CHAPTER cxlix.

A.D. 1884.

An Act for extending the Limits of Jurisdiction of the Tees Conservancy Commissioners; for conferring further Powers on the Commissioners; for amending the Tees Conservancy Acts; and for other purposes.

[14th July 1884.]

WHEREAS by the Tees Conservancy Acts 1852 to 1878 the Tees Conservancy Commissioners (in this Act called "the Commissioners") are constituted and incorporated and are invested with powers for the conservancy improvement and regulation of the River Tees and for the construction of works and the reclamation of lands and other purposes:

And whereas it is desirable to extend the limits of the powers of the Commissioners in order that they may more effectually prevent impediments to navigation by the deposit of ashes rubbish and other substances near the mouth of the River Tees:

And whereas the portion of the River Tees over which the powers of the Commissioners extend is situate for magisterial and police purposes within the several jurisdictions of the county of Durham the north riding of the county of York the borough of Stockton and the borough of Middlesbrough:

And whereas it would tend to the prevention of crime and would be of public and local advantage if the Commissioners were empowered to arrange with the authorities of the said counties and boroughs for the employment of constables as a river police force or themselves to establish a river police force:

And whereas it is expedient that the Commissioners be authorised to license and regulate ferry boats and other boats plying for hire within their jurisdiction:

And whereas it is expedient to amend the provisions of the Tees Conservancy Act 1867 relating to the charges for use of the graving dock and other matters and also to authorise the Commissioners to provide coal staithes and to take rates and charges for the use of the same:

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And whereas the existing borrowing powers of the Commissioners are insufficient to enable them to meet the estimated requisite expenditure on works already commenced or authorised and it is expedient that the Commissioners be empowered to borrow further moneys:

And whereas the objects aforesaid 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 (that is to say):—

Short titles and construction of Acts.

1. This Act may be cited for all purposes as the Tees Conservancy Act 1884 and the several Acts relating to the Commissioners enumerated in the First Schedule to this Act may together with this Act be cited for all purposes as the Tees Conservancy Acts 1852 to 1884.

Extension of limits of Acts.

2. The limits within which the jurisdiction and powers of the Commissioners are exerciseable are hereby extended so as to comprise for all purposes of the Tees Conservancy Acts 1852 to 1884 the whole of an area bounded as follows (that is to say):—

Northwards by the northern boundary line of the present limits of the Commissioners' jurisdiction continued seawards to the point of intersection therewith of an imaginary straight line drawn in a direction due east from Hartlepool Heugh Lighthouse (and distant about three miles therefrom) eastwards by an imaginary straight line drawn from that point in a south-easterly direction to a point (herein-after referred to as point X) on an imaginary straight line drawn in a direction due north-east from the point where the boundary line between the parishes of Kirkleatham and Marske terminates at low-water line of ordinary spring tides on the West Scar Rock at Redcar (which point X is distant three miles from such last-mentioned point) and southwards by the lastly-described imaginary line and the said parish boundary line between low-water mark and high-water mark of ordinary spring tides, and thence by the high-water line of ordinary spring tides to the existing limits of the Commissioners' jurisdiction at or near Tod Point which said limits are more clearly defined upon a map or plan in duplicate signed by the Right Honourable John Thomas Earl of Redesdale Chairman of Committees of the House of Lords to whom the Bill for this Act was referred One copy of which map or plan has been deposited in the office of the Clerk of the Parliaments and the other shall be deposited in the office of the

clerk to the Commissioners within one month after the passing of this Act.

Certified copy of deposited map or plan to be evidence.

3. Copies of the said map or plan so deposited at the office of the clerk to the Commissioners or any extract therefrom certified by the clerk to the Commissioners to be true shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such map or plan and such map or plan shall at all reasonable times be open to all persons interested therein and such persons shall be entitled to a copy of or extract from such map or plan certified by the clerk to the Commissioners upon payment of a reasonable fee for every such copy or extract.

Passing vessels to be freed from tolls.

4. Nothing contained in the present Act or in the Acts enumerated in the First Schedule to this Act or any of them shall authorise or empower the Commissioners to demand and receive any tolls rates or dues from vessels which may merely pass through or anchor within the extended limits defined by this Act when bound from one port outside those limits to another port outside those limits.

Exercise of powers &c. within extended limits.

5. (1.) Subject to the provisions of this Act the Tees Conservancy Acts 1852 to 1884 shall be put in force and all the powers and authorities of the Commissioners shall be executed by them within the extended limits defined by this Act.

(2.) For all purposes of section fifty-six of the Tees Conservancy Act 1863 the area by this Act included within the extended limits defined by this Act shall be deemed to be within the jurisdiction of Her Majesty's justices of the peace acting in and for the north riding of the county of York and the county of Durham respectively.

Commissioners not to construct works or deposit ballast and other materials within certain limits.

6. The Commissioners shall not construct or sanction the construction of any works or deposit or sanction the deposit of any ballast slag ashes or any other substances on the north side of the line marked A B marked on a map or plan signed in duplicate by John Fowler the engineer of the Commissioners and William Belk the engineer of the Hartlepool Port and Harbour Commissioners which said line A B is also marked on the map or plan referred to in section two of this Act.

Arrangements as to employment of river police.

7. (1.) The justices of the county of Durham and the justices of the north riding of the county of York and the council of the borough of Middlesbrough or any of them may from time to time make alter and rescind agreements with the Commissioners with respect to the employment by the Commissioners of any members of their respective constabulary or other fit men as river police

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for the protection of the works vessels and property within the jurisdiction of the Commissioners.

(2.) Any such agreement may contain such terms and conditions respecting the remuneration of the men and officers so employed by the Commissioners and as to their designation management duties and other matters as may be agreed on and every such agreement shall be duly carried into effect by the parties thereto.

(3.) Every constable sergeant or other superior officer for the time being employed by the Commissioners under the powers of this section shall have throughout the whole of the limits of the jurisdiction of the Commissioners and also (but only in relation to any offence committed within such limits) in any place not more than five miles beyond such limits the like powers privileges and duties and shall have the same indemnities and protection and shall be subject to the like penalties and forfeitures as any constable duly appointed has or is subject to within his constablewick by law.

Power for Commissioners to establish separate police force.

8. It shall be lawful for the Commissioners at any time if they see fit to establish and maintain a separate river police force for the protection of the works vessels and property within their jurisdiction and within the limits of the Middlesbrough Dock and the channel leading thereto and from time to time to appoint a superintendent of police and a sufficient number of fit men to act as constables and at pleasure to remove any superintendent or constable so appointed.

Application of certain provisions of Town Police Act if separate river police established.

9. In the event of the establishment by the Commissioners of a separate river police force under this Act such of the provisions of the Town Police Clauses Act 1847 with respect to the appointment duties and privileges of constables as are set forth in the Second Schedule to this Act shall apply as if they were enacted in the body of this Act; and in construing those provisions this Act shall be taken to be the special Act and the limits of the jurisdiction of the Commissioners including the limits of the Middlesbrough Dock and the channel leading thereto shall be taken to be the limits of the special Act.

Byelaws for licensing and regulating ferry-boats.

10. The Commissioners may from time to time make byelaws for prohibiting vessels or boats plying for the conveyance for hire of passengers within the limits of their jurisdiction without a license from the Commissioners and for regulating the grant and revocation of and the charge to be made for such licenses and the accommodation to be provided for passengers by licensed vessels or boats and for limiting the number of passengers to be conveyed therein and generally for regulating such vessels or boats in their employment; Provided that nothing in this section or in any byelaws made under

this section shall apply to or affect vessels or boats which have been or may hereafter be acquired by and belong to the Corporation of Middlesbrough under the powers of any Act or Acts passed before the passing of this Act.

Power to vary rates for use of graving dock.

11. It shall be lawful for the Commissioners at their option to demand receive and recover for the use of their graving dock either the rates and charges specified in Schedule D to the Tees Conservancy Act 1867 or such rates or sums as are specified in the Third Schedule to this Act Provided that this section shall not apply unless and until the Commissioners have given at least one month's public notice of its provisions by advertisements in some one or more local newspaper or newspapers and by bills or placards posted near the dock.

Power to provide coal staithes.

12. The Commissioners may from time to time on any land now belonging to them or to be acquired for the purpose construct and maintain coal staithes with all necessary and proper approaches sheds or other erections and conveniences and may demand and take for the use of such coal staithes such reasonable rates and charges as the Commissioners shall from time to time appoint.

Rates for use of staithes to be charged equally.

13. The rates or charges for the use of any coal staithes provided by the Commissioners under the authority of this Act shall at all times be charged equally to all persons using the staithes in respect of which the same are taken.

Recovery of charges.

14. The rates or charges in respect of coal staithes shall be paid to such persons and at such places on or near the coal staithes in respect of which the same are payable and in such manner and under such regulations as the Commissioners shall appoint.

Power to lease coal staithe rates.

15. The Commissioners may from time to time demise all or any of the rates or charges receivable by them in respect of coal staithes to any person for any term not exceeding five years from the commencement of the lease, and every lessee of such rates and charges shall during the continuance of the lease and subject to its provisions and restrictions be entitled to take and receive such rates or charges and have the same powers for recovering and enforcing payment thereof as the Commissioners.

Byelaws regulating use of staithes.

16. The Commissioners may from time to time make byelaws for regulating the use of the coal staithes and the conduct of persons using or frequenting the same.

Regulations as to byelaws.

17. (1.) The Commissioners may from time to time as they shall think fit repeal or alter any byelaws made by them under the authority of this Act provided that such byelaws shall not be repugnant to the laws of England or the provisions of this Act and

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such byelaws shall be reduced into writing and have affixed thereto the common seal of the Commissioners.

(2.) Sections eighty-four to ninety of the Harbours Docks and Piers Clauses Act 1847 are hereby incorporated with this Act subject to the proviso that instead of the confirmation required by section eighty-five of that Act the byelaws made under this Act shall be confirmed by the Board of Trade and a copy of any such byelaws certified by the clerk to the Commissioners to have been duly confirmed by the Board of Trade shall be evidence in the absence of proof to the contrary of the due making publication and confirmation of such byelaws.

Power to borrow.

18. 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 one 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 instalments or sinking fund.

19. 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):—

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 to be appropriated and invested in each year 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.

20. 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 has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary manner by the Board of Trade 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 Her Majesty's High Court of Justice.

Incorporation of part of Commissioners Clauses Act.

21. The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except sections eighty-four and eighty-five) are hereby incorporated with this Act.

Commissioners not bound by trusts affecting mortgages.

22. The Commissioners shall not be bound to see to the execution of any trust whatever expressed implied or constructive to which a mortgage may be subject and the receipt of the party in whose name a mortgage stands in the registry of mortgages or if it stands in the names of more parties than one the receipt of one of the parties named in that register shall from time to time be a sufficient discharge to the Commissioners for any interest or other sum payable in respect of such mortgage notwithstanding any trusts to which such mortgage may then be subject and whether or not the Commissioners have had notice of such trusts and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Priority of existing mortgages.

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

Power to re-borrow.

24. If the Commissioners at any time pay off otherwise than by means of a sinking fund or by instalments 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

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according to the provisions of this Act relating to borrowing on mortgage Provided that all moneys so re-borrowed shall be paid off within the period prescribed in the case of the original loan and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed to form the same loan.

Application of money borrowed.

25. All money borrowed by the Commissioners under this Act shall be applied for purposes of the Tees Conservancy Acts 1852 to 1884 for which capital is properly applicable and not otherwise.

Protection of lenders from inquiry.

26. Any person lending money to the Commissioners under this Act shall not be bound 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.

Expenses of execution of Act.

27. All expenses incurred by the Commissioners in the execution of this Act other than such as may be lawfully defrayed out of borrowed moneys shall be charged to and paid out of the Tees Conservancy Revenue Account.

Prosecution of offences and recovery of rates &c.

28. All offences and penalties under this Act or any byelaw made under the authority of this Act may be prosecuted and recovered summarily and all rates and charges under this Act may be recovered at the option of the Commissioners by action in any court of competent jurisdiction or summarily as a civil debt.

Saving the rights of the Crown.

29. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects rights powers or authorities reserved by or mentioned in sections twenty-one and twenty-two of the Crown Lands Act 1866 belonging to or exerciseable on behalf of Her Majesty Her heirs or successors Nor shall anything contained in this Act authorise the Commissioners to take use or in any manner interfere with any other rights on any lands or hereditaments 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 privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Costs of Act.

30. 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 SCHEDULES referred to in the foregoing Act. A.D. 1884.

THE FIRST SCHEDULE.

Tees Conservancy Acts.

The Tees Conservancy and Stockton Dock Act 1852. (15 and 16 Vict. c. clxii.)
The Tees Conservancy Act 1854. (17 and 18 Vict. c. cxcv.)
The Tees Conservancy Act 1858. (21 and 22 Vict. c. cxli.)
The Tees Conservancy Act 1863. (26 and 27 Vict. c. cxliv.)
The Tees Conservancy Act 1867. (30 Vict. c. i.)
The Tees Conservancy Act 1875. (38 and 39 Vict. c. lxxxvi.) and
The Tees Conservancy Act 1878. (41 and 42 Vict. c. lxxxvi.)

THE SECOND SCHEDULE.

Provisions of Town Police Clauses Act 1847 *which apply in the event of the establishment by the Commissioners of a separate River Police Force.*

Constables to be sworn in.

8. Any justice may swear in any person appointed and employed as a constable under this and the special Act and the constables so sworn in shall have within the limits of the special Act and in any place not more than five miles beyond such limits the like powers privileges and duties and shall have the same indemnities and protection and shall be subject to the like penalties and forfeitures as any constable duly appointed has or is subject to within his constablewick by law.

Expenses of prosecutions and allowances to constables.

9. The Commissioners may defray the expense of prosecuting any felons or offenders and of defending any constable in the execution of his duty and may make such allowances to any constable disabled in the execution of his duty or worn out by length of service as the Commissioners think reasonable.

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Constables not to resign without leave or notice.

10. No constable appointed under this or the special Act shall resign his office or withdraw himself from the duties thereof unless expressly allowed so to do in writing by the Commissioners or by the superintendent constable or until after he has given to such superintendent constable one month's notice and every constable who so resigns or withdraws himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him or to a penalty of not more than five pounds or in the discretion of the justices before whom he shall be convicted may be committed to prison there to remain for a time not exceeding fourteen days.

Constables dismissed to deliver up accoutrements.

11. Every constable appointed under this or the special Act who is dismissed from or ceases to hold and exercise his office shall forthwith deliver over to the superintendent constable or to such person and at such time and place as the Commissioners direct all the clothing accoutrements appointments and other necessaries which have been supplied to him for the execution of his duty under pain of imprisonment with or without hard labour for any time not exceeding one month and any justice of the peace may issue his warrant to search for and seize to the use of the Commissioners all the clothing accoutrements appointments and other necessaries not so delivered over wherever the same are found.

Penalty for unlawful possession of accoutrements or for assuming the dress of constables.

12. Every person who not being at the time a constable appointed under this or the special Act has in his possession any article being part of the clothing accoutrements or appointments supplied to any such constable and who is not able satisfactorily to account for his possession thereof or who puts on the dress or takes the name designation or character of any person appointed as such constable for the purpose of thereby obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority or for any other unlawful purpose shall in addition to any other punishment to which he is liable for such offence be liable to a penalty of not exceeding ten pounds.

Power to provide offices watch-houses &c.

13. The Commissioners may from time to time purchase or rent any buildings or land and convert such buildings into or build on such land offices watch-houses lock-up houses and other places necessary for the purposes of this and the special Act with all proper conveniences thereto and may repair the same from time to time and furnish and fit up the same and employ proper persons to take care thereof.

Duties of constables.

14. The constables appointed by virtue of this and the special Act shall keep watch and ward within the limits of the special Act and shall use their best endeavours to prevent any mischief by fire and all felonies misdemeanors and breaches of the peace.

Power to police constables and persons aggrieved to apprehend certain offenders.

15. Any person found committing any offence punishable either upon indictment or as a misdemeanor upon summary conviction by virtue of this or the special Act may be taken into custody without a warrant by any of the said constables or may be apprehended by the owner of the property on or with respect to which the offence is committed or by his servant or any person authorised by him and may be detained until he can be delivered into the custody of a constable and the person so arrested shall be taken as soon as conveniently may be before some justice to be examined and dealt with according to law Provided always that no person arrested under the powers of this or the special Act shall be detained in custody by any constable or other officer without the order of some

justice longer than shall be necessary for bringing him before a justice or than forty hours at the utmost.

Penalty for neglect of duty.

16. Every constable acting within the limits of the special Act who is guilty of any neglect or violation of his duty as a constable and convicted thereof before two justices shall be liable to a penalty not exceeding ten pounds the amount of which penalty may be deducted from the salary or wages due to him or to become due to him or in the discretion of the justices before whom he is convicted he may lawfully be imprisoned for any time not exceeding one month with or without hard labour.

Power to constables to take recognizances.

17. Whenever any person charged with any offence under this or the special Act or any Act incorporated therewith not amounting to felony and of which he is liable to be summarily convicted before a justice is in the custody of any constable acting as aforesaid without the warrant of a justice the superintendent constable of the district or appointed under this Act or other the superior officer of police acting within the said limits may if he deem it prudent so to do but in such cases only in which the offender cannot be conveniently taken before a justice take the recognizances of such person with or without sureties conditioned as herein-after mentioned.

Form of recognizances.

18. Every recognizance so taken shall be taken without fee or reward and shall be conditioned for the appearance of the person thereby bound before a justice at a certain day not later than seven days from the date of such recognizance and the time and place of such appearance shall be specified in the recognizance.

Recognizances to be registered and returned to the justice.

19. The officer taking any such recognizance shall enter in a book to be kept for that purpose the name residence and occupation of the party and his sureties if any entering into such recognizance together with the condition thereof and the sum thereby acknowledged and shall return every such recognizance to the justice at the time and place when and where the party is bound to appear and every such recognizance shall have the like force and effect as if the same had been taken before a justice.

Penalties on persons assaulting constables.

20. Every person who assaults or resists or who aids or incites any person to assault or resist any constable in the execution of his duty under the provisions of this or the special Act shall for every such offence be liable to a penalty not exceeding five pounds or in the discretion of the justice before whom he is convicted may be imprisoned for any term not exceeding one month with or without hard labour.

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THE THIRD SCHEDULE.

Rates and Charges for Use of Graving Dock which may be taken by the Commissioners instead of those authorised by the Tees Conservancy Act 1867.

(Steamers charged on gross tonnage.)

	Not exceeding 50 tons register.	Above 50 tons and not exceeding 100 tons register.	Above 100 tons and not exceeding 150 tons register.	And for every progressive 50 tons register.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For two tides the tide in and the next tide out -	1 16 0	2 2 0	2 8 0	0 6 0
„ three tides including going in and coming out	2 2 0	2 9 0	2 16 0	0 7 0
„ four „ „ „ -	2 8 0	2 16 0	3 4 0	0 8 0
„ five „ „ „ -	2 14 0	3 3 0	3 12 0	0 9 0
„ six „ „ „ -	3 0 0	3 10 0	4 0 0	0 10 0
„ seven „ „ „ -	3 6 0	3 17 0	4 8 0	0 11 0
„ eight „ „ „ -	3 12 0	4 4 0	4 16 0	0 12 0
„ nine „ „ „ -	3 18 0	4 11 0	5 4 0	0 13 0
„ ten „ „ „ -	4 4 0	4 18 0	5 12 0	0 14 0
„ eleven „ „ „ -	4 10 0	5 5 0	6 0 0	0 15 0
„ twelve „ „ „ -	4 16 0	5 12 0	6 8 0	0 16 0
Above twelve tides and not exceeding twenty-four tides including going in and coming out -	6 0 0	8 0 0	9 0 0	1 0 0
Not exceeding two neaps including going in and coming out - - - - -	12 0 0	16 0 0	18 0 0	2 0 0
Not exceeding three „ „ -	18 0 0	24 0 0	27 0 0	3 0 0
„ four „ „ -	24 0 0	32 0 0	36 0 0	4 0 0
„ five „ „ -	30 0 0	40 0 0	45 0 0	5 0 0
„ six „ „ -	36 0 0	48 0 0	54 0 0	6 0 0
„ seven „ „ -	42 0 0	56 0 0	63 0 0	7 0 0
„ eight „ „ -	48 0 0	64 0 0	72 0 0	8 0 0

And in addition thereto for docking pumping use of staging shores &c. for every vessel using the dock—

For any period not exceeding 6 tides - - - 2*d.* per ton.

For any period exceeding 6 tides and not exceeding 12 tides - - - - - - 4*d.* per ton.

For any period exceeding 12 tides and not exceeding 24 tides - - - - - 6*d.* per ton.

And for every vessel which shall be in the Graving Dock for more than 24 tides an additional rate for every 24 tides and for any number of tides beyond a multiple of 24 and not amounting to 24 tides - - 6*d.* per ton.

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