ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. cxi.

An Act to enable the *Hartlepool* West Harbour and Dock Company to alter and improve their Harbour and construct additional Works; and for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, called "The *Hartlepool* West Harbour and Dock Act, 1847."

[14th *August* 1850.]

WHEREAS an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for making* 7 & 8 Vict.
a Harbour and Dock near to Hartlepool *in the County of* c. 28.
Durham, whereby the Company were empowered to raise the Sum of Fifty-two thousand four hundred Pounds by Shares, and Seventeen thousand Pounds by Mortgage of the Undertaking and Works, or by Bond, as therein mentioned: And whereas another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act* 10 & 11 Vict.
to enable the Hartlepool *West Harbour and Dock Company to construct* c. 16.
additional Docks, and for repealing an Act passed in the Seventh Year

of the Reign of Her present Majesty, relating to the said Hartlepool *West Harbour and Dock Company, and for granting new Powers and Provisions in lieu thereof*, whereby the Company were empowered to raise the additional Sum of One hundred and twenty-three thousand six hundred Pounds by Shares, and any Sum or Sums of Money, not exceeding One Third of the Share Capital of the Company for the Time being, by Mortgage of the Undertaking and Works, or by Bond, as therein mentioned: And whereas the Company have accordingly raised the Sum of One hundred and forty-two thousand five hundred Pounds by Shares, and the Sum of Fifty-eight thousand Pounds by Mortgage or Bond of the Undertaking and Works, making together the Sum of Two hundred thousand and five hundred Pounds which has been expended in carrying out the Objects and Purposes of the said recited Acts, and improving the Harbour of the Company, and the Works are still unfinished: And whereas it is expedient that the Company should be authorized to improve and enlarge their Harbour, and to make the Alterations and Works herein-after mentioned or referred to, and that some of the Provisions of the said secondly-recited Act should be amended; but the 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, That the said secondly-recited Act, as altered or amended by the Provisions of this Act, respecting the Time of holding General Meetings, and the Declaration of a Half Year's Dividend, and the Number of Directors, and respecting the Tolls to be taken by the Company from Vessels taking refuge in the Harbour, and this Act, shall, as far as Circumstances will permit, be construed and read together as forming One Act.

The secondly recited Act and this Act to be construed as One Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Hartlepool* West Harbour and Dock Act, 1850."

Power to raise Money by the Creation of Shares.

III. And whereas the estimated Expense of making the Alterations and Works hereby authorized is Twenty thousand Pounds: Be it enacted, That for the Objects and Purposes of this Act it shall be lawful for the Company to raise, by creating Shares in the Company, in addition to any Monies authorized to be raised under or by virtue of the said recited Acts, the further Sum of Twenty thousand Pounds.

IV. And

Shares to be subject to Provisions as to Shares in secondly-recited Act.

IV. And be it enacted, That the Shares to be created by virtue of the Provisions of this Act shall be subject to the same Provisions in all respects as are enacted in and by the said secondly-recited Act with respect to the Shares thereby authorized to be created.

Meetings to be held yearly in August, but Directors may declare Dividends half-yearly.

V. And whereas by the said secondly-recited Act it is enacted, that the General Meetings shall be held in the Month of *September* in each Year: Be it enacted, That from and after the passing of this Act the General Meetings of the Company shall be held in the Month of *August* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; but it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay, in the Interval between any Two ordinary yearly Meetings, a Half Year's Dividend out of the Profits of the Company to the Shareholders, but the Directors shall not make any Dividend whereby the Capital of the Company will be reduced.

Power to vary the Number of Directors.

VI. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors of the Company, but the whole Number of Directors shall never be greater than Nine nor less than Five.

Power to make Works according to deposited Plan.

VII. And whereas a Plan and Section of the said Alterations and Works, showing the Situation and Levels thereof respectively, and the Limits within which the same are to be constructed, and also a Book of Reference, containing the Names of the Owners, Lessees, and Occupiers of the Lands upon or through which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Durham*: Be it enacted, That, subject to the Provisions of the said secondly-recited Act and the Acts incorporated therewith, and this Act, it shall be lawful for the said Company to make, do, and maintain the said Alterations and Works (except the Slipway and the Diversion of the Road shown on the said Plan), in the Situation and upon the Lands delineated upon the said Plan and described in the said Book of Reference, and within the Limits aforesaid to make, do, and maintain such Quays, Piers, Jetties, Landing Places, Drops, Approaches, and other Works and Conveniences as they may think necessary for the Purposes aforesaid, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of the Works hereby authorized to be made; and which said Alterations, Works, and Conveniences will be made and constructed within the Parish of *Stranton* in the County of *Durham*, and on the Seashore and Land covered with the Sea adjoining the said Parish of *Stranton*.

VIII. Pro-

Slipway to be constructed subject to Approval of Admiralty.

VIII. Provided always, and be it enacted, That any Graving Slip which may be constructed in the Harbour of the Company shall be constructed only at such Place and according to such Plan as shall be previously approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Power to deviate within the Limits of Deviation shown on the Plan.

IX. And be it enacted, That it shall be lawful for the Company, in making the said Alterations and Works, to deviate on either Side of the Line or Situation shown on the said Plan, except on the Southern Side of the Southern Pier, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated on the said Plan.

Company not to take certain Lands without Consent.

X. Provided always, and be it enacted, That it shall not be lawful for the said *Hartlepool* West Harbour and Dock Company to purchase or take or in any way interfere with any of the Estate, Property, or Land of or belonging to the *Hartlepool* Dock and Railway Company, without the Consent in Writing of the said last-mentioned Company and their Lessees, for such Purpose in every Case first had and obtained.

Period for Completion of Works.

XI. And be it enacted, That the Alterations and Works hereby authorized to be made shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Alterations and Works hereby authorized to be made, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Alterations and Works as shall then be completed, and except also as to such Works as may from Time to Time be expedient or necessary for maintaining, preserving, and keeping the said Harbour, Docks, and Works, and the Entrance or Entrances thereto, by this and the said recited Acts or either of them, or otherwise legally authorized or empowered to be executed, in an efficient State and Condition.

Company to remove and re-construct the South Pier, as shown on the Plan, within Two Years.

XII. Provided always, and be it enacted, That, notwithstanding anything in this Act contained, the Company shall, within Two Years from the passing of this Act, remove the present South Pier, and construct the intended new South Pier of the said Harbour according to the said Plan so deposited with the said Clerk of the Peace as aforesaid, to the Satisfaction 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 of the United Kingdom

Kingdom of *Great Britain*, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Admiralty may require a local Survey of the Works, at the Expense of the Company.

XIII. And be it enacted, That if, after working Drawings of the Works hereby or otherwise authorized 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 Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, 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 Company.

Plans to be open to the Inspection of the Commissioners of the Pier and Port of Hartlepool.

XIV. And be it enacted, That Fourteen Days before any working Drawings of the Works hereby or otherwise authorized shall be submitted to the Lord High Admiral or Lords Commissioners of the Admiralty, as herein-before provided, the Company shall give Notice to the Commissioners of the Pier and Port of *Hartlepool* of their Intention to submit such Drawings, and shall, for the same Period, permit such Drawings to remain at the Office of the Company for the Inspection of and permit the same to be inspected by the said Commissioners or any of their Officers, and Copies of or Extracts from such Drawings to be taken by the said Commissioners or their Officers, or any Person appointed by them to inspect or take Copies of or Extracts from the same.

If Works abandoned, &c. Admiralty may remove them at the Charge of the Company.

XV. And be it enacted, That if any Work to be constructed by the Company shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Slake not to be interfered with or its Waters.

XVI. And whereas the Harbour and Channel of the Commissioners of the Pier and Port of *Hartlepool*, as also the Tidal Harbour belonging to the *Hartlepool* Dock and Railway Company and their Lessees, are preserved, kept open, scoured, and cleansed by means of the Waters of the Estuary called the *Slake* of *Hartlepool*: Be it enacted, That

That the said *Hartlepool* West Harbour and Dock Company shall not at any Time or Times hereafter, either directly or indirectly, wilfully abstract, withdraw, or let off any Water from the said Estuary called the *Slake*, or in any Manner whatsoever wilfully encroach upon or interfere with the said Estuary, or the Use, Benefit, and Enjoyment of the Waters thereof, as heretofore used and enjoyed by the said Commissioners and the said *Hartlepool* Dock and Railway Company and their Lessees, or any or either of them.

Penalty in case of Interference with Slake or its Waters.

XVII. And be it enacted, That in case the said *Hartlepool* West Harbour and Dock Company shall at any Time or Times hereafter wilfully abstract, withdraw, or let off any Water from the said Estuary, or in any Manner whatsoever wilfully encroach upon or interfere with the said Estuary, or the Use, Benefit, and Enjoyment of the Waters thereof as heretofore used and enjoyed by the said Commissioners and the said *Hartlepool* Dock and Railway Company and their Lessees, or any or either of them, contrary to the Provisions of this Act, then and in every such Case the said *Hartlepool* West Harbour and Dock Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and the further Sum of Five Pounds for every Day during which any such prohibited Matters or Things shall remain, continue, or be in existence.

Vessels entering the Harbour of the Company for Refuge to pay Half Tolls.

XVIII. And be it enacted, That it shall not be lawful for the Company to charge for Vessels entering the Harbour of the Company for Refuge, and not loading or unloading within the Harbour or Docks of the Company, any Sum exceeding Half the Tolls authorized to be taken for Vessels entering the Harbour of the Company otherwise than for Refuge.

Not to prejudice Rights of Owners of Middleton HouseEstate.

XIX. And be it enacted, That nothing herein contained shall extend to impede, prejudice, or hinder any Rights or Remedies which the Owners of the *Middleton House* Estate now have or may hereafter have or be entitled to, in, upon, or against the said *Hartlepool* West Harbour and Dock Company in respect of any Encroachment upon or wrongful taking of any Lands, Tenements, or Hereditaments now or heretofore forming Part of the said *Middleton House* Estate, if any such Encroachment or wrongful taking of Possession shall have been made.

Saving the Rights of the Commissioners of the Pier and Port of Hartlepool.

XX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, or affect any of the Rights, Powers, Privileges, Jurisdictions, Authorities, Tolls, Rates, or Duties of or to which the Commissioners of the Pier and Port of *Hartlepool* are, or previously to the passing of this Act were by Law entitled.

XXI. And

XXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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