund the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Sinking fund for redemption of preference capital of the Company.

80. The Commissioners in respect of so much of the preference capital of the Company as shall remain uncancelled at the expiration of ten years from the passing of this Act shall from and after that period out of the harbour revenue make provision for the extinction of the said capital either by instalments or by a sinking fund appropriated and invested and with the accumulations thereof from time to time applied for that purpose so as in either case to extinguish or to be in a position to extinguish the whole of the preference capital of the Company at the par value in sixty years from the expiration of the said ten years and if at the end of that time the preference capital of the Company or any part thereof be not wholly extinguished the Commissioners shall so long as the same or any part thereof shall subsist apply in or towards that payment the annual income arising from such sinking fund and the provisions contained in the foregoing section the marginal note whereof is "as to sinking funds" shall extend and apply mutatis mutandis in the case of the sinking fund formed under the provisions of this section.

Investment of sinking funds.

81. The yearly sums to be appropiated to any and every sinking fund shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on the security of mortgages debentures debenture stock or annuity certificates granted or issued under any Act under which any municipal corporation are authorised to borrow money.

Commissioners not to regard trusts.

82. The Commissioners shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Commissioners have had express or implied notice of any such trust or of any charge lien or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Commissioners shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any of such moneys.

Lenders not answerable &c.

83. A person lending money to the Commissioners shall not be bound or entitled to inquire as to the observance by them of any provision of the recited Acts or this Act or to see to the application or be answerable for any loss mis-application or non-application of any of such money.

Receipts &c.

84. If any money be made payable to a minor an idiot or a lunatic the receipt of the guardian or the committee of his estate shall be a sufficient discharge to the Commissioners.

Power to re-borrow.

85. The Commissioners may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under the powers of this Act and so toties quoties: Provided that the time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term for which the original loan is sanctioned.

Priority of existing mortgages.

86. Nothing in this Act shall prejudicially affect any charge on the harbour undertaking or on the harbour revenue by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or encumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of

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the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security and the provisions of this section shall subject to any preference or priority attached to any moneys borrowed under the powers of this Act extend and apply mutatis mutandis to the preference capital of the Company.

For appointment of a receiver.

87. All provisions as to the appointment of a receiver for mortgagees of the Company are hereby repealed without prejudice to any appointment made or proceedings taken thereunder prior to the passing of this Act and the mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds.

Receiver for preference shareholders.

88. The provisions of the last preceding section shall extend and apply mutatis mutandis to the holders of preference capital.

As to application for receiver.

89. Every application for a receiver shall be made to two justices and on such application such justices by order in writing after hearing the parties may appoint some person to receive the whole or a competent part of the harbour revenue until the amount so in arrear and in respect whereof the receiver is appointed and all costs including the costs of receiving such revenue be fully paid and upon such appointment being made all such revenue shall be paid to and received by the person so appointed who is hereby empowered to give good and sufficient discharges for the same and the money so to be received shall be so much money received by or to the use of the several mortgagees or persons interested in the same and shall be distributed by the receiver accordingly and after all moneys so in arrear and costs shall have been paid the power of the receiver shall cease.

Application of borrowed money.

90. The money borrowed under this Act shall be applied only for the purposes for which it was borrowed being objects to which capital money is properly applicable and for no other purpose.

Power to borrow under 38 & 39 Vict. c. 83.

91. The Commissioners may if they think fit borrow any moneys which they are by the recited Acts or this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by

this section authorised by the Commissioners shall be a charge upon and shall be paid out of the harbour revenue and such revenue shall be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act under which it was raised and such discharge or any part thereof shall be effected by means of a sinking fund if the Commissioners shall so think fit: Provided always that if the Commissioners at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Commissioners in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Commissioners: Provided also that the first payment to such sinking fund shall be made at the date herein-before mentioned for such payment to the sinking fund prescribed by the former section of this Act as to sinking funds.

As to loans by Public Works Loan Commissioners.

92. Nothing in this Act shall operate to empower the Commissioners to borrow any loan from the Public Works Loan Commissioners: Provided that if the Public Works Loan Commissioners advance any loan to the Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same:— 24 & 25 Vict. c. 47.

(1.) That loan and the security therefor shall not have priority over any loan previously borrowed under this Act or any other special Act or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed in pursuance of this Act or any special Act and the security therefor; and 38 & 39 Vict. c. 89.

(2.) The amount which the Commissioners are authorised by this Act or any other special Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Annual return to Board of Trade with respect to sinking fund.

93. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund or paid off by instalments during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which

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any portion of the moneys invested for the sinking fund or any interest thereon has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty of not exceeding twenty pounds recoverable summarily on the prosecution of the Board of Trade and not otherwise. If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Board of Trade out of the High Court of Justice in England and the provisions of this Act shall apply mutatis mutandis to appropriations or annual repayments.

Application of harbour revenue.

94. The Commissioners shall apply the harbour revenue as foliows (that is to say):

First. In payment of the costs charges and expenses of and incidental to the collecting and recovering of the harbour revenue and of the borrowing of money under this Act;

Secondly. In payment of the working and establishnent expenses and cost of maintenance of the undertaking and of executing the powers of the recited Acts and this Act;

Thirdly. In payment of the interest on moneys borrowed by the Company under the powers of the recited Acts and on any moneys borrowed by the Commissioners for the repayment thereof and to which they may have attached any preference or priority of interest under the provisions of this Act;

Fourthly. In payment of the interest on the preference capital of the Company;

Fifthly. In payment of the interest on moneys borrowed by the Commissioners under this Act;

Sixthly. In providing the requisite instalments appropriations annual repayments or sinking funds under the recited Acts and this Act;

Seventhly. In paying the interest on the ordinary capital of the Company;

Eighthly. In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as trustees are for the time being authorised to

invest in and accumulating the same at compound interest until the fund so formed shall amount to twenty thousand pounds which funds shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from the undertaking or to meet any extraordinary claim or demand at any time arising against them in respect thereof, and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time.

The surplus (if any) in each year shall be expended as the Commissioners think fit in improving or otherwise for the benefit of the harbour and in no other way.

Expenses of execution of Act.

95. All expenses incurred by the Commissioners in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money) shall be paid out of the harbour revenue.

Separate accounts of capital and revenue.

96. The Commissioners shall keep separate accounts on capital and revenue account of all receipts and expenditure under this Act.

Deficit in interest &c. may be paid out of borrowed moneys during construction of works.

97. In case at any time during the execution of the works by this Act authorised the harbour revenue be insufficient to meet the charges thereon other than any payment to the sinking fund or any principal moneys to be repaid by instalments appropriations or annual repayments or any appropriation to the reserve fund or any interest on the ordinary capital of the Company the Commissioners shall pay such charges or any deficit therein out of borrowed moneys.

Recovery of rates on goods.

98. The Commissioners may require the rates on goods unshipped from any vessel in the harbour to be paid before the same are removed from such vessel, and the provisions of the Harbours Docks and Piers Clauses Act 1847 relating to the recovery of tonnage rates shall extend and apply mutatis mutandis to the recovery of rates on goods and the remedy by this section given shall be in addition to any other remedy of the Commissioners for the recovery of such rates.

Rates on vessels.

99. On the expiration of one month from the passing of this Act section 57 (harbour rates payable on ships) and section 61 (vessels remaining more than six weeks to pay additional rates) of the Act of 1858 are hereby repealed but without prejudice to the recovery of any rates by virtue of those sections owing at that date: And from and after that date the Commissioners may demand and receive for every vessel entering the harbour and for every

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vessel clearing or departing outwards from the harbour and for every vessel remaining within the harbour any sums not respectively exceeding the rates specified in the first schedule to this Act and the directions contained in that schedule shall have effect with respect to those rates and the provisions of section 58 (power to remit a portion of the rates in certain cases) and of section 59 (reduced rate for vessels entering for refuge) and section 60 (exempting vessels used for towing) of the Act of 1858 shall have effect with respect to the rates by this section granted.

Rates on goods.

100. On the expiration of one month from the passing of this Act section 67 (rates on goods as in Schedule B) of the Act of 1858 shall be hereby repealed but without prejudice to any remedy for the recovery of any rates by virtue of that section owing at that date and from and after that date the Commissioners may demand and receive in respect of all goods which shall be shipped or unshipped received or delivered within the harbour such sums as are herein-after in this section referred to that is to say:—

In respect of all goods mentioned in Schedule B of the Act of 1858 (except grain and seed and except iron and wood to be used for shipbuilding) any sums not exceeding the rates specified in that schedule increased by an addition of fifty per centum thereto;

In respect of iron to be used for shipbuilding and of wood to be used for shipbuilding any sums not exceeding the rates specified in Schedule B of the Act of 1858;

In respect of grain and seed any sum not exceeding one penny halfpenny per quarter; and

In respect of the matters and things mentioned in the Second Schedule to this Act any sums not exceeding the rates in that Schedule mentioned;

and the directions contained in the Second Schedule to this Act shall have effect with respect to all such goods matters and things as are referred to in this section.

Rates &c. not to be reduced so as to cause insufficient revenue.

101. The Commissioners shall not reduce the rates tolls or charges leviable or receivable by them so as to prejudice the security of the interest chargeable thereon and if any such reduction be found so to have diminished the harbour revenue as to render it insufficient to pay the charges for the time being payable thereout the Commissioners shall thereupon raise the said tolls rates and charges to such an extent (not exceeding the statutory limit thereof) as shall as far as possible prevent the recurrence of such deficiency and as shall enable them to recoup the deficit to every person who shall have suffered the same.

As to auditors.

102. The Commissioners at their annual meeting in every year shall appoint one or more auditor or auditors of the accounts of the Commissioners for the then ensuing year and at any ordinary meeting or special meeting may appoint an auditor to supply for the current year any vacancy in the office of auditor.

Part VI.—Miscellaneous.

Saving right of the Crown in the foreshore.

103. Nothing contained in this Act shall authorise the Commissioners 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Provision for Merchant Shipping Act and General Acts. 17 & 18 Vict. c. 104.

104. Nothing in this Act contained shall exempt the harbour or the Commissioners from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates or duties by this Act authorised.

Saving rights of the Crown.

105. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description 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 or either of them without the consent in writing of such Commissioners 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) neither shall anything in the said Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of Crown under CrownLands Act.

106. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act

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1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors.

29 & 30 Vict. c. 62.

Saving certain rights.

107. Section 96 (saving rights of Sir Matthew White Ridley) section 97 (saving the rights of the owners &c. of the Cowpen estate) section 98 (saving rights of M. J. F. Sidney Esquire) and section 99 (saving rights of Trinity House of Newcastle-upon-Tyne) of the Act of 1858 are incorporated with and form part of this Act.

Cost of Act.

108. All the costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Tonnage Rates Inwards (per register ton).

For every vessel entering the harbour from the respective places herein-after referred to :—

	s.	d.
If without cargo—		
From any place whatsoever - - - - -	0	4½
If with cargo then—		
(1.) From any place in the United Kingdom the Isle of Man or the Islands of Jersey and Guernsey - - -	0	7½
(2.) From any place in Europe between Ushant and the Naze in Norway except the Baltic Sea - - - -	0	9
(3.) From any place in the Baltic Sea or between Ushant and the Straits of Gibraltar or between the Naze and the North Cape - - - - - - -	1	0
(4.) From any place within the Straits of Gibraltar or to the east of the North Cape or in Madeira or the Azores or on the east coast of America north of Florida - - -	1	3
(5.) From any other place whatsoever - - - -	1	6

Tonnage Rates Outwards (per register ton).

For every vessel clearing from the harbour outwards for the respective places herein-after referred to :—

	s.	d.
If without cargo—		
For any place whatsoever - - - - -	0	4½
If with cargo then—		
(1.) For any place in the United Kingdom the Isle of Man or the Islands of Jersey and Guernsey or in the White Sea or between the North Cape and Gibraltar including the Baltic Sea or in the British possessions in North America	0	7½
(2.) For any place within the Straits of Gibraltar or in the United States on the east coast of America or in the West Indies	0	10½
(3.) For any other place whatsoever - - -	1	1½

Charges for remaining in the Harbour (per register ton).

For every vessel remaining in the harbour longer than the period of four weeks for each fortnight or part of a fortnight after the expiration of that period (to be paid in advance) -	0	1

Directions.

1. A vessel shall not be liable to pay more than one tonnage rate for entering and afterwards leaving the harbour but the rate payable in that case shall be

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the highest rate which would be payable on the inward voyage or the outward voyage as the case may be: but this exemption shall not apply where the vessel both enters with cargo and afterwards leaves with cargo.

2. A vessel entering the harbour with cargo but not delivering her cargo or any part thereof within the harbour shall be liable to such rate only as would be payable if the vessel entered the harbour without cargo.

THE SECOND SCHEDULE.

Goods Rates &c.

Goods not particularly enumerated in Schedule B of the Act of 1858 per ton:—	*s.*	*d.*
Where the value per ton does not exceed 5*l.*	0	2
Where it exceeds 5*l.* and does not exceed 10*l.*	0	4
Where it exceeds 10*l.* and does not exceed 15*l.*	0	6
Where it exceeds 15*l.*	0	8
Every vessel (not being a steam vessel) launched in the harbour per register ton	0	4
Every steam vessel launched in the harbour per register ton	0	4
Machinery for propelling any such vessel per ton	0	4

Directions.

1. A ton of goods shall be deemed for the purposes of the rates in Schedule B of the Act of 1858 and in this schedule to be a ton of 20 cwt. or 40 cubic feet by measurement at the option of the Commissioners.

2. Fractional parts of any weight or measure according to which it is expressed that any rate is to be calculated shall be reckoned for the purposes aforesaid as one full amount of such weight or measure.

3. Any person building a vessel and launching the same in the harbour shall within seven days thereafter deliver to the clerk of the Commissioners a statement of the size and the gross tonnage of such vessel and the names and addresses of the builder and of the owner and in the case of a steam vessel the name and address also of the manufacturer of the propelling machinery and the weight thereof and every person hereby required to give such statement who shall neglect to do so shall be liable to a penalty not exceeding five pounds.

4. The above mentioned rates in respect of a vessel launched and the machinery for the same shall be payable by the builder to the Commissioners on the expiration of the time appointed for delivering such statement as aforesaid.

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