CHAPTER xiii.

An Act to abolish the Tyne Coal Dues, and in lieu thereof to provide new Dues; to extinguish the right to increase rates under "The Harbours and Passing Tolls, &c. Act, 1861;" and to extend the time for the completion of the piers and other works. [13th May 1872.]

A.D. 1872.

WHEREAS by "The River Tyne Improvement Act, 1850," after reciting, amongst other things, that the port of Newcastle-upon-Tyne extended from Hedwin Streams above the borough of Newcastle-upon-Tyne to Spar Hawke in the sea, and that the mayor, aldermen, and burgesses of the borough were the conservators of the port, and held the town of Newcastle-upon-Tyne, together with the port, in fee farm under the Crown; and further reciting that the mayor, aldermen, and burgesses, by virtue of prescription and various charters, did demand, take, and receive, amongst other dues, certain dues called "Town dues," on coals, cinders, grindstones, and salt exported from the port, and which dues were therein-after referred to as "the coal dues;" and further reciting that it was expedient that further provision should be made for the improvement of the port and of the River Tyne, and for the regulation of the navigation thereof, and that the mayor, aldermen, and burgesses were willing, on the terms therein expressed, that Commissioners should be appointed for carrying into execution some of the provisions and purposes of that Act, and that the authorities, duties, and obligations of the mayor, aldermen, and burgesses as the conservators of the port, so far as in that Act expressed, should be transferred to and imposed on such Commissioners, and that for the purpose of providing a fund expressly for the improvement and conservancy of the port and of the river a certain portion of the dues received by and belonging to the mayor, aldermen, and burgesses, subject as in that Act mentioned, should be placed at the disposal of such Commissioners for the purposes of

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such improvement and conservancy, certain provisions were enacted for the appointment and proceedings of Commissioners to execute the Act called "The Tyne Improvement Commissioners," (who were afterwards duly appointed, and were incorporated by "The Tyne Improvement Act, 1857"); and it was enacted that the Commissioners should be conservators of the port and river with such powers as were therein mentioned; and it was by the forty-eighth section enacted, that from and after the commencement of that Act, amongst other dues, three eighth parts of all the coal dues from time to time paid to the Corporation, after paying, deducting, allowing, or satisfying out of the aggregate amount of such dues all the costs, charges, losses, damages, and expenses of and incident to the recovering, collecting, and receiving of the same, should from time to time be carried by the treasurer for the time being of the borough to the credit of a separate and distinct account to be called "The Tyne Improvement Fund Account," and the moneys from time to time carried and to be carried as directed by the Act now in recital to such account should, subject to the provision of that Act, be the fund for the payment of the expenses of carrying that Act into execution by the Commissioners, and should be called "The Tyne Improvement Fund;" and by the fifty-fourth section of the same Act it was further enacted, that after the commencement of that Act the five eighth parts not by that Act directed to be carried to the credit of the Tyne Improvement Fund of all the coal dues from time to time paid to the Corporation, after paying, deducting, allowing, or satisfying out of the aggregate amount of such dues all the costs, charges, losses, damages, and expenses of and incident to the recovering, collecting, and receiving of the same, should from time to time be carried by the treasurer to the credit of the borough fund of the borough, and should as part of the borough fund be applicable generally for the purposes to which the borough fund was by law applicable, and should be exempted from all liability in respect of the conservancy or the maintenance and repair of the port and river, and the quays, banks, and shores thereof, save the public quay of Newcastle-upon-Tyne:

And whereas by "The Tyne Improvement Act, 1870," it is enacted that the five eighth parts not by "The River Tyne Improvement Act, 1850," directed to be carried to the credit of the Tyne Improvement Fund of all the coal dues, and which said five eighth parts were by the same Act directed to be carried to the borough fund of the borough of Newcastle-upon-Tyne, should on the first day of January one thousand eight hundred and seventy-one be transferred to the Commissioners, and should thereafter belong to

the Tyne Improvement Fund and be dealt with by the Commissioners as part of such fund, according to the provisions of "The River Tyne Improvement Act, 1850," and certain Acts passed subsequently thereto and therein recited, and all the interest of the said Corporation in the said five eighth parts of the said coal dues should thereupon be vested in the Commissioners; and it was further enacted, that from and after the transfer of the said five eighth parts of the coal dues the Commissioners should in respect of such five eighth parts be entitled to use, exercise, and enjoy all the rights and powers which they then were or might be entitled to use, exercise, and enjoy in respect of the three eighth parts of the same dues which were transferred to the Commissioners by "The River Tyne Improvement Act, 1850," including the rights and powers given by the fourteenth section of "The Harbours and Passing Tolls, &c. Act, 1861," in as full and ample a manner in all respects as if the said five eighth parts had been transferred to the Commissioners by "The River Tyne Improvement Act, 1850:"

And whereas by "The Tyne Improvement Act, 1852," the Commissioners were authorised to construct piers at the mouth of the River Tyne, and the time limited for the completion of such piers was the term of seven years from the passing of such Act, which term by "The Tyne Improvement Act, 1859," was extended to the term of ten years from the passing of the said last-mentioned Act:

And whereas by "The Tyne Improvement Act, 1861," the Commissioners were authorised to execute certain works for the improvement of the River Tyne and the navigation thereof, and certain docks and works connected therewith, herein-after referred to as the Tynemouth Docks, and the time for the completion of such works was limited to the term of ten years from the passing of such Act, which time by "The Tyne Improvement Act, 1866," was extended to the term of seven years from the passing of the said last-mentioned Act:

And whereas it is expedient that the said dues called the coal dues should be abolished, and that in lieu thereof and in extinction of the right, power, and claim of the Commissioners under the authority of the fourteenth section of "The Harbours and Passing Tolls, &c. Act, 1861," to indemnify themselves for the loss of the compensation for differential dues, there should be payable to the Commissioners tonnage dues on coals, cinders, coke, grindstones, and salt exported from the port, to be called the "River Tyne Export Dues:"

And whereas it is expedient that the time limited for the completion of the said piers and of the works authorised by "The Tyne

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Improvement Act, 1861," except the Tynemouth Docks, should be severally extended:

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 title.

1. This Act may be cited for all purposes as "The Tyne Coal Dues Act, 1872."

Interpretation of terms.

2. In this Act the following words and expressions have the respective meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

The expression "the Commissioners" means the Tyne Improvement Commissioners:

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Newcastle-upon-Tyne:

The expression "the port" means the ancient port of Newcastle-upon-Tyne as defined by "The Tyne Improvement Act, 1850," and includes all docks and places therein and within the River Tyne:

The expression "the coal dues" means the dues heretofore payable on coals, cinders, grindstones, and salt exported from the port.

Abolition of coal dues and substitution of other dues.

3. On and after the first day of June one thousand eight hundred and seventy-two the coal dues shall be abolished, and in lieu thereof and in extinction of the right, power, or claim of the Commissioners under "The Harbours and Passing Tolls, &c. Act, 1861," to indemnify themselves for the loss of compensation paid to them for differential dues by raising any of the rates which they have power to levy, there shall be payable to the Commissioners in respect of coals, cinders, coke, grindstones, and salt exported from the port the following dues; that is to say, in respect of coal, cinders, and coke, one penny per ton of twenty hundredweight; in respect of grindstones, threepence per ton of twenty hundredweight; and in respect of salt, one penny per ton of twenty hundredweight; which dues shall be called "River Tyne Export Dues," and shall be carried to the account called "The Tyne Improvement Fund," and shall be applicable to all the purposes to which the Tyne Improvement Fund shall from time to time be applicable.

Corporation to have lien

4. The Corporation shall be entitled to a lien or charge in equity on five eighth parts of the said River Tyne export dues for the

several instalments of purchase money and interest payable to the Corporation under "The Tyne Improvement Act, 1870," or so much thereof as shall from time to time remain unpaid.

on substituted dues.

Substituted dues to be recoverable in same way as coal dues.

5. The Commissioners shall be entitled to use, exercise, and enjoy all the rights and powers for recovering and receiving the River Tyne export dues which before the passing of this Act they were entitled to use, exercise, and enjoy in respect of the coal dues, as well as all the rights and powers which the Commissioners are or may be from time to time entitled to use, exercise, and enjoy for recovering and receiving any other rates, tolls, and duties from time to time payable to them.

Powers of Commissioners under the Harbours, &c. Act of 1861 to be extinguished.

6. From and after the passing of this Act, all right, power, and claim of the Commissioners and of the Corporation under "The Harbours and Passing Tolls, &c. Act, 1861," with the consent of Her Majesty in Council, to indemnify themselves for the loss of the compensation payable to them for differential dues, which ceased to be paid from and after the first day of January one thousand eight hundred and seventy-two, by raising the amount of any rates they had power to levy, shall be extinguished.

Extension of time for completion of piers and other works.

7. The powers for the completion of the piers authorised by "The Tyne Improvement Act, 1852," are hereby revived and extended for the term of ten years from the passing of this Act, and the time limited for the completion of the works authorised by "The Tyne Improvement Act, 1861," other than the Tynemouth Docks, is also extended for the same term.

Expenses of Act.

8. All the costs, charges, and expenses of applying for, obtaining, and passing this Act, and preparatory and incidental thereto, shall be paid by the Commissioners out of the Tyne Improvement Fund.

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