CHAP. lxxxii.

An Act for amending the Hartlepool Port and Harbour Act, 1855, for abandoning part of the works by that Act authorized, for the construction of other works, for the improvement and regulation of the Port and Harbour of Hartlepool; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS by the "Hartlepool Port and Harbour Act, 1855" (in this Act called the Act of 1855), the Hartlepool Port and Harbour Commissioners (in this Act called the Commissioners) were authorized to construct the works thereby authorized, comprising (amongst other works) a harbour of refuge in the Bay of Hartlepool, and for that purpose to borrow any sum not exceeding, in addition to the then mortgage debt of the Commissioners, eight hundred and thirty-five thousand pounds: 18 & 19 Vict. c. cxxvi.

And whereas the Commissioners have been unable to raise the money authorized to be borrowed by the Act of 1855, and the works of the harbour of refuge by that Act authorized have not been commenced:

And whereas it would be of public advantage if other works were constructed, and if the works authorized by the Act of 1855 were so varied and partly abandoned as to form, with the works by this Act authorized, additional protection and safety to vessels using the port:

And whereas the works by this Act authorized would tend to improve the trade of the port and of the towns of Hartlepool and West Hartlepool, and the docks adjacent thereto respectively:

And whereas there are in the Bay of Hartlepool two sets of docks and works, called in the Act of 1855 (section 3) the East Dock and the West Dock respectively; and by the same Act (sections 28 and 29) the company from time to time in the actual possession of the East Dock, in that Act called the East Dock Company, and the Company from time to time in the actual possession of the West Dock, in that Act called the West Dock Company, are each authorized to elect three Commissioners:

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And whereas the North-eastern Railway Company are now in the actual possession of both the East Dock and the West Dock, and accordingly are entitled to elect six Commissioners, but while the Act authorizing the North-eastern Railway Company to acquire the West Dock was passing through Parliament that company agreed that thereafter they would appoint five Commissioners and no more, and it is expedient to provide in this Act for the carrying of that arrangement into effect:

And whereas it is expedient that the Commissioners be authorized to levy additional rates, and that provision be made for the election of Commissioners by persons paying those additional rates in lieu of an equal number of official Commissioners:

And whereas the Commissioners have paid off the whole of their mortgage debt, and it is expedient that they be authorized to borrow money for carrying into effect the objects and purposes of this Act, and that the Act of 1855 be amended, and that further powers be vested in the Commissioners:

And whereas plans and sections showing the situation, lines, and levels of the piers and works by this Act authorized, and the lands by this Act authorized to be acquired for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Durham, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles.

1. This Act may be cited as The Hartlepool Port and Harbour Act, 1869, and the Act of 1855 and this Act may be cited together as The Hartlepool Port and Harbour Acts, 1855 and 1869.

Commencement of Act.

2. This Act shall commence and have effect on and from the fourth Wednesday next after the passing thereof.

The Act of 1855 and this Act to be construed together.

3. The Act of 1855, as amended by this Act, and this Act shall be read and have effect together as one Act; and for this purpose the expression "this Act," when used in the Act of 1855, shall be taken to apply to the present Act as well as to the Act of 1855, as the case may require.

4. In addition to the Acts and parts of Acts incorporated with the Act of 1855, sections 37, 38, 39, 40, 41, 42, and 45 of The Harbours, Docks, and Piers Clauses Act, 1847, and The Lands Clauses Consolidation Acts Amendment Act, 1860, are incorporated with this Act.

10 & 11 Vict. c. 27. (in part) and 23 & 24 Vict. c. 106. incorporated.

5. The expression "superior court," or "court of competent jurisdiction," or any other like expression in this Act or the Act of 1855, or in any Act incorporated therewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute, and terms to which meanings are assigned by the Act of 1855 (if not inconsistent with this Act) have in this Act the same respective meanings.

Interpretation of terms.

6. In this Act the term "the Importers and Exporters Commissioners" means the Commissioners from time to time elected under this Act by importers and exporters, as described in this Act, and the Importers and Exporters Commissioners for the time being shall be deemed elective Commissioners within the meaning of the Act of 1855.

Definition of Importers and Exporters Commissioners.

7. Section 5 of the Act of 1855 is repealed, and the harbour of Hartlepool in the county of Durham (in this Act called the harbour) shall include all such parts of the port (except the East Dock and the West Dock) as are situate within an imaginary straight line commencing at the seaward end of the pier or breakwater authorized by the Hartlepool Pier and Port Act, 1851, and terminating at the centre of Carr House, in the parish of Stranton, near the point where Long Scar Rock joins the shore, and all vessels coming within such limits shall be deemed to have entered the harbour.

Limits of the harbour.

8. Section 25 of the Act of 1855, and all other sections of that Act relating or referring to the number of the Commissioners or the number of the West Dock Commissioners shall be read and have effect as if thirteen Commissioners had therein been mentioned or referred to instead of fourteen Commissioners, and as if two West Dock Commissioners had been therein mentioned or referred to instead of three West Dock Commissioners respectively.

Number of Commissioners.

9. On and after the third Wednesday in January one thousand eight hundred and seventy, section 25 of the Act of 1855, and all other sections of that Act relating or referring to the number of the official Commissioners, shall be read and have effect as if one official Commissioner had been therein mentioned or referred to instead of three official Commissioners, and the name of the person who is to be then and thereafter the official Commissioner shall be

Alteration of the number of official Commissioners.

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previously signified in writing to the clerk to the Commissioners, under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and on and from that day section 43 of the Act of 1855 shall be repealed, and thereafter the Board of Trade from time to time may appoint one person to be the official Commissioner, and at pleasure remove any person so appointed, and every such appointment and removal shall be made in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and an entry of every such appointment and removal shall be made in the minutes of the proceedings of the Commissioners.

Commissioners to make a yearly register of importers and exporters.

10. On or before the tenth day of January in every year the Commissioners shall make and print a register to be called "The Register of Importers and Exporters," and therein shall be entered the names, in alphabetical order, and addresses of all persons residing or carrying on business within fifteen miles from the Heugh Lighthouse at Hartlepool who respectively during the year ending on the then last thirty-first day of December shall have imported or exported into or from the port of Hartlepool cattle or goods, together with (opposite their respective names) the amount of rates or tolls which, according to the scale specified in column No. 2 of the schedule to this Act, the cattle or goods imported or exported by them respectively actually yielded, or would have yielded if the time had arrived when those rates or tolls are authorized to be levied, and 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 or tolls, but the register shall not in any year comprise any importer or exporter in whose case the amount of rates or tolls aforesaid (calculated or actual) would not amount to twenty pounds, and the clerk to the Commissioners shall, at the foot of the register, sign a certificate of its accuracy, and in this Act the persons comprised in the register for the time being in force are referred to as the registered importers and exporters for the time being.

Register to be published.

11. On every day (except Sunday) during the seven days next after the tenth day of January in every year a printed copy of the Register of Importers and Exporters shall be posted by the Commissioners on the outer door of their principal office in Hartlepool, and on payment of a reasonable sum not exceeding sixpence the Commissioners shall deliver a printed copy thereof to every person requiring it.

Yearly election of Importers and

12. The registered importers and exporters for the time being shall yearly elect two persons (being respectively registered im-

porters or exporters, and otherwise duly qualified,) to be Importers and Exporters Commissioners; and the registered importers and exporters shall severally be entitled to votes according to the following scale; (that is to say,)

Exporters Commissioners.

In respect of rates, calculated or actual, as shown in the register, amounting to twenty pounds, one vote;

Exceeding twenty pounds and not exceeding forty pounds, two votes;

Exceeding forty pounds and not exceeding sixty pounds, three votes;

Exceeding sixty pounds and not exceeding eighty pounds, four votes;

Exceeding eighty pounds and not exceeding one hundred pounds, five votes;

Exceeding one hundred pounds, six votes,

for every person (not exceeding the number of Importers and Exporters Commissioners to be then elected) who is then proposed to be elected an Importers and Exporters Commissioner.

Votes of partners.

13. Persons being importers or exporters in partnership shall, with respect to the scale of votes, be deemed one person, and one of the members authorized in writing by the other members of the partnership, or by a majority of them, shall alone be entitled to exercise, on behalf of the partnership, their right of voting at the election of Importers and Exporters Commissioners.

Proceedings in elections of Importers and Exporters Commissioners.

14. Sections 32 to 36 (both inclusive) of the Act of 1855 shall apply to elections of Importers and Exporters Commissioners as if those sections were repeated in this Act, with the substitution only of Importers and Exporters Commissioners for Shipowners Commissioners, and of registered importers and exporters for registered shipowners, and of ten days before the third Wednesday in January for twenty days before that Wednesday, the first of such meetings as are prescribed by section 32 of the Act of 1855 being for the purposes of this section held in January one thousand eight hundred and seventy.

Repeal of section 38 of Act of 1855.

15. Section 38 of the Act of 1855 is repealed.

Scale of voting for Shipowners Commissioners.

16. At every election of Shipowners Commissioners every person whose name appears on the certified list of registered shipowners mentioned in section 37 of the Act of 1855 as being a registered shipowner to the extent of fifty tons for the then last thirty-first day of December shall be entitled to vote according to the following scale; (that is to say,)

A registered shipowner of fifty tons and under two hundred and fifty tons, one vote;

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Of two hundred and fifty tons and under four hundred and fifty tons, two votes;

Of four hundred and fifty tons and under six hundred and fifty tons, three votes;

Of six hundred and fifty tons and under eight hundred and fifty tons, four votes;

Of eight hundred and fifty tons and under one thousand and fifty tons, five votes;

Of one thousand and fifty tons and upwards, six votes and no more,

for every person (not exceeding the number of Shipowners Commissioners to be then elected) who is then proposed to be elected a Shipowners Commissioner.

How incorporated companies may vote.

17. Any incorporated company entitled to vote at any election of Commissioners may under their common seal appoint some person to vote for them, who may vote accordingly.

Time for annual meeting.

18. Section 55 of the Act of 1855 is repealed, and the yearly meeting of the Commissioners shall be held on the third Tuesday in February in every year, or within eight days after that day.

Repeal of restriction in sect. 70 of Act of 1855.

19. So much of section 70 of the Act of 1855 as restrains the Commissioners from constructing part of the pier or breakwater therein referred to is repealed.

Repeal of sect. 73 of Act of 1855.

20. Section 73 of the Act of 1855 is repealed.

Power to abandon part of authorized works.

21. The Commissioners may relinquish and abandon the construction of the following works referred to in section 72 of the Act of 1855, and secondly and thirdly described in section 74 of the same Act as follows:

2. A southern pier or breakwater, commencing upon and from the shore or high-water banks of the sea at or near Carr Cottage, in the township of Seaton Carew and parish of Stranton, in the county of Durham, and extending from that point in an easterly and northerly direction over, along, upon, or near to the reef of rocks called "Long Scar," and the shore and bed of the sea, and terminating in the German Ocean:

3. A northern pier or breakwater, commencing from or near the cliffs called "The Heugh," in the township and borough of Hartlepool, in the county of Durham, and extending in a south-easterly direction and terminating in the German Ocean.

Power to take lands.

22. Subject to the provisions of the Act of 1855 and of this Act, the Commissioners from time to time may enter upon, take, and

use for the purposes of the works by this Act authorized such of the lands shown on the deposited plans and specified in the deposited books of reference as the Commissioners find requisite for those purposes.

Power to make works.

23. Subject to the provisions of the Act of 1855 and of this Act, the Commissioners may make and maintain the several works by this Act authorized upon and in the lands and waters shown for that purpose on the deposited plans and described in the deposited books of reference, according to the lines and levels of those works shown on the deposited plans and sections respectively, and may deviate from the lines of works respectively shown on the deposited plans to the extent of the limits of deviation respectively shown on those plans.

New works authorized.

24. The works by this Act authorized comprise the following, and all works and conveniences incidental or necessary to or connected with the same; that is to say,

1. A sea wall of the length of six hundred and twenty yards, or thereabouts, commencing at a point on the northern pier of West Hartlepool Harbour, about three hundred and fifty yards from the pier head, and running in an easterly direction across Middleton Beach in a curved line for about five hundred yards, thence in a straight line in a direction nearly north-easterly for a distance of about one hundred and twenty yards until it reaches the stone jetty which forms the southern boundary of the Commissioners tidal harbour, joining such jetty at a point about one hundred and seventy yards from its head, and the reclamation and filling up of the space between the said intended sea wall and the said northern pier of West Hartlepool Harbour, the present line of shore and the said stone jetty:

2. A pier commencing by a junction with the said intended sea wall, where the intended curve is joined by the straight line, at a distance of about one hundred and twenty yards from the aforesaid point of junction of the said intended sea wall with the said stone jetty, such pier continuing in a south-easterly direction, nearly parallel with the said stone jetty, and terminating in the Bay of Hartlepool at a distance of about four hundred and thirty yards from the commencement thereof:

3. A pier commencing at the cliff, in the township of Hartlepool, in the parish of Hart in the county of Durham, at a point about one hundred yards eastward of the point where the old pier of the Commissioners tidal harbour joins the shore at Hartlepool, proceeding in a slightly curved southerly direc-

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tion for a distance of about two hundred and twenty yards, and terminating in the Bay of Hartlepool.

Execution of works to be subject to the directions of the Board of Trade.

25. The execution of the works by the Act of 1855 and this Act authorized shall be subject to such alterations and modifications as to position and mode of structure within the powers of the Act of 1855 and this Act as shall be required or consented to by the Board of Trade.

Lights on works.

26. The Commissioners shall, on or near the works by the Act of 1855 and this Act authorized, so far as the same extend in, over, through, or across tidal lands or tidal water, during the whole time of constructing, altering, or extending thereof, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near 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 vessels as the Trinity House of Deptford Strond shall direct. 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.

Penalty.

For protection of the trustees of Smith's Charity.

27. If by reason of the execution of the works authorized by this Act, or of any part of such works, any portion of the land belonging to the trustees of Henry Smith's Charity at Hartlepool, above high-water mark, shall be in the opinion of a civil engineer appointed for that purpose injured or endangered, such engineer may decide what works are proper and sufficient to protect the land of those trustees, and within what time the same shall be executed, and shall also decide the amount of compensation, if any, to be paid by the Commissioners to those trustees on account of such injury; and the decision in writing of such civil engineer shall be final and conclusive on all parties; and the Commissioners shall, upon the making of such decision, and in conformity to the terms thereof, execute the works, if any, and pay to those trustees the amount, if any, so decided on, and the costs of such decision shall be borne and paid according to the provisions of "The Lands Clauses Consolidation Act, 1845," in cases of disputed compensation: Provided always, that such civil engineer shall be appointed by the Commissioners and those trustees, or if they do not agree, then, on the application of either party, by the Board of Trade.

New works substituted for abandoned works.

28. Section 74 and all other sections of the Act of 1855 referring to the works secondly and thirdly described in section 74 of that

Act, shall be read and have effect for all purposes as if the works by this Act authorized had been in those sections described or referred to respectively instead of the works secondly and thirdly described in section 74 of that Act.

Penalty for removing rocks or stones from the sea shore.

29. If any person removes any rock, stone, or soil from the ridge of rocks commonly called Long Scar, or from the headland of Hartlepool adjoining the sea shore, or from the sea shore within or adjoining the harbour, without in every case the previous special or general consent of the Board of Trade signified in writing under the hand of the Secretary of the Board of Trade (proof whereof shall lie on the party so removing), he shall for every such offence be liable to a penalty not exceeding ten pounds, and shall also be liable to make good any damage or injury which may be occasioned by the removal of any such rock, stone, or soil.

Repeal of part of the duties on vessels.

30. The duties on vessels entering the harbour comprised in Part III. of Schedule A. to the Act of 1855 are repealed, and sections 117 and 119 of that Act shall be read and have effect as if Part III. of Schedule A. to that Act did not form part of that schedule, and were not in those sections mentioned or referred to.

Duties on vessels.

31. The duties comprised in Parts I. and IV. of Schedule A. to the Act of 1855 shall continue to be payable after the commencement of this Act, and the duties comprised in Part II. of the same schedule shall be payable when and so soon as the sum of one hundred thousand pounds shall have been expended on works authorized by this Act and by the Act of 1855 as amended by this Act, and such expenditure shall have been certified in manner prescribed by section 119 of the Act of 1855.

Power to take rates or tolls in schedule.

32. In addition to the duties authorized by the Act of 1855 to be taken, the Commissioners may demand and receive in respect of cattle and goods shipped or landed at or in the harbour, or at or in any dock or pier for the time being belonging to or under the control or management of the North-eastern Railway Company, as proprietors of the East and West Docks, rates or tolls not exceeding those specified in the schedule to this Act, as follows; (that is to say,)

When and so soon as the sum of fifty thousand pounds shall have been expended on works authorized by this Act and the Act of 1855 as amended by this Act, and such expenditure shall have been certified under the hand of one of the secretaries or assistant secretaries of the Board of Trade, rates or tolls not exceeding those set forth in column No. 1 of the schedule to this Act:

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When and so soon as the sum of one hundred thousand pounds shall have been expended on works so authorized, and such expenditure shall have been so certified as aforesaid, then rates or tolls not exceeding those set forth in column No. 2 of that schedule.

Harbours, &c. of the North-eastern Railway Company declared to be within limits of harbour, &c.

33. For the purposes of the collection of the duties, rates, and tolls payable to the Commissioners, the harbours, docks, or piers for the time being belonging to or under the control or management of the North-eastern Railway Company, as proprietors of the East and West Docks, shall be deemed to be within the limits of the harbour, dock, or pier within the meaning of the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the collection and recovery of rates.

Section 108 of Act of 1855 extended to weekly payments for ferry tolls.

34. The Commissioners may compound with any persons using the ferry for payment of any sum weekly in lieu of ferry tolls, in like manner as they are by section 108 of the Act of 1855 authorized to compound for the payment of any sum, either monthly, quarterly, half-yearly, or yearly, in lieu of the ferry tolls by that Act authorized.

Repeal of sect. 120 of Act of 1855.

35. Section 120 of the Act of 1855 is repealed.

Commissioners may borrow 180,000*l.* on mortgage.

36. Section 133 of the Act of 1855 is repealed, and the Commissioners from time to time may borrow for any of the purposes of the Act of 1855 and of this Act any sum not exceeding one hundred and eighty thousand pounds, and may secure the monies so borrowed and the interest thereon by mortgage of the Hartlepool Port and Harbour Fund, and of the rates and duties by the Act of 1855 and this Act granted.

Repealing sect. 136 of Act of 1855.

37. Section 136 of the Act of 1855 is repealed.

For appointment of a receiver.

38. 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, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Sinking fund for the payment of mortgages.

39. Section 142 of the Act of 1855 is repealed, and the Commissioners shall set apart and appropriate yearly out of the Hartlepool Port and Harbour Fund as a sinking fund, to be applied in paying off the principal sums secured on mortgage of that fund, a sum not less than one per centum of the sums from time to time so secured, provided that the Commissioners shall not be bound to

set apart any money towards such sinking fund during ten years next after the commencement of this Act.

Saving rights of the Crown.

40. Nothing contained in this Act shall authorize the Commissioners to purchase, take, or use any land or soil, or any rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any one of them, first had and obtained for that purpose, and which consent such Commissioners or any one of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by Her Majesty, Her heirs and successors.

Expenses of Act.

41. The costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Commissioners.

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The SCHEDULE referred to in the foregoing Act.

(Sec. 31.)

Rates or Tolls on Cattle and Goods.

	Column No. 1. Rates when 50,000*l.* expended.		Column No. 2. Rates when 100,000*l.* expended.	
	s.	*d.*	*s.*	*d.*
Cattle:—Horses, each	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Oxen and cows, each	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Ponies, mules, and asses, each	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Calves, each	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Lambs, sheep, goats, and pigs, each	0	$0\frac{1}{4}$	0	$0\frac{1}{4}$
Coal and coke, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Cotton wool, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Flax, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Grain and seed, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Hemp, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Iron ore, iron and steel, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Jute, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Lead ore and lead, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Salt, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Tallow, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Wood :— Deals, battens, ends, boards, per load of 50 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Staves, per load of 50 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Timber and planks, viz.:				
Fir, square, per load of 50 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Fir, round, per load of 40 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Ash, birch, beech, and elm, per load of 40 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Oak, teak, wainscot, and other hard wood, per load of 40 cubic feet	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Wool, sheep, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
„ shoddy, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$
Yarn, per ton	0	$0\frac{1}{4}$	0	$0\frac{1}{2}$

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