ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. xvi.

An Act to provide for the Alteration or Extinguishment of the existing Rights in the Freemen's Pastures in the Township and Borough of *Hartlepool* in the County of *Durham*, and for the Appropriation and Management of such Pastures; for vesting in the Body Corporate of the Borough the Harbour Dues receivable by them; and for other Purposes. [20th *May* 1851.]

WHEREAS there are in the Township and Borough of *Hartlepool* in the County of *Durham* certain Pastures known by the Name of the *Farwell Field*, the *Town Moor*, and the *Chares and Stripes*: And whereas the Mayor, Aldermen, and Burgesses or Body Corporate of the Borough of *Hartlepool* claim to be the Owners in Fee Simple of the Soil of such Pastures: And whereas the Freemen and Widows of Freemen of such Borough claim to be entitled, when resident within such Borough, to the Pasturage of such Pastures: And whereas the said Pastures are of very limited

Extent, and there are very few of the Freemen or Freemen's Widows of the Borough who depasture Cattle thereon, or who can derive any Benefit or Advantage therefrom in the Way the same are now used, occupied, and enjoyed: And whereas the Trade of the said Borough is rapidly increasing, and the said Town of *Hartlepool* is rapidly extending, and by reason thereof the said Pastures are becoming less valuable as Pasture Land: And whereas the said Pasture called the *Farwell Field* and Part of the said Pasture called the *Town Moor* are very eligible for Building Purposes, and it would be very beneficial to the Freemen and other Inhabitants of the said Borough if the same could be applied for such Purposes, and if the Remainder of the *Town Moor* were appropriated for public Walks or Gardens or otherwise for the Recreation and Health of the Inhabitants of the said Borough: And whereas the Strips of Land called the *Chares* or *Stripes* are now useless as Pasture Land, but the same could be advantageously used for Sites of Roads and Ways, and for Building Purposes, and for Frontages to adjoining Lands and Houses: And whereas it would be very beneficial to the Freemen and Freemen's Widows and Inhabitants of the said Borough if the said Freemen and Freemen's Widows and the Body Corporate of the said Borough were respectively enabled to sell and purchase the existing Rights of Pasturage and other Rights over the said Pastures, or to make other Arrangements for the Extinguishment of such Rights, and for the Conversion of the said Pastures to general Purposes for the general Benefit of the said Borough, and for the Appropriation and Distribution of the Compensation to be paid for such Rights of Pasturage, and if the said Pastures were vested in the Body Corporate of the said Borough discharged from all Rights of Pasturage therein, and subject to proper Provisions for the Appropriation and Management of such Pastures: And whereas the Mayor, Aldermen, and Burgesses or Body Corporate of the Borough are or claim to be entitled to certain Tolls or Harbour Dues on all Ships or Vessels entering the Port of *Hartlepool;* and it is expedient that further Powers should be vested in the said Body Corporate of the said Borough for the Receipt, Collection, Recovery, and Application of the said Tolls and Dues, and for vesting the same in the said Body Corporate, and that they should be enabled to alter and vary the same: And whereas the several beneficial Objects and 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,

Interpretation of certain Terms

I. That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there

there be something in the Subject or Context repugnant to such Construction; that is to say, and Expressions.

The Word "Borough" shall mean the Township and Borough of *Hartlepool* in the County of *Durham*:

The Word "Corporation" shall mean the Mayor, Aldermen, and Burgesses of the said Borough:

The Word "Freemen" shall mean the Freemen and Freemen's Widows of the Borough for the Time being resident within the Borough:

The Word "Pastures" shall mean the *Farwell Field*, the *Chares and Stripes*, and such Part of the *Town Moor* as is by this Act authorized to be used for Building Purposes:

The Expression "*Town Moor*" shall mean the whole of the *Town Moor* not authorized by this Act to be used for Building Purposes:

The Expression "Town Clerk" shall mean the Town Clerk for the Time being of the Borough:

The Word "Treasurer" shall mean the Treasurer for the Time being of the Borough.

Freemen and Freemen's Widows for the Time being on Rolls kept by Town Clerk to be Freemen, &c.

II. That the Freemen and Freemen's Widows for the Time being on the "Freemen's Roll" and "Freemen's Widows Roll" respectively kept by the Town Clerk, and for the Time being resident within the Borough, shall for the Purposes of this Act be and be deemed to be the Freemen and Freemen's Widows of the Borough: Provided always, that nothing herein contained shall render valid the Title of any Freeman or Freeman's Widow to the Franchise which is otherwise illegal or invalid.

Meetings of the Freemen.

III. That the Freemen shall hold a Meeting on the First *Monday* in the Month of *October* next after the passing of this Act, and shall hold an Annual Meeting on the First *Monday* in the Month of *June* One thousand eight hundred and fifty-two, and on the corresponding Day of the same Month in every succeeding Year.

Power to Freemen to hold Special Meetings from Time to Time.

IV. That the Freemen may from Time to Time hold Special Meetings for the Transaction of any extraordinary Business; and the Town Clerk, by the Direction of the Corporation, may call any such Special Meeting at any Time they may think proper; and any Five Members of the Pastures Committee herein-after provided for may at any Time, by Writing under their Hands, require the Town Clerk to call a Special Meeting, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be delivered to or left at the usual Residence of the Town Clerk, and forthwith upon the Receipt of such Requisition the Town Clerk shall call a Special Meeting accordingly; and if for Three Days after such Receipt the

the Town Clerk shall fail to call such Meeting, any Five Members of the Pasture Committee may call such Meeting, by giving Notice as herein-after provided.

Notice of Meetings.

V. That not less than Three nor more than Seven clear Days Notice shall be given of every Meeting of the Freemen, and every such Notice shall be signed by the Town Clerk, or the Persons calling the Meeting, and may be sent by the Post; and every Notice of a Special Meeting, and every Notice of an Annual Meeting if any other Business than the Business hereby appointed for Annual Meetings is to be done thereat, shall specify the Business to be done thereat.

Time and Place of Meeting.

VI. That every Meeting of the Freemen shall be held at Noon in the Town Hall or in such other convenient Place as shall be appointed by the Town Clerk or other the Persons calling the Meeting, or by any previous Meeting, and be expressed in the Notice for such Meeting.

Quorum of Meetings.

VII. That in order to constitute a Meeting of the Freemen, whether annual or special, not less than Ten Freemen shall be personally present, and if within One Hour from the Time appointed for holding the Meeting such Number of Freemen be not present such Meeting shall be held to be adjourned *sine die*.

Adjournment of Meetings.

VIII. That every Meeting of the Freemen may be adjourned from Time to Time and from Place to Place; and, except as regards any Meeting adjourned to a later Hour of the same Day, or to the next Day, all adjourned Meetings shall be called by Notice as herein-before provided for, and shall be deemed original Special Meetings.

Chairman of Meetings.

IX. That at all Meetings of the Freemen One of the Pastures Committee, and if all the Members of such Committee be absent, then some Freeman, to be respectively elected by the Meeting, shall preside as Chairman,

Authorities given by this Act to Freemen may be exercised at Meetings.

X. That the Authorities by this Act given, either expressly or by Implication, to the Freemen, may be exercised by the Freemen present at any Annual or Special Meeting, or any Adjournment thereof respectively, and not declining to act thereat; Provided always, that any Annual Meeting shall not enter on any special Business but such as is set forth in the Notice for such Meeting; and any Special Meeting shall not enter upon any Business but such as is set forth in the Notice for such Meeting; and any adjourned Meeting shall not enter on any Business but such as was left unfinished at the Meeting from

from which the Adjournment took place, and might have been transacted at such Meeting.

Proceedings and Votes at Meetings.

XI. That at every Meeting of the Freemen such of them as are Men shall alone be allowed to vote or take part personally in the Proceedings; and every Widow of a Freeman may vote by Proxy, such Proxy being a Freeman authorized by Writing under her Hand; and every Freeman present, either personally or by Proxy, shall be entitled to One Vote; and every Question shall be determined by the Majority of the Votes of the Freemen present, and voting either in their own Right or as Proxies for Freemen's Widows: Provided always, that in all Cases of Equality of Votes at any Meeting the Chairman shall have a Second or Casting Vote.

Power to Freemen to appoint Pastures Committee and Auditors annually.

XII. That the Freemen at the First Meeting after the passing of this Act, or some Adjournment thereof, shall, as the First Business of the Meeting after the taking of the Chair thereat, appoint Seven of the Freemen to be a Committee for the Purposes of this Act, and such Committee shall be called "The Pastures Committee," and shall, as the next Business of the Meeting, appoint Three others of the Freemen to be Auditors for the Purposes of this Act; and the Freemen at the Annual Meeting in the Year One thousand eight hundred and fifty-two, and at every subsequent Annual Meeting, or some Adjournment thereof respectively, shall in like Manner appoint another like Committee and other like Auditors: Provided always, that every retiring Committee-man and Auditor respectively shall be eligible for immediate Re-appointment: Provided also, that in case the Freemen fail at any such Meeting, or at an Adjournment thereof, to make any such Appointment, the Freemen may make the same at any subsequent Special Meeting, or at any Adjournment thereof: Provided also, that such Committee and Auditors respectively shall remain in Office until the Appointment of their respective Successors.

As to filling up Vacancies in Pastures Committee and Auditors.

XIII. That every Vacancy in the Office of Pasture Committee-man and Auditor respectively may be filled up by the Freemen by the Appointment at any Special Meeting, or an Adjournment thereof, of any Freemen to supply the same.

Meetings and Proceedings of Pastures Committee.

XIV. That the Pastures Committee may meet from Time to Time, and adjourn from Place to Place, as they think proper, for the Purposes of their Appointment; and at any Time any Two Members of such Committee may call or direct the Town Clerk to call a Meeting of such Committee, but any Business shall not be transacted except at a Meeting of such Committee of which Five Members are present; and at all Meetings One of the Members present shall be appointed Chairman;

Chairman; and all Questions shall be determined by the Majority of the Votes of the Members present, and in all Cases of Equality of Votes the Chairman shall have a Second or Casting Vote.

Powers of Pastures Committee.

XV. That, subject to such Regulations and Restrictions as the Freemen shall from Time to Time determine, the Pastures Committee shall have the general Superintendence and Management of the Affairs of the Freemen, and the Regulation and the Occupation and stocking of the Pastures, and shall from Time to Time make and enforce such Orders and Regulations as to the Number and Description of Cattle and Animals which the Freemen respectively shall be authorized to depasture in the Pastures and *Town Moor*, and as to the good Management and Occupation of the Pastures and *Town Moor*, as such Committee shall think right for the Benefit of the Freemen and Inhabitants of the said Borough, and shall see that all the Resolutions of the Freemen are duly carried into effect, and shall from Time to Time report to the Council of the Borough all Breaches and Violations of such Orders, Regulations, and Resolutions, and of the Byelaws made for the Purposes of this Act, and shall exercise, in accordance with the Provisions of this Act, all such Authorities as shall from Time to Time be by the Freemen delegated to them, and shall, except in the Cases by this Act otherwise provided for, carry the several Provisions of this Act into execution; and the said Pastures Committee shall have full Power to treat and agree with the Corporation for the Extinguishment or Alteration of the Rights of the Freemen in and over the Pastures and *Town Moor*, and for determining and regulating the Compensation to be paid or given for their Rights of Pasturage and other Rights in the said Lands or any of them, and the Application of such Compensation, and as to the Appropriation of the *Town Moor* for the Purposes of public Recreation, or as Promenades or Inclosures for the general Use of the Inhabitants of the Borough, and as to the future Appropriation or Management thereof or of any Part thereof, and of the Rents thereof.

Pastures Committee to appoint Officers.

XVI. That the Pastures Committee in every Year at some of their Meetings shall appoint such Officers, other than the Town Clerk and the Treasurer, as they may think necessary for carrying this Act into execution, and may from Time to Time discontinue the Appointment of such Officers, and appoint others in their Place; and the Town Clerk and the Treasurer and such Officers respectively shall be paid such reasonable Salaries or Allowances as the Pastures Committee shall appoint.

Power to Pastures Committee to enter into Contracts.

XVII. That, subject to such Regulations and Restrictions as the Freemen may from Time to Time determine, the Pastures Committee may at any of their Meetings enter into all such Contracts and Agreements

Agreements as they may think advantageous for the Purposes of this Act, and may alter, rescind, and abandon, on such Terms as the Committee may think fit, any Contracts and Agreements entered into by or with them for the Purposes of this Act: Provided always, that every such Contract and Agreement, and every Alteration, Revision, and Abandonment of any such Contract and Agreement respectively, shall be in Writing, signed by Five or more Members of the Pastures Committee, and countersigned by the Town Clerk.

Pastures Committee to make a Report annually to Freemen.

XVIII. That in every Year the Pastures Committee shall make to the Annual Meeting of the Freemen a full Report of their Proceedings during the preceding Year, with all such Particulars as shall be proper for explaining the Treasurer's Accounts and Balance Sheets, and for showing the State and Prospects of the Pastures, and the Rents, Profits, and Proceeds thereof, and shall make to the Annual Meeting all such Explanations as may be required by any of the Freemen present thereat.

As to Validity of Proceedings of Pastures Committee.

XIX. That all Proceedings of the Pastures Committee shall be valid notwithstanding any mere Informality, and notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any Person to be a Member thereof, and notwithstanding any Vacancy in the Number of the Committee, so as the Number thereof be not less than Five.

Indemnity of Members of Pastures Committee.

XX. That any Person being or having been a Member of the Pastures Committee shall not by reason of his lawfully exercising any of the Powers given to such Committee be subject to be sued, either alone or with any other Person being or having been a Member of such Committee, by any Person whomsoever; and all Persons being or having been Members of such Committee, their Heirs, Executors, and Administrators, shall be indemnified, by and out of the Monies and Property in or to which the Freemen are under this Act entitled or interested, for all Payments made and Liabilities incurred in respect of any Acts done or suffered by the Pastures Committee in the Execution of this Act, and against all Losses, Costs, and Damages which such Committee may incur in or by reason of the Execution of this Act; and such Committee may from Time to Time order the Application of such Monies and Property for the Purposes of such Indemnity.

Town Clerk to act as Secretary, &c.

XXI. That the Town Clerk shall act as the Secretary or Clerk to the Freemen and also to the Pastures Committee, and shall attend all Meetings of the Freemen and of the Pastures Committee respectively: Provided always, that whenever the Town Clerk shall from Illness

Illness or other sufficient Cause be unable to attend in Person he may attend by a Deputy, to be appointed by him for that Purpose.

Minutes of Proceedings of Freemen, &c. to be made by Town Clerk.

XXII. That Minutes of all the Proceedings of the Meetings of the Freemen and of the Pastures Committee respectively shall from Time to Time be entered by the Town Clerk in Books to be provided for the Purpose, which shall be kept at the Town Clerk's Office; and every such Entry shall, as soon as conveniently may be after the holding of the Meeting at which the Proceedings took place, be signed by the Chairman thereof; and every such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly called or held, or of the Persons attending such Meeting having been Freemen or Members of the Pastures Committee, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all which Matters shall be presumed until the contrary be proved; and such Books shall at all reasonable Times be open to the Inspection of every Freeman.

Appointment of Treasurer.

XXIII. That the Treasurer of the Borough shall be the Treasurer for the Purposes of this Act; and the Corporation shall take such Security for the due Execution by him of his Office under this Act as the Pastures Committee shall from Time to Time think proper.

Annual Sum payable to Freemen by way of Compensation for their Right of Pasturage to be a First Charge on the Pastures.

XXIV. That any annual Sum or Sums which shall be ascertained to be the Value of the Freemen's Interest in the Pastures and *Town Moor*, and which shall be agreed to be paid to them by the Corporation for the Purchase and Extinguishment of their Rights of Pasturage and other Rights in such Lands, shall be paid by the Corporation to the Treasurer, for the Benefit and on account of the Freemen; and such annual Sum or Sums shall be a Charge upon the said Lands in the Hands of the Corporation, and shall be payable out of the Rents and annual Proceeds thereof, or out of any Monies to be produced by any Sale or other Disposition thereof or of any Part thereof, in preference to any other Payments whatsoever.

Monies payable to Freemen to be paid to the Treasurer, and placed to the Credit of the Freemen's Fund.

XXV. That all other Monies to be paid or received for the Benefit of the Freemen under or by virtue of this Act shall be paid to the Treasurer, and his Receipts shall be absolute Discharges for the same, and for the said annual Sum or Sums to be paid to him by the Corporation, and shall exonerate the Persons and Corporation paying the same from all Liability, Claims, and Demands in respect thereof; and the Treasurer shall keep distinct Accounts, to be called "The Pastures Accounts," of all his Receipts and Payments for or on account of the Freemen, and of all such Credits and Liabili-

ties, with reference to the carrying into execution of this Act, as the Pastures Committee shall from Time to Time direct.

As to Payments by Treasurer.

XXVI. That the Treasurer shall not pay any Money without the Order of "The Pastures Committee" in Writing signed by Three Members thereof, and countersigned by the Town Clerk, or as to any Expenses which the Corporation may, under the Provisions of this Act, require to be paid, without the Order of their Council, signed by the Mayor, and countersigned by the Town Clerk; and such Orders respectively shall be sufficient Warrant to the Treasurer to make the Payments thereby directed.

Treasurer to keep Accounts.

XXVII. That the Treasurer shall, in the Year One thousand eight hundred and fifty-two, and in every succeeding Year, make up "The Pastures Accounts," and also the Accounts of the Freemen's Fund, to the First Day of *March* and the First Day of *September* in such Year, and shall deliver to the Auditors Copies of such Accounts, and a Balance Sheet thereof respectively, within Fourteen Days after each of such Days, and shall, when required by the Auditors, verify such Accounts, by producing the proper Vouchers for the same.

Auditors to report.

XXVIII. That it shall be the Duty of the Auditors to receive from the Treasurer his Accounts and Balance Sheets, and to examine the same; and the Auditors shall either make a special Report on such Accounts, or simply confirm the same; and every such Report or Confirmation shall be read at the Annual Meeting with the Annual Report from the Pastures Committee.

When Compensation has been determined, and Deed executed, and Notice thereof given in London Gazette and Hartlepool Newspaper, the Pastures to vest in Corporation.

XXIX. That when and so soon as the Pastures Committee and the Corporation shall have agreed upon and determined the annual Sum to be paid by the Corporation for the Purchase and Extinguishment of the Rights of Pasturage and other Rights of the Freemen in the Pastures and in the *Town Moor*, the Terms of such Purchase, and the Amount of such annual Sum, and the Persons to be entitled, and the Shares and Proportions in and Time during which such Persons shall be so entitled, and the Times and Mode of Payment of such annual Sum, and of the Freemen's Shares thereof, and the Amount, if any, of the Expenses incurred by the Pastures Committee to be deducted thereout or charged thereon, and any other Terms or Stipulations which have been or shall be agreed upon between the Corporation and the Freemen, or between the Corporation and the Pastures Committee, under the Provisions of this Act, shall be embodied in a Deed or Declaration under the Common Seal of the Corporation and under the Hands and Seals of Five of the Members of the Pastures Committee, and signed by them at some Meeting to

be called for the Purpose; and upon the Execution of such Deed or Declaration, and upon Notice thereof in the *London Gazette* and in some Newspaper published in *Hartlepool*, if any, and if not then in some Newspaper published in the County of *Durham*, the Pastures and the *Town Moor*, or such Parts thereof respectively as shall from Time to Time be the Subject of the Arrangement effected by or referred to in such Deed or Declaration, shall be discharged from the Rights of Pasturage and other Rights of the Freemen in such Lands, but subject nevertheless to the Charges thereon created by or to arise under this Act, and subject also to the Powers and Provisions of this Act; and, subject as aforesaid, such Lands shall be and be deemed Part of the general Property of the Corporation, and be held by them for the Benefit of the Borough.

Power to Pastures Committee to let until Pastures are vested in Corporation.

XXX. That in the meantime and until the Pastures shall become vested in the Corporation under the Provisions of this Act, it shall be lawful for the Pastures Committee to let from Year to Year such Parts of the Pastures, and either together or in such Lots, and at and under such Rents, as the Pastures Committee shall think expedient: Provided always, that such Lettings be made to take effect in possession only, and without Fine or anything in the Nature thereof, and be made for the best yearly Rents, to be payable half-yearly or oftener, that can be reasonably obtained for the same.

Pastures when vested in Corporation may be appropriated to Building Purposes.

XXXI. That when the Pastures or any Part thereof shall have become vested in the Corporation under the Provisions of this Act, it shall be lawful for the Corporation from Time to Time to appropriate the same or any Part thereof for Building Purposes, and in order thereto to lay out any Part thereof as Squares or other open Spaces, Roads, Ways, Sewers, Drains, and Watercourses, and other Parts thereof as Lots for Building, or in such other Manner in all respects as the Corporation shall deem most advantageous for the Purposes of this Act, and to repair, alter, and improve any open Spaces, Roads, Ways, Drains, and Watercourses in or upon the Pastures or any Part thereof so vested in the Corporation.

Power to sell and lease Pastures for Building Purposes.

XXXII. That when the Pastures or any Part thereof shall have become vested in the Corporation under the Provisions of this Act, it shall be lawful for the Corporation from Time to Time to sell, lease, or otherwise dispose of the same or any Part thereof to any Persons whomsoever, for Building Purposes, in such Manner, and on such Terms and Conditions, and with and subject to such Covenants and Agreements, as well by or on behalf of the Corporation as by or on behalf of such Persons respectively, as the Corporation shall for the Time being deem most advantageous for the Purposes of this Act; and for

such Purposes the Corporation shall and may from Time to Time enter into such Contracts and Arrangements as they shall from Time to Time think proper; and any such Sale may be either absolute, and in consideration of a gross Sum, or in consideration of any Ground Rent or other Rent or Reservation which the Corporation may think fit, or in consideration partly of a gross Sum and partly of any such Rent or Reservation; and any such Lease may be for any Term or Number of Years, either absolute or conditional, and either with or without Fine: Provided always, that any such Sale, Lease, or other Disposition shall take effect in possession only; and in every Deed or Lease by which any Rent shall be granted or reserved there shall be granted or reserved and made payable the best yearly Rent which can, at the Time of making or granting such Deed or Lease, or the Contract or Arrangement for the making or granting of the same, considering the Amount of the gross Sum or Fine, if any, to be paid in respect thereof, and the Nature and Circumstances of the Case, be reasonably obtained for the same; and the Rent granted or reserved by any such Deed or Lease shall be made payable quarterly or oftener; and the respective Purchasers and Lessees shall execute Counterparts of the respective Deeds and Leases by which any Rents are granted or reserved: Provided also, that the First Payment of the Rent to be granted or reserved by any Deed or Lease may be made to commence and become payable on any Day not exceeding Two Years and a Half from the Time of the making the Contract or Arrangement for such Deed or Lease, and may be made to increase periodically, beginning with such Proportion of the full Rent to be ultimately payable as shall be thought advisable, and increasing up to the full Rent, as shall be found convenient or be thought proper, and as shall be expressed in such Deed or Lease, regard being had to the Circumstances of the Case.

Contracts, Sales, and Leases may be made on such Terms as the Corporation think proper, but Leases not to be renewable.

XXXIII. That, except as by this Act otherwise provided, the Corporation shall and may from Time to Time make any Sales, Leases, Dispositions, Contracts, and Agreements under the Authority of this Act, upon such Terms and Conditions, and subject to such Covenants and Agreements, as well by or on behalf of the Corporation as by or on the Behalf of the Persons to or with whom the same shall be respectively made, and otherwise as the Corporation may from Time to Time deem most advantageous for the Purposes of this Act: Provided always, that such Leases and Contracts for Leases respectively be not made with any Provision for the Renewal thereof.

Corporation not to sell Lands, &c. without

XXXIV. That nothing in this Act contained shall enable the Corporation to sell or demise for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the

Consent of Treasury.

the United Kingdom of *Great Britain* and *Ireland*, any Lands, Tenements, or Hereditaments which they could not have sold or demised without such Approbation before the passing of this Act, anything in this Act to the contrary notwithstanding.

Lettings to be made by Auction, of which Notice shall be given.

XXXV. That every Letting of the Pastures or any Part thereof which shall be made under the Authority of this Act, before the said Pastures shall have become vested in the Corporation under the Powers of this Act, shall be made by Public Auction, of which Auction Seven Days Notice shall be given by Writing fixed on or near the Town Hall or in some other public and conspicuous Situation within the Borough; and such Auctions shall be holden subject to such Conditions, whether ordinary or special, and such reserved Biddings, as the Pastures Committee shall think most advantageous for the Purposes of this Act.

Lettings by private Contract.

XXXVI. That whenever any Lot offered to be let shall be bought in at any such Auction by reason of the reserved Bidding for the same not having been reached, the Pastures Committee may let the same by private Contract upon such Terms, subject to the Provisions of this Act, as the Pastures Committee shall think reasonable, after Seven Days Notice of such Intention to make such Letting shall have been sent by Post as in the Case of an Auction, and which Notice shall state that the highest Offer made to the Committee before a Day to be named in such Notice will be accepted.

Lands comprised in avoided Leases or Contracts may be let again.

XXXVII. That whenever any Contract or Agreement for selling, leasing, letting, or otherwise disposing of any Land shall not be carried into effect, and whenever the Possession of any Land comprised or contracted or agreed to be comprised in any Deed or Lease to be executed or granted in pursuance of this Act shall be resumed or recovered by the Corporation, the same may from Time to Time thereafter be dealt with and disposed of, in pursuance of any of the Provisions of this Act, as the Corporation, or, in the Case of any Agreement for letting made by the Pastures Committee, as the said Committee, shall think fit.

Until Pastures vest in Corporation, Rents to be applied for Benefit of Freemen.

XXXVIII. That in the meantime and until the said Pastures shall become vested in the Corporation under the Provisions of this Act, the Rents and Profits thereof, or of such Parts thereof as are for the Time being let, shall be applied in the first place in paying and discharging such of the ordinary Expenses incurred by the Pastures Committee in carrying into execution the Powers vested in them and in the Freemen by this Act as the said Committee shall direct; and after paying such Expenses the Surplus of such Rents and Profits shall

be paid to the Treasurer, to be applied for the Benefit of the Freemen in the Manner directed by this Act.

After Pastures vested in Corporation, Rents, &c. to be paid into the Borough Fund.

XXXIX. That after the said Pastures shall have become vested in the Corporation all such Monies as shall from Time to Time be received as the Purchase Money for any Part of the Pastures, or as or by way of Fine for any Lease or Disposition thereof or any Part thereof, or by way of Rent or otherwise, shall be paid to the Treasurer for the Time being of the Borough, to the Credit of the Corporation or of the Borough Fund of the Borough, and shall be disposed of accordingly, subject nevertheless to the Charges thereon created by this Act.

Application of Monies paid to the Treasurer for the Benefit of the Freemen.

XL. That in every Year commencing on the Fourteenth Day of *February* the annual Sum, if any, then payable by the Corporation for the Benefit of the Freemen, and the Monies received in respect of the yearly Rents and Profits of the Pastures for the Time being not vested in the Corporation, which shall during such Year be received for the Benefit of the Freemen, and all other Monies which during the same Year shall have been paid to the Treasurer for the Benefit of the Freemen, under the Provisions of this Act, shall be applied in the first instance in Payment of the Salaries and Allowances under this Act during such Year of the Town Clerk, the Treasurer, and the Officers appointed by the Pastures Committee, and such other Expenses, if any, during such Year, of carrying this Act into execution, as are not thereby otherwise provided for; and the Surplus thereof shall form a Fund, to be called "The Freemen's Fund," and shall be carried by the Treasurer to a distinct Account accordingly.

Division of Freemen's Fund.

XLI. That the Amount of the Freemen's Fund for every Year commencing on the First Day of *April* shall be divisible into equal Shares between the Persons who during such Year are the Freemen, and shall be paid to them, or their respective Executors, Administrators, or Assigns, by half-yearly Payments, on such Days as the Pastures Committee shall from Time to Time appoint; and in default of such Appointment the first half-yearly Payment thereof shall be made on the Fifth Day of *April* in such Year, and the second half-yearly Payment thereof shall be made on the Fifth Day of *October* in the same Year; and if any Freeman shall die on any other than One of the said half-yearly Days of Payment, his Executors, Administrators, or Assigns shall be entitled to a proportionate Part of the current half-yearly Payment from the last half-yearly Day of Payment up to and including the Day of such Death.

Power to Corporation to work Limestone.

XLII. That when the Pastures or any Part thereof, or of the *Town Moor*, shall have become vested in the Corporation under the Pro-

visions of this Act, it shall be lawful for the Corporation, if they shall think it expedient so to do, to get, win, and work Limestone on any Part of the said *Town Moor*, and to burn such Limestone into Lime at any Kilns now existing or to be made by the Corporation on the Pastures, and to sell and dispose of such Limestone and Lime to any Person whomsoever, and to pay the Monies to be produced thereby, after defraying the Expenses of getting, winning, working, and disposing of such Limestone or Lime, to the Treasurer of the Borough, to the Credit of the Corporation or of the Borough Fund of the Borough.

Excavations made in working Limestone to be filled up.

XLIII. That all Excavations which shall be made in any Part of the *Town Moor* for the Purpose of getting, winning, and working Limestone shall be filled up with Ballast or other proper Materials as soon as practicable, and the Surface made good; and if such Portion of the Moor is not intended to be used for Building Purposes, or Garden Ground or Plantation, the same shall be forthwith laid down in Grass, and restored to the free Use and Enjoyment of the Public.

Power to provide public Places of Recreation.

XLIV. That, subject to the Provisions of this Act, the Corporation may provide and set out, for the Purpose of Pleasure Grounds or Places of public Resort or Recreation, so much and such Part or Parts of the said Lands called the Pastures and *Town Moor* as they may think proper, and to be used for such Purposes and in such Manner as they may direct, and may from Time to Time level, drain, fence, plant, and otherwise lay out and improve any such public Lands or Grounds, or any Part or Parts thereof, for the more convenient Use and Enjoyment thereof.

Power to make Byelaws.

XLV. That the Powers of the Corporation for making and enforcing Byelaws under the Act, Fifth and Sixth *Victoria*, Chapter Seventy-six, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, shall extend to enable them to make and enforce all such Byelaws as may from Time to Time be necessary for all or any of the following Purposes; that is to say,

For carrying into effect such Regulations and Restrictions as the said Pastures Committee and Corporation shall from Time to Time determine for the good Rule and Government of the Pastures and *Town Moor*, and for the Regulation and the Occupation and stocking of the Pastures and *Town Moor*, and for determining the Number and Description of Cattle and Animals which the Freemen respectively shall depasture in the said Pastures, and for the good Management and Occupation of the Pastures:

For preventing Encroachments upon the Pastures and *Town Moor*, or any Part thereof respectively:

For regulating the Width of the *Chares* used as Ways or Footpaths:

For regulating the Use of the Footpaths across or over the *Town Moor*, and for preventing Persons trespassing on the adjoining Portions of the Moor:

For regulating the Use of the public Promenades or Inclosures for the Recreation and general Use of the Inhabitants of the Borough which may be formed by the Corporation upon the Pastures or *Town Moor*:

And the Corporation may, from Time to Time as they shall think fit, at the Request of the said Pastures Committee, repeal or alter any such Byelaws.

Restriction as to Portion of Town Moor to be used for Building Purposes, &c.

XLVI. That the Portion of the *Town Moor* to be used for Building Purposes shall not exceed in the whole Three Acres, and shall be such Portions only of the said Moor near the Boundaries thereof as may be conveniently taken off for the Purpose of straightening or improving such Boundaries, and of improving the Form of the Inclosures or Grounds to be formed on the said Moor: Provided always, that it shall not be lawful for the Corporation at any Time to build on any Part of the *Town Moor* without in each Case the Consent of a Majority of the Burgesses voting at a Meeting specially convened for the Purpose having been previously obtained.

Power to Corporation to apply Money for Works to protect the Lands from the Sea.

XLVII. That it shall be lawful for the Corporation to apply any Sum of Money which may be paid to the Credi tof the Corporation, or of the Borough Fund of the Borough, under the Provisions of this Act, in executing any Works which the Corporation may have Power to execute, for the Purpose of preserving the Pastures and *Town Moor*, or any Part thereof respectively, from the Inroads of the Sea, or in contributing towards the Expense of executing any Works for the same Purposes which may be undertaken by any other Persons or Body having Power to execute or to contribute towards the Expense of executing the same.

Vesting Harbour Dues in Corporation.

XLVIII. And whereas the Corporation of *Hartlepool* claim to be entitled to, and, before the Year One thousand eight hundred and thirty-three, when it fell into abeyance as hereafter mentioned, received a Toll of One Shilling and Fourpence from all decked Vessels anchoring in or otherwise using the Harbour of *Hartlepool*, and with which said Toll the Town or Sea Walls of *Hartlepool* aforesaid were repaired and upheld: And whereas in such Year the said Corporation fell into abeyance, and ceased to receive the said Tolls, and the said Town or Sea Wall fell into great Decay: And whereas the Commissioners of the Pier and Port of *Hartlepool*, by the

the Act 1 Vic. c. 78., relating to the said Pier and Port, were authorized, amongst other Tolls, to demand and take for every decked Ship or Vessel which should enter the Port of *Hartlepool*, in addition to the Tolls thereby granted, the further Sum of One Shilling and Fourpence *per* Ship or Vessel, and from any Ship or Vessel as aforesaid entering the said Port and Harbour other than for the Purpose of loading or unloading, or driven within the same through Danger of the Seas, Stress of Weather, or Pressure of the Enemy, any Sum not exceeding One Half of the before-mentioned Tolls, and the said Commissioners by the said Act were authorized to apply the said Tolls, amongst other Purposes, in keeping the Town Walls in repair: And whereas Her Majesty, in the Year One thousand eight hundred and forty-one, granted to the Borough of *Hartlepool* a Charter of Incorporation, confirming to the said Corporation all the Rights and Privileges which they had formerly possessed: And whereas the said Commissioners, after the Renewal of the said Charter, ceased to collect the said Tolls and to repair the Town Walls, and the same Tolls have since been received by the said Corporation, who have applied the same in upholding the Walls, and protecting the Town from the Encroachments of the Sea, and for their other Purposes, and it is desirable to confirm the said Corporation in the Enjoyment and Reception of the said Tolls, and to confer upon them other Powers in respect thereof: Be it therefore enacted, That after the passing of this Act it shall be lawful for the Corporation, and such Person or Persons as they shall appoint in that Behalf, to demand and take, or cause to be demanded and taken, the several Tolls following; (that is to say,)

For or in respect of every decked Ship or Vessel which shall enter between the existing Piers of the Harbour of *Hartlepool*, the Sum of One Shilling and Fourpence *per* Ship or Vessel;

And for every Ship or Vessel as aforesaid entering the said Harbour otherwise than for the Purpose of loading or unloading, or driven within the same through Danger of the Seas, Stress of Weather, or Pressure of the Enemy, any Sum not exceeding One Half of the before-mentioned Tolls:

Which Tolls shall be payable by the Master or Person in command of every such Ship or Vessel.

Certain Provisions as to Harbour Dues in 1 Vict. c. 78. relating to Pier and Port of Hartlepool repealed.

XLIX. That from and after the passing of this Act so much of the said recited Act, 1 Vict. Cap. 78., as authorizes the Commissioners of the Pier and Port of *Hartlepool* to demand and receive the said before-mentioned Tolls of One Shilling and Fourpence and Eightpence, and as subjects the said Commissioners to the Maintenance of the Town Walls of *Hartlepool*, shall be and the same is hereby repealed.

Corporation to apply Harbour Dues in maintaining Town Walls.

L. That from and after the passing of this Act the Corporation shall be liable to and shall uphold, repair, and maintain the Town Walls of *Hartlepool*, and the other Works connected therewith necessary to be maintained for the Protection of the Town from the Encroachments of the Sea, and the Tolls by this Act vested in the Corporation shall be applied for such Purposes and incident thereto, and any Surplus of such Tolls which shall remain after answering the Purposes aforesaid shall be applied to the Maintenance and Protection of the Heugh and Headland of *Hartlepool* from the Inroads of the Sea.

Works for the Maintenance of the Heugh and Headland of Hartlepool not to be constructed without Consent of Lord High Admiral, &c.

LI. That it shall not be lawful for the Corporation to construct any Works for the Maintenance and Protection of the Heugh and Headland of *Hartlepool* from the Inroads of the Sea which shall extend below High-water Mark at ordinary Spring Tides without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Corporation at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed contrary to the Provisions of this Act it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with the Costs of Suit.

If Lord High Admiral order a local Survey of such Works, Expense to be defrayed by Corporation.

LII. That if after Working Drawings of the said Works shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Corporation shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Corporation, and, if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be

recovered, with Costs, as a Penalty is or may be recoverable from the Corporation.

Certain Provisions of 10 & 11 Vict. c. 27. extended to this Act.

LIII. That all the Clauses and Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the following Matters, that is to say,

With respect to the Construction of this Act and any Act incorporated therewith;

With respect to the Rates to be taken by the Undertakers, except Sections 25, 26, 27, 31, 32, and 33; and

With respect to the Collection and Recovery of Rates, except Sections 34, 36, 37, 38, 39, 40, 41, 42, and 45,

Shall, so far as the same are not varied or altered by the Provisions of this Act, be incorporated with this Act; and such Clauses and Provisions shall extend to the Tolls by this Act vested in and authorized to be received by the Corporation.

Recovery of Damages and Penalties.

LIV. And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, be it enacted, That the Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, (except the Clauses directing the Application of Penalties,) shall be incorporated with this Act, and such Clauses shall apply to the Purposes of this Act, and shall be construed as if the Word "Corporation" as defined by this Act had been inserted therein instead of the Word "Company."

Penalties how to be applied.

LV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act before any Justice acting for or exercising the Jurisdiction of Justices of the Peace within the Borough, the Application of which is not herein otherwise expressly provided for, be it enacted, That the Justices acting for or exercising the Jurisdiction of Justices of the Peace within the Borough by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid to the Treasurer of the Borough, to the Credit of the Corporation or of the Borough Fund, anything in the Provisions of the Railways Clauses Consolidation Act incorporated herewith to the contrary thereof notwithstanding.

Expenses of Act.

LVI. That all the Costs, Charges, and Expenses of and attending the applying for and passing of this Act and incidental thereto shall be paid by the Corporation out of any of the Funds or Property of or under the Control of the Corporation; and that One Third of the

said Costs, Charges, and Expenses shall be reimbursed and repaid to the Treasurer of the said Borough, to the Credit of the Borough Fund, and be applicable to all the Purposes thereof by the Treasurer of the Freemen's Fund, out of the Monies which shall be received by him under the Provisions of this Act.

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