CHAPTER lxxxvi.

An Act for further empowering the Tees Conservancy Commissioners, and for amending their Acts; and for other purposes. [29th June 1875.]

A.D. 1875.

WHEREAS by the Tees Conservancy and Stockton Dock Act, 1852, the Tees Conservancy Commissioners (in this Act called the Commissioners) are constituted and incorporated, and by that Act and subsequent Acts they are invested with powers for the conservancy, improvement, and regulation of the Tees, and for the construction of works and the reclamation of lands and other purposes, which powers, or some of them, they have exercised and are continuing to exercise:

15 & 16 Vict. c. clxii.

And whereas it is expedient that further powers be now conferred on the Commissioners, and that the Acts relating to them be in various respects extended and amended, and that they be authorised to borrow further money:

And whereas the Commissioners now comprise, with three persons appointed by the Board of Trade, five persons appointed by the council of the borough of Stockton (in this Act referred to as the Stockton Council), five persons appointed by the council of the borough of Middlesbrough (in this Act referred to as the Middlesbrough Council), and two persons elected by the persons rated to the relief of the poor of the parish of Yarm, and in vestry assembled (in this Act referred to as the Yarm ratepayers), which last-mentioned twelve Commissioners are respectively appointed and elected on the 9th day of November yearly, and go out of office on the 9th day of November next following:

And whereas the persons and incorporated companies principally interested in the exercise of the powers of the Commissioners are of the four classes following; that is to say,

(1.) Persons residing in the port of Stockton, or within ten miles thereof, and on the western side of an imaginary line drawn from north to south across the Tees at the boundary

A.D. 1875.

line between the ports of Stockton and Middlesbrough at or near the hamlet of Newport, and registered in the books of the custom house of that port as owners or part owners of vessels registered as belonging to that port and incorporated companies so registered (which persons and companies are in this Act referred to as Stockton shipowners):

(2.) Persons residing in the port of Middlesbrough, or within ten miles thereof, and on the eastern side of the imaginary line aforesaid, and registered in the books of the custom house of that port as owners or part owners of vessels registered as belonging to that port and incorporated companies so registered (which persons and companies are in this Act referred to as Middlesbrough shipowners):

(3.) Persons and incorporated companies residing or carrying on business within the port of Stockton, and paying within that port any money in respect of dues, tolls, or rates leviable under Schedule (C.) to "The Tees Conservancy Act, 1867," and directed to be carried to the Tees Conservancy Revenue Account (which dues, tolls, and rates are in this Act referred to as Tees dues, and which persons and companies are in this Act referred to as Stockton payers of Tees dues):

(4.) Persons and incorporated companies residing or carrying on business within the port of Middlesbrough, and paying within that port any money in respect of Tees dues (which persons and companies are in this Act referred to as Middlesbrough payers of Tees dues):

And whereas it is just and expedient that those four classes of persons and companies be represented in the body corporate of the Commissioners, and that provision accordingly be made for the election of representatives by each of those classes:

And whereas it is expedient that other alterations be made in the constitution of the body corporate of the Commissioners, and in the mode of the appointment, election, and retirement of the Commissioners:

And whereas by the Tees Conservancy Act, 1858, (section 50,) it is enacted to the effect following:

That the money to be received by the Commissioners from any sale of reclaimed lands shall be applied by them in paying off the principal and interest secured on mortgages thereof made by them, and the surplus may be applied in making and completing the several works, matters, and things by the Tees Conservancy and Stockton Dock Act, 1852, authorised to be

made, done, and executed, or in or towards payment and satisfaction of any mortgage debts owing by them under or by virtue of the authority of the last-mentioned Act, but in the order of priority fixed by the Tees Conservancy Act, 1854, and the Tees Conservancy Act, 1858:

And whereas by "The Tees Conservancy Act, 1863," (section 47,) it is enacted to the effect that it shall be lawful for the Commissioners from time to time to apply any portion of their revenue applicable to works and purposes of maintenance, as defined as therein mentioned, to the maintenance of the navigation of the Tees above Stockton-Stone-Bridge, and also from time to time to apply any portion of the Tees Conservancy capital account applicable to works for the execution of any works which the Commissioners, or the Admiralty, or Board of Trade, are by the Acts therein recited authorised to execute within the limits therein mentioned, in such order and manner as they may from time to time think expedient and for the benefit of the navigation of the river:

And whereas it is expedient that the power of application of surplus purchase money be extended to works, matters, and things authorised by any Act relating to the Commissioners for the time being in force:

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

And whereas plans and sections describing the lines and levels of works intended to be authorised by this Act, and delineating lands intended to be authorised to be taken under this Act, and a book of reference thereto describing those lands, and containing the names of the owners or reputed owners, and lessees or reputed lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Durham (which are in this Act referred to as the deposited plans, sections, and book of reference):

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

Short title.

1. This Act may be cited as The Tees Conservancy Act, 1875.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts);

The Railways Clauses Consolidation Act, 1845;

A.D. 1875.

Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863;

and for the purposes of this Act in connexion with those Acts the Commissioners shall be deemed to be a company.

Application of surplus sale money of reclaimed lands.

3. Section fifty of the Tees Conservancy Act, 1858, shall extend to authorise the Commissioners to apply the surplus of purchase money therein mentioned in making and completing the several works, matters, and things by any Act relating to the Commissioners for the time being in force authorised to be made, done, and executed.

Extension of time for works under sect. 20 of Act of 1867.

4. The time limited by section twenty of the Tees Conservancy Act, 1867, for the completion of the works therein mentioned is hereby extended until the expiration of ten years after the passing of this Act.

Provision for annual expenses.

5. So much of section five of the Tees Conservancy Act, 1854, as limits the amount to be expended in any year in defraying the expenses therein mentioned is hereby repealed, and the Commissioners may provide for the payment of their expenses as from time to time incurred, and as if no limitation of amount had been enacted in respect thereof, out of the same revenue and moneys, and in the same order of charge, out of and in which their expenses are now payable.

Power to take lands referenced.

6. Subject to the provisions of this Act, the Commissioners may enter on, purchase, take, and use such of the lands delineated and described in the deposited plans and book of reference relating to the railway by this Act authorised as may be required for the purposes thereof.

Powers for compulsory purchases limited.

7. The powers of the Commissioners for the compulsory purchase of lands under this Act shall not be exercised in respect of land, or any easement or interest in lands, belonging to the North-eastern Railway Company after the expiration of three years, and in respect of other lands after the expiration of five years, from the passing of this Act.

Power to take additional lands by agreement.

8. The Commissioners may from time to time, for any purpose of this Act, purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and may hold the same, not exceeding in the whole at one time twenty acres.

Power to take easements, &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands authorised to be purchased under this Act may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Commissioners any easement term, right, or privilege (not being an easement of water) required for the purposes

of this Act in, over, or affecting those lands; and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, terms, rights, and privileges as aforesaid.

Power to make railway.

10. The Commissioners, in connexion with and for facilitating the construction of the North Gare Breakwater and other their works, and for other purposes of their Acts, and subject to the provisions of this Act, may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway thereon shown; (that is to say,)

A railway, four miles, four furlongs, eight chains, and twenty links in length, commencing in the parish and township of Billingham by a junction with the authorised extension of the Port Clarence Branch of the North-eastern Railway, and terminating at or near the commencement of the Commissioners North Gare Breakwater at Seaton Snook, in the township of Seaton Carew,

with all necessary and proper stations, sidings, approaches, works, and conveniences connected therewith.

For protection of North-eastern Railway Company.

11. The powers by this Act conferred upon the Commissioners with respect to the railway by this Act authorised (in this section called the railway) shall be exercised only subject to and in accordance with the following provisions for the protection of the North-eastern Railway Company (herein-after called the Company):

1. The junction by this Act authorised with the Port Clarence Branch Extension shall be made at such point, in such manner, and with such connecting lines of approach as shall be approved by the engineer of the Company, and the provisions of Part I. of the Railways Clauses Act, 1863, relating to junctions, shall be deemed to apply to that junction as fully and effectually as if the Port Clarence Branch Extension were completed, and shall also apply to the said connecting lines.
2. The Commissioners shall not purchase or take compulsorily any lands belonging to the Company, or any lands which the Company are empowered to acquire, and which may be required for the construction of or for purposes connected with their said Port Clarence Branch Extension, or their authorised railway shown on the deposited plans and sections, and thereon described as the authorised Middlesbrough and Hartlepool Branch of the North-eastern Railway; but the Commissioners may purchase and acquire from the Company, and the Company may and shall grant and sell accordingly,

A.D. 1875.

an easement or right of constructing and maintaining the railway on and over the said lands in accordance with the provisions of this Act; provided that if the Company fail within the period of two years from the passing of this Act to acquire and use for the purposes of their said extension and branch railways any of the said lands, then the foregoing restriction shall be null and of no effect as regards any lands not then belonging to the Company.

3. The railway shall be carried over the Middlesbrough and Hartlepool Branch by means of a bridge of one span of at least forty-five feet in width on the square, and with not less than eighteen feet clear headway throughout above the surface level of the rails of the said branch under the same, which bridge and the works connected therewith shall be made and constructed in a substantial and workmanlike manner, and to the reasonable satisfaction of and according to plans to be previously approved by the engineer of the Company, and so as not to endanger or interfere with the security of that branch or to impede the traffic thereof, and shall for ever afterwards be so maintained and kept in good and proper repair by and at the expense of the Commissioners; and the Company may require all such precautions to be taken by the Commissioners in constructing, maintaining, and repairing the said bridge and the works connected therewith as their engineer may deem expedient for protecting their railway from injury and the traffic thereon from interruption, and in case any damage or injury shall be caused to their railway or interruption or injury to the traffic thereon by reason of the said bridge or the works connected therewith, or during the construction, maintenance, use, or repair thereof respectively, the same shall forthwith be made good to the Company by the Commissioners, or the Company may make good such damage or injury to their railway and recover the cost and expense thereof, and also compensation for such interruption or injury to their traffic as aforesaid, from the Commissioners in any court of competent jurisdiction.

Saving rights of North-eastern Railway Company.

12. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or exercised by the North-eastern Railway Company.

Period for completion of works.

13. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for executing the same

shall cease to be exercised, except as to so much thereof as is then completed. A.D. 1875.

Tolls for goods.

14. The Commissioners may demand and take in respect of the use of the railway any tolls not exceeding the following in respect of the matters following; (that is to say,)

Class 1. For all timber, staves, and deals, dyewoods, nails, anvils, vices, chains, sugar, grain, corn, flour, and hides, per ton per mile not exceeding threepence; and if conveyed in carriages provided by the Commissioners, an additional sum per ton per mile not exceeding one penny:

Class 2. For all coal, dung, compost, and all sorts of manure (other than guano and artificial manures), lime and limestone, and all undressed materials for the repair of public roads or highways, carried in bulk, per ton per mile not exceeding three halfpence; and if conveyed in carriages provided by the Commissioners, an additional sum per ton per mile not exceeding one halfpenny:

Class 3. For all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, iron ore, and lead ore, carried in bulk, and for all pig lead, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding three halfpence; and if conveyed in carriages provided by the Commissioners, an additional sum per ton per mile not exceeding one halfpenny:

Class 4. For all coke, culm, and cinders carried in bulk, per ton per mile not exceeding one penny halfpenny; and if conveyed in carriages provided by the Commissioners, an additional sum per ton per mile not exceeding one penny:

Class 5. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, articles, matters, or things, per ton per mile not exceeding fourpence; and if conveyed in carriages provided by the Commissioners, an additional sum per ton per mile not exceeding one penny halfpenny:

Class 6. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried and conveyed on a truck or platform belonging to the Commissioners, per mile not exceeding sixpence, and a sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

A.D. 1875.

Tolls for animals.

In respect of animals conveyed in carriages upon the railway:

Class 7. For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any carriage belonging to the Commissioners, per mile not exceeding threepence:

Class 8. For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage belonging to the Commissioners, per mile not exceeding twopence:

Class 9. For every calf or pig, sheep, lamb, or other small animal conveyed in or upon any carriage, per mile not exceeding one penny; and if conveyed in or upon any carriage provided by the Commissioners an additional sum per mile not exceeding one halfpenny.

Tolls for propelling power.

15. The toll which the Commissioners may demand and take for the use of engines for drawing or propelling carriages on the railway shall not exceed one penny per mile for each animal, or for each ton of goods or other articles, in addition to the several other tolls by this Act authorised to be taken.

Maximum charges for goods and animals.

16. The maximum rate of charge to be made by the Commissioners for the conveyance of goods, minerals, and animals, including the tolls for the use of the railway, and waggons or trucks and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services, or any of them, are or is performed by the Commissioners, shall not exceed the following sums; (that is to say,)

For all articles comprised in Class 1, per ton per mile threepence halfpenny:

For all articles comprised in Class 2, per ton per mile one penny halfpenny:

For all articles comprised in Class 3, per ton per mile twopence halfpenny:

For all articles comprised in Class 4, per ton per mile twopence halfpenny:

For all articles comprised in Class 5, per ton per mile fourpence:

For every carriage comprised in Class 6, and not weighing more than one ton, carried and conveyed on a truck or platform, per mile sixpence, and for every additional quarter of a ton or a fractional part of a quarter of a ton beyond one ton which any such carriage may weigh, the further sum of threepence per mile:

For every animal comprised in Class 7, per mile fourpence :
For every animal comprised in Class 8, per mile threepence, if only one, and if more than one, twopence :
For every animal comprised in Class 9, per mile one penny.

Regulations as to tolls.

17. The following provisions and regulations shall be applicable to the fixing of such tolls ; (that is to say,)

In respect of animals and articles conveyed upon the railway for a less distance than three miles the Commissioners may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles or beyond any greater number of miles the Commissioners may, with respect to goods, minerals, and animals, demand tolls for such fraction in proportion to the numbers of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile :

For every fraction of a ton the Commissioners may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any greater or smaller quantity.

Passengers not to be carried on railway.

18. The Commissioners shall not carry passengers on the railway by this Act authorised.

Tolls for small parcels and single articles of great weight.

19. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rate of tolls prescribed by this Act, the Commissioners may lawfully demand and take any tolls not exceeding the tolls following ; (that is to say,)

For the carriage of small parcels on the railway or any part thereof as follows :

If not exceeding seven pounds in weight, threepence ;
If exceeding seven pounds in weight, but not exceeding fourteen pounds in weight, fivepence ;
If exceeding fourteen pounds in weight, but not exceeding twenty-eight pounds in weight, sevenpence ;
If exceeding twenty-eight pounds in weight, but not exceeding fifty-six pounds in weight, ninepence ;

A.D. 1875.

If exceeding fifty-six pounds in weight, but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence;

If exceeding one hundred and twelve pounds in weight, but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence;

And for parcels exceeding two hundred and fifty pounds in weight, but not exceeding five hundred pounds in weight, the Commissioners may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages:

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage provided by the Commissioners, shall exceed four tons, but shall not exceed eight tons, the Commissioners may demand such sum as they think fit, not exceeding sixpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Commissioners may demand such sum as they think fit.

Terminal station.

20. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Commissioners may take increased charges by agreement.

21. Nothing in this Act shall prevent the Commissioners from taking any increased charges, over and above the charges by this Act limited, for the conveyance of goods, minerals, and animals of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Commissioners in relation thereto.

Power to borrow.

22. The Commissioners may from time to time, by virtue of this Act, and independently of any other borrowing power, borrow at interest, on the security of the Tees Conservancy Revenue Account, such sums of money as they from time to time think necessary, not exceeding in the whole the sum of three hundred thousand pounds, and may mortgage that account, and the revenue for the time being carried to the credit thereof for securing repayment of the money borrowed with interest accordingly.

Payment off by instal-

23. The Commissioners shall pay off all money borrowed by them under this Act, either by instalments or by means of a

sinking fund, appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish the debt as follows; (that is to say,)

ments or sinking fund.

As regards any money borrowed before the expiration of ten years from the passing of this Act, within fifty years after the expiration of those ten years; and

As regards any money borrowed after the expiration of those ten years, within fifty years after the same is borrowed; and

The amount of instalments or sinking fund shall be such as the Board of Trade, having regard to the provisions of this section, approve;

but so that it shall not be obligatory on the Commissioners to begin to pay off any money by instalments, or by means of a sinking fund, under this section before the expiration of ten years from the passing of this Act.

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

24. The clerk to the Commissioners shall, within sixty days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been paid by way of instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade by such return, or otherwise, that the Commissioners have failed to pay any instalment, or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Board of Trade out of the Court of Queen's Bench in England.

Form, &c. of mortgages.

25. Subject to the provisions of this Act, the provisions of sections one hundred and fourteen to one hundred and eighteen (both inclusive) of the Tees Conservancy and Stockton Dock Act, 1852 (relating to the mortgages of the Commissioners), as affected

A.D. 1875.

by any subsequent enactment, shall extend and apply to mortgages of the Commissioners under this Act.

10 & 11 Vict. c. 16. incorporated.

26. The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners (except sections 84 and 85) are hereby incorporated with this Act.

Priority of existing mortgages.

27. All mortgages granted by the Commissioners before and subsisting at the passing of this Act shall, during their continuance, have priority of charge on the respective securities therein comprised over all mortgages thereon granted under this Act.

Power to re-borrow on mortgage.

28. If the Commissioners at any time pay off, otherwise than by instalments or by means of a sinking fund, any money borrowed by them on mortgage under this Act, they may from time to time re-borrow the same or any less amount on mortgage, subject and according to the provisions of this Act relating to borrowing on mortgage.

Application of money borrowed.

29. All money borrowed by the Commissioners under this Act shall be applied for purposes of the Commissioners Acts for which capital is properly applicable, and not otherwise.

Protection of lenders from inquiry.

30. Any person lending money to the Commissioners under this Act shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act or of any other Act, or be bound to see to the application or be answerable for any loss or non-application of the money lent, or of any part thereof.

Postponement of sinking fund under former Acts.

31. The paragraphs marked eighthly and ninthly of section fifty-eight of the Tees Conservancy Act, 1867, shall be read and have effect as if the period of ten years from the passing of this Act were substituted therein for the respective periods of ten years therein mentioned.

Amendment of Act of 1867 respecting sinking fund.

32. The paragraph marked first of section fifty-nine of the Tees Conservancy Act, 1867, shall be read and have effect, and shall be deemed to have always had effect, as if therein after the words eighteen thousand pounds there had been inserted the words thirty-six thousand three hundred and twenty pounds (which sum of thirty-six thousand three hundred and twenty pounds is mentioned in the paragraph marked secondly of section fifty-eight of that Act).

Eight elective Commissioners added.

33. There shall be added to the Commissioners eight Commissioners elected as by this Act directed, and they shall form and be to all intents part of the body corporate of the Commissioners.

By whom additional Commissioners to be elected.

34. The eight Commissioners elected under this Act shall be elected by the four classes and in the proportions following; that is to say,

Two by Stockton shipowners:
Two by Middlesbrough shipowners:
Two by Stockton payers of Tees dues:
Two by Middlesbrough payers of Tees dues.

Collectors of customs to make lists of registered shipowners.

35. The chief clerk to the Commissioners shall, on or before the first day of September in one thousand eight hundred and seventy-five, and in every succeeding year, apply to the collectors of customs of the ports of Stockton and Middlesbrough (in this Act referred to as the two ports), and those collectors shall respectively, on or before the fifteenth day of that month, make and sign and deliver to the Commissioners respective lists of the Stockton and Middlesbrough shipowners as registered on the thirtieth day of June in that year, with the respective names and registered tonnage of the vessels in respect of which they are registered.

Scale of votes for registered shipowners.

36. Every person and incorporated company appearing by any such list to be a registered shipowner in either of the two ports to the amount or aggregate amount of one hundred tons shall be entitled to one vote for the first or only one hundred tons, and to one additional vote for every two hundred and fifty tons above the first one hundred tons, not exceeding in the whole six votes.

Commissioners to make registers of payers of dues.

37. On or before the first day of September in each year the Commissioners shall make for each of the two ports a register, to be called the Register of Stockton or Middlesbrough (as the case may be) Payers of Tees Dues, and therein shall enter the names of all persons and incorporated companies who have respectively within the year ending on the thirtieth day of June in that year paid within each of the two ports Tees dues to the amount in the whole of ten pounds, and in the register they shall enter the total sums paid by every such person and company within the year ending as last aforesaid.

Scale of votes for payers of dues.

38. Every payer of Tees dues shall be entitled to one vote in respect of the first ten pounds of dues appearing by the register to have been paid by him or them, and to one additional vote for every twenty-five pounds above the first ten pounds, not exceeding in the whole six votes.

Chief clerk to the Commissioners to make alphabetical lists.

39. On or before the first day of October in every year the chief clerk to the Commissioners shall from the lists and registers aforesaid make up four separate alphabetical lists of the persons and companies entitled to vote as Stockton and Middlesbrough shipowners and as Stockton and Middlesbrough payers of Tees dues respectively, with the number of votes to which they are respectively entitled, and on or before the same day shall cause each such

A.D. 1875.

list to be printed and to be posted on the outer door of the custom house of each of the two ports, and printed copies of each such list shall be kept at the principal office of the Commissioners for public inspection, and on payment of such sum as the Commissioners think reasonable, not exceeding sixpence, the Commissioners shall deliver a printed copy of each list to every person requiring it.

Votes of partners.

40. In every case of several persons being registered as ship-owners in partnership, whether as part owners or as sole owners, or as both, and in every case of several persons in partnership being payers of Tees dues, they respectively shall, with respect to the scale of votes, be deemed one person, and one of such partners authorised in writing by the other partner, or by a majority of them, or where no such writing is exhibited the partner whose name stands first among such partners, shall alone be entitled to exercise on behalf of the partners their right of voting at the election of Commissioners.

Revisers of lists to be appointed.

41. On or within one month before the first day of October in each year the Commissioners shall appoint two of their number to be two of the revisers of the lists of electors, and those two Commissioners, before the seventh day of the same month of October, and in their default the Board of Trade, shall appoint a third person, being on one of the lists of electors for that year, to be the third of those revisers, and to be their chairman.

Yearly revision of lists.

42. The revisers shall, during the seven days next after the seventh day of October in each year, revise at the Commissioners office the lists of electors for the year, giving not less than three days notice by advertisement in one or more newspapers published within each of the two ports of every such revision; but in case of the death or failure to act or continue to act of any one or two of the revisers, the others or other of them shall, and in case of the death or failure to act or continue to act of all the revisers, a person appointed by the Board of Trade shall make or complete the revision.

Claims and objections before revisers.

43. On every such revision any person or company whose name is not inserted in a list of electors may, in person or by his or their agent, claim to have his or their name inserted therein, and any person or company whose name is inserted therein may, in person or by his or their agent, claim to have the number of votes attributed to him or them therein corrected, and may object to any other person or company as not being entitled to have his or their name retained therein, or as not being entitled to the number of votes attributed to him or them therein.

Revisers to correct the lists.

44. The revisers shall retain in any list any name or number of votes objected to, if the objection is not established to their satisfac-

tion, and shall insert therein the name of any person or company shown to their satisfaction to be entitled to have his or their name inserted therein, and shall retain therein the name of every person or company to whom, and every number of votes to which, an objection is not made, and shall strike out therefrom the name of every person shown to their satisfaction to be dead, or not to be entitled to have his name inserted therein; and shall correct therein the number of votes attributed to any person or company shown to their satisfaction to be entitled to any other number of votes than the numbers attributed to him or them.

Revisers to sign lists.

45. The decision of the revisers, or the majority of them, with respect to a list shall be final and conclusive; and the revisers shall forthwith, after every revision, sign their names at the foot of each list revised, and deliver or forward the same to the chief clerk to the Commissioners.

Production to revisers of books, &c.

46. For the revision of the lists the Commissioners shall produce at their office to the revisers the books and accounts of the Commissioners, and the lists and registers, and shall afford to them all reasonable and proper facilities.

Evidence of revised lists.

47. Every list, purporting to be a list revised and signed as by this Act provided, shall be evidence of the same being a list duly made and revised until the contrary is shown.

Continuance of revised lists.

48. Every revised list shall be in force until the revision of the then next list, and the persons and companies whose names appear on the revised list from time to time in force shall be the persons and companies entitled to vote at elections of Commissioners under this Act, and shall at every such election be respectively entitled to such number of votes as appears by the revised list.

Revised lists to be printed and published.

49. Every revised list shall forthwith, after the revision thereof, be printed and published by the Commissioners, and all persons shall be entitled to buy the same at such price, not exceeding sixpence a copy, as the Commissioners think reasonable.

Time of meeting for election of Commissioners.

50. For the election from time to time of Commissioners, meetings of the four classes of electors shall be held separately on the last Tuesday in October in each year, between the hours of eleven in the forenoon and four in the afternoon, at such place or places as the Commissioners appoint, and shall be convened by the chief clerk to the Commissioners by not less than seven nor more than fourteen days notice, by advertisement in one or more newspapers published within each of the two ports, specifying the time and place and object of the respective meeting.

A.D. 1875.

Procedure at the meetings.

51. At every such meeting the persons and companies present at the commencement of the meeting personally, or by proxy appointed in writing, shall forthwith appoint a chairman, and the person so appointed shall receive the votes and shall act in all other respects as chairman of the meeting, and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of the persons or person to be elected Commissioners or Commissioner thereat.

Printed copies of lists to be conclusive.

52. The chief clerk to the Commissioners shall cause to be supplied to each such meeting a printed copy of the list of persons and companies qualified to vote thereat, with his signature appended thereto in writing or in print, and that copy shall, for all purposes of the meeting, be conclusive evidence of the matters therein appearing.

Qualification of Commissioners.

53. Every person elected a Commissioner under this Act shall have such qualifications in respect of residence and in respect of property or rating as are prescribed by section 16 of the Tees Conservancy and Stockton Dock Act, 1852, for the several Commissioners appointed, as in that section mentioned.

Election to be by majority of votes.

54. The Commissioners to be from time to time elected by each class of electors shall be elected by a majority of the votes of the electors of that class present personally, or by proxy appointed in writing, and the votes shall be given in writing under the hands of the respective voters or their proxies, and every elector shall be entitled to give the number of votes for which he is registered to one person, or to distribute them as he thinks fit amongst the number of persons to be elected by the class to which the elector belongs; and in every case of an equality of votes the chairman of the meeting shall, when requisite to decide the election, have an additional or casting vote.

Voting for Stockton or for Middlesbrough according to amount of tonnage or dues.

55. No elector shall be entitled to vote both as a Stockton shipowner and as a Middlesbrough shipowner, or both as a Stockton payer of Tees dues and as a Middlesbrough payer of Tees dues, and any person or company comprised in both lists of shipowners, or in both lists of payers of Tees dues, shall be entitled to vote as an elector of the one class or of the other, according to his or their appearing in the list as registered for a greater tonnage, or being entered in the list as paying a greater amount of dues in the one class or in the other, and not otherwise.

Regulations respecting proxies.

56. The appointment of a proxy shall be made by an instrument in writing (in the form given in the schedule to this Act, with such variations as circumstances require), signed by the appointer, or, if

the appointer is an incorporated company, sealed with the common seal of the company, and in all cases attested by one witness at least.

An instrument appointing a proxy shall not be used at any election unless it has been deposited at the office of the Commissioners not less than forty-eight hours before the time appointed for that election.

An instrument appointing a proxy shall not be valid except for the election next after the date of its execution.

No person shall be capable of acting as a proxy except an elector, or in case of an incorporated company, a shareholder or officer of the company.

Result of election to be communicated to chief clerk.

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

Duration of office of elected Commissioners.

58. The first eight Commissioners to be elected under this Act shall be elected in October one thousand eight hundred and seventy-five, and the term of office of the Commissioners elected under this Act shall commence on the ninth day of November in each year, and shall continue for two years, except as regards one of the persons elected in one thousand eight hundred and seventy-five, by each of the four classes of electors, and the term of office of that one shall continue for one year only, and the four persons so to go out of office in one thousand eight hundred and seventy-six shall be such as the Commissioners before that day direct, and in each year the vacancies happening in the prescribed rotation shall be filled by the election of Commissioners, and every Commissioner going out of office shall be re-eligible.

Nomination of candidates.

59. Notwithstanding anything in this Act, a person shall not be eligible at any election of a Commissioner under this Act unless five clear days at least before the day of election he has been proposed by an elector and seconded by another elector, and has intimated his willingness to be elected by a joint writing under the hands of his proposer and seconder and himself delivered at or sent by registered letter to the principal office of the Commissioners; and three clear days at least before the day appointed for the election, the Commissioners shall publish the names of the candidates by advertisement in one or more newspapers published within each of the two ports.

Filling up of extraordinary vacancies.

60. In every case of an extraordinary vacancy happening by reason of death or resignation of a Commissioner, or otherwise in the office of Commissioner elected under this Act, the Commis-

A.D. 1875.

sioners shall convene a special meeting of the proper class of electors for the election of a Commissioner to supply the vacancy; and the proceedings at all such special meetings shall be conducted as nearly as may be in the same manner as the proceedings at annual meetings for election; and every person elected a Commissioner under this section shall be entitled to hold office as long only as the Commissioner in whose stead he is elected would have been entitled to continue in office.

Expenses of elections.

61. The expenses incurred by the Commissioners or their chief clerk of and incident and preparatory to the obtaining and preparation of lists and registers, and of holding elections, directed by this Act, or otherwise relative thereto, including the expenses of the collectors of customs of the two ports, shall be paid by the Commissioners as part of their ordinary expenses.

Appointment of representatives of Stockton and Middlesbrough councils.

62. With respect to the Commissioners appointed and to be appointed by the Stockton Council and by the Middlesbrough Council (in this section referred to as the representatives of the respective council), the following provisions shall (notwithstanding anything in the Tees Conservancy and Stockton Dock Act, 1852, or any other Act relating to the Commissioners) have effect; that is to say,

(1.) On and after the ninth day of November one thousand eight hundred and seventy-five the full number of the representatives of the respective council shall be deemed to be four instead of five:

(2.) On the ninth day of November one thousand eight hundred and seventy-five two (but no more) of the then representatives of the respective council shall remain in office:

(3.) On that day the respective council shall appoint two representatives in addition to the two so remaining in office:

(4.) On the ninth day of November in every succeeding year two of the representatives of the respective council shall go out of office, and two representatives of the respective council shall be appointed:

(5.) The representatives of the respective council who shall go out of office on the ninth day of November one thousand eight hundred and seventy-five shall be such as the Commissioners before that day direct, and those who shall go out of office in every succeeding year shall be those who for the time being have been longest in office.

Election of representatives of Yarm ratepayers.

63. With respect to the Commissioners elected and to be elected by the Yarm ratepayers (in this section referred to as the representatives of the Yarm ratepayers) the following provisions shall

(notwithstanding anything in the Tees Conservancy and Stockton Dock Act, 1852, or any other Act relating to the Commissioners) have effect; that is to say,

(1.) On the ninth day of November one thousand eight hundred and seventy-five one (but no more) of the then representatives of the Yarm ratepayers shall remain in office:

(2.) On that day one qualified person shall be elected by the Yarm ratepayers:

(3.) On the ninth day of November in every succeeding year one of the representatives of the Yarm ratepayers shall go out of office, and one representative shall be elected by them:

(4.) The representative of the Yarm ratepayers who shall go out of office on the ninth day of November one thousand eight hundred and seventy-five shall be such one as the Commissioners before that day direct, and the one who shall go out of office in every succeeding year shall be the one who for the time being has been longest in office.

Continuance of provisions of former Acts.

64. Subject to the provisions of this Act, the provisions contained in the Tees Conservancy and Stockton Dock Act, 1852, and any Act amending the same, relative to the appointment and election of Commissioners by the Stockton Council, and by the Middlesbrough Council, and by the Yarm ratepayers respectively, shall continue to operate as nearly as may be in all respects as if this Act had not been passed.

Provision as to general railway Acts.

65. Nothing in this Act contained shall exempt the railway by this Act authorised from the provisions of any general Act relating to railways now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares or charges, or of the rates for small parcels, authorised by this Act.

Saving rights of the Crown.

66. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights,

A.D. 1875.

privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

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

The SCHEDULE.

FORM OF PROXY PAPER.

The Tees Conservancy Act, 1875.

I *A.B.*, of , being entitled to vote at the election of a Commissioner to represent the Stockton shipowners [(*or*, as the case may be), payer of Tees dues,] at the election to be held on the day of 18 , do by this writing appoint *C.D.*, of to be my proxy to vote on my behalf at that election.

(Signed) *A.B.*

Witness, *X.Y.*,
of

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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