CHAPTER xxiii.

An Act for the extension of the Tyne Improvement Commission; and for other purposes. [13th May 1875.] A.D. 1875.

WHEREAS by the River Tyne Improvement Act, 1850, (in this Act called the Tyne Act of 1850,) a body of Commissioners was formed for the improvement and conservancy of the port of Newcastle-upon-Tyne (therein defined to extend from Hedwin Streams above the borough of Newcastle-upon-Tyne to Spar Hawke in the Sea) and of the River Tyne: 13 & 14 Vict c. lxiii.

And whereas the said Commission is now composed of eighteen members, as follows; (that is to say,) fourteen members appointed by the councils of the four boroughs of Newcastle-upon-Tyne, Gateshead, Tynemouth, and South Shields, two survivors of the four members nominated by the Tyne Act of 1850, one member appointed by the Lords Commissioners of the Admiralty, and one member appointed by the Board of Trade:

And whereas by the Tyne Improvement Act, 1857, the Commissioners were created a body corporate by the name of the Tyne Improvement Commissioners (which body corporate is in this Act called the Commissioners):

And whereas by the Tyne Improvement Act, 1861, it was enacted that the jurisdiction of the Commissioners should be extended seawards to the extremity of the piers then being constructed at the mouth of the Tyne, or to be thereafter extended in manner therein defined, and that all the powers and authorities of the Commissioners might be exercised within such extended limits:

And whereas by Acts passed in the years 1852, 1857, 1859, 1861, 1865, 1866, 1867, 1870, and 1872, the Commissioners have from time to time had their powers enlarged, and have been authorised to make very extensive works:

And whereas the Commissioners are still engaged in the completion of those works and in the execution of the various powers

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of conservancy and improvement from time to time conferred upon them:

And whereas since the passing of the Tyne Act of 1850 the trade of the Tyne and the amount of dues received by the Commissioners under their Acts (in this Act called Tyne dues) have very greatly increased:

And whereas the principal payers of Tyne dues are divisible into three classes; (that is to say,)

1. Persons (including in such expression partnerships and limited companies) residing or carrying on business in the district situate within five miles from any part of the port of Newcastle-upon-Tyne, as defined by the Tyne Act of 1850, paying Tyne dues (which district is in this Act referred to as the Tyne district), and being registered in the books of the respective custom houses of the ports of Newcastle-upon-Tyne, North Shields, and South Shields (which custom houses and ports are in this Act referred to as the three custom houses and the three ports) as owners or part owners of vessels registered as belonging to the three ports respectively (which persons are in this Act referred to as shipowners):
2. Persons (including in such expression partnerships and limited companies) being owners, lessees, or occupiers of coal mines, who deliver or put on board of vessels on the Tyne, or in any of the docks thereof, coal, coke, or cinders (which persons are in this Act referred to as coalowners):
3. Persons (including in such expression partnerships and limited companies) residing or carrying on business within the Tyne district, and paying any money in respect of quay and town dues, or dues specified in Schedule (C.) to the Tyne Improvement Act, 1852, as extended by the Tyne Improvement Act, 1867, and the Tyne Improvement Act, 1872, (other than the dues on coals, coke, culm, or cinders specified in that Schedule,) or in respect of dues specified in Schedule (D.) or Schedule (E.) to the Tyne Improvement Act, 1861, or in Schedule (D.) to the Tyne Improvement Act, 1865, or in the several Schedules (A.), (B.), (C.), (D.), (E.), and (G.) to the Tyne Improvement Act, 1867, as extended by the Tyne Improvement Act, 1872, or in respect of dues payable under the Tyne Coal Dues Act, 1872 (which persons are in this Act referred to as traders):

And whereas it is just and expedient that the three classes aforesaid of payers of Tyne dues be represented in the Commission, and that provision accordingly be made for the election of representatives by each of the three classes in the year one thousand eight

hundred and seventy-five, and in every subsequent third year (each of which years is in this Act referred to as the year of election):

And whereas it is also desirable that provision be made for the election by the three classes aforesaid of payers of Tyne dues of an additional auditor of the accounts of the Commissioners:

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 as The Tyne Improvement Commission Act, 1875.

Six elective Commissioners added to Commissioners.

2. There shall be added to the Commissioners six Commissioners elected as by this Act directed, who, with the Commissioners for the time being in office under the provisions of the Tyne Act of 1850, shall form and be to all intents the body corporate of the Tyne Improvement Commissioners.

By whom additional Commissioners to be elected.

3. The six Commissioners elected under this Act shall be elected by the three classes aforesaid of payers of Tyne dues, in the following proportions; (that is to say,)

Two by shipowners,
Two by coalowners, and
Two by traders.

Collectors of customs to make lists of registered shipowners at ports of Newcastle, North Shields, and South Shields.

4. The clerk to the Commissioners shall, on or before the first day of August in the year of election, apply to the collectors of customs of the three ports, who shall respectively on or before the fifteenth day of that month make and sign and deliver to the Commissioners lists of the 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.

5. Every person (including in such expression partnerships and limited companies) who appears by any such list to be a registered shipowner in any of the three ports to the amount or aggregate amount of one hundred tons, and who shall have paid Tyne dues within the three years ending on the said thirtieth day of June, 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 in the case of an

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individual shipowner six votes, or in the case of a partnership or company eighteen votes.

Coalowners to send statements of coal shipped to Commissioners.

6. The clerk to the Commissioners shall, on or before the first day of August in the year of election, cause to be inserted in at least two newspapers published in the Tyne district an advertisement requiring all coalowners to make and deliver to him at the principal office of the Commissioners a statement of the total number of tons of coal, coke, and cinders delivered or put on board by them respectively as aforesaid during the year ending the thirtieth day of June in that year; and the coalowners shall, on or before the fifteenth day of the same month of August, make and deliver such statement accordingly under their respective hands or the hand of their respective fitter, staithman, or other agent.

Scale of votes for coalowners.

7. Every coalowner (including in such expression partnerships and limited companies of coalowners) shall be entitled to one vote for the first ten thousand tons of coal, coke, or cinders so delivered or put on board as aforesaid, and to one additional vote for every twenty-five thousand tons above the first ten thousand tons, not exceeding in the whole in the case of an individual coalowner six votes, or in the case of a partnership or company eighteen votes.

Commissioners to make out register of traders.

8. On or before the first day of August in the year of election the Commissioners shall make a register, to be called The Register of Traders, and therein shall enter the names of all traders who have respectively within the year ending on the thirtieth day of June in that year paid all or any of the Tyne dues specified as relating to the third division of payers of Tyne dues in the preamble of this Act to the amount in the whole of ten pounds, and in the register they shall enter the total sums paid by every such trader within the year ending as last aforesaid.

Scale of votes for traders.

9. Every trader (including in such expression partnerships and limited companies of traders) 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, and to one additional vote for every twenty-five pounds above the first ten pounds, not exceeding in the whole in the case of an individual trader six votes, or in the case of a partnership or company eighteen votes.

Clerk to the Commissioners to make alphabetical lists.

10. On or before the twenty-fifth day of August in the year of election the clerk to the Commissioners shall, from the lists and statements and register aforesaid, make up three alphabetical lists of the persons entitled to vote as shipowners, coalowners, and

traders respectively, with the number of votes to which they are respectively entitled, and on or before the same day shall cause each such list to be printed and to be posted on the outer door of each of the three custom houses; 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 copy of each printed list to every person requiring it.

Votes of partners.

11. In every case of several persons being registered as shipowners in partnership, whether as part owners or as sole owners, or as both, and in every case of several persons being coalowners in partnership, and in every case of several persons being traders in partnership, it shall be lawful for such partnership to intimate in writing to the clerk to the Commissioners, at any time previous to or at the revision herein-after mentioned, the name or names of any one or more of the partners, and the number of votes, not exceeding six, which they appoint each such partner to have, and each such partner shall be qualified to be an elector and to have the number of votes mentioned in the intimation: Provided always, that such partnership possess the necessary qualification to give to each of such partners the number of votes so mentioned, and that the aggregate number of votes to be given by such partners shall not exceed eighteen. Where no such writing is exhibited, the partner whose name stands first in the partnership shall alone be entitled to exercise on behalf of the partners, to the extent of six votes, the right of voting at the election of Commissioners.

Revisers of lists to be appointed.

12. On or before the first day of September in the year of election 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 fifth day of the same month of September, 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.

13. The revisers shall, during the seven days next after the fifth day of September in the year of election, revise at the Commissioners office the lists of electors for the year, giving not less than three days notice by advertisement in at least two newspapers published in the Tyne district of every such revision; but in case of the death or failure 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

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act of all the revisers, a person appointed by the Board of Trade shall, make or complete the revision.

Claims and objections before revisers.

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

Revisers to correct the lists.

15. The revisers shall retain in any list any name or number of votes objected to if the objection is not established to their satisfaction, and shall insert therein the name of any person shown to their satisfaction to be entitled to have his name inserted therein, and shall retain therein the name of every person 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 shown to their satisfaction to be entitled to any other number of votes than the number attributed to him.

Revisers may substitute principals for agents.

16. In case on such revision application be made to the revisers by any person alleging that Tyne dues appearing by the register of traders to have been paid by persons therein named as payers of the same have been paid by such persons as agents for and on behalf of other persons as principals and actual payers of such dues, and the revisers shall be satisfied of the truth of such allegation, they shall alter the alphabetical list of persons entitled to vote as traders by striking off from such agents any votes attributed to them in such list in respect of such dues, and by inserting therein the names of the principals, with such number of votes as such principals would have been entitled to have attributed to them in such list if their names had been entered in the register of traders as the persons paying such dues: Provided that no such alteration shall be made unless the agents whose names appear in such register shall have had notice in writing at least two days prior to such revision from the persons intending to make such application of their intention to make the same.

As to partnerships and companies.

17. For the purposes of this and the three preceding clauses, partnerships may act by any of their partners in the partnership name, and limited companies may act by their secretary or by any

person appointed for the purpose under the common seal of the company.

Revisers to sign lists.

18. 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 forward the same to the clerk to the Commissioners.

Production to revisers of books, &c.

19. For the revision of the lists, the Commissioners shall produce at their office to the revisers and their assistants the books and accounts of the Commissioners, and the lists and statements and registers, and shall afford to them all reasonable and proper facilities in that behalf.

Evidence of revised lists.

20. Every list purporting to be a list revised and signed as by this Act provided shall be primâ facie evidence of the same being a list duly made and revised.

Continuance of revised lists.

21. Every revised list shall be in force until the revision of the then next list; and the persons whose names appear on the revised list from time to time in force shall be the persons entitled to vote at elections of Commissioners and of an auditor under this Act, and shall at every such election be respectively entitled to such a number of votes as appears by the revised list. A limited company appearing on such list may vote by its secretary, or by any person appointed under the common seal of the company.

Revised lists to be printed and published.

22. 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.

Place of meeting for election of Commissioners by shipowners, coalowners, and traders.

23. For the election from time to time of Commissioners meetings of the three classes of electors shall be held separately on the fourth Wednesday in September in the year of election, between the hours of eleven in the forenoon and four in the afternoon, at such place or places in the Tyne district as the Commissioners appoint, and shall be convened by the clerk to the Commissioners by not less than four nor more than ten days notice by advertisement in at least two newspapers published in the Tyne district, specifying the time and place and object of such meetings respectively.

Procedure at the meetings.

24. At every such meeting the persons present at the commencement of the meeting shall forthwith appoint a chairman; and

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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 to be elected Commissioners or auditor respectively thereat.

Printed copies of list to be conclusive.

25. The clerk to the Commissioners shall cause to be supplied to each such meeting a printed copy of the list of electors 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.

26. Any person on the list of any class of electors, and no other person, shall be eligible as a Commissioner at any election by any class. Limited companies may, under the hand of the secretary or the common seal of the company, nominate some one person being a member of such company, who shall thereupon be eligible as a Commissioner, although not otherwise an elector.

Election to be by majority of votes.

27. 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; but 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. The appointment of a proxy shall be made by an instrument in writing signed by the appointer, or, if the appointer is an incorporated company, sealed with the common seal of the company or signed by the secretary.

Result of election to be communicated to clerk to Commissioners.

28. 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 clerk to the Commissioners.

Duration of office of elected Commissioners.

29. The term of office of the Commissioners elected under this Act shall commence on the first day of October in the year of election, and shall continue for three years.

Additional auditor to be elected triennially by payers of dues.

30. At each of the meetings held for the purpose of electing Commissioners under this Act the electors present personally or by proxy shall also be entitled to vote for some person, not being a Commissioner and being an elector of some class, to be an auditor of the accounts of the Commissioners, and the number of votes given for each candidate at such respective meetings shall, imme-

diately on the conclusion thereof, be communicated by the chairman of such meeting to the clerk to the Commissioners, and the person who obtains the largest number of votes in the aggregate of the votes given for auditor at all the meetings shall be thereby elected to be an auditor of the accounts of the Commissioners along with the four auditors appointed under the provisions of the Tyne Act of 1850, as if he had been an auditor appointed thereunder, except that his term of office shall commence on the ninth day of November in the year of election, and shall continue for three years.

Nomination of candidates.

31. Notwithstanding anything in this Act, a person shall not be eligible at any election of a Commissioner or auditor under this Act unless five clear days at least before the day of election he has been nominated by being proposed by an elector and seconded by another elector, and 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 such election the Commissioners shall publish the names of the candidates by advertisement in at least two newspapers published in the Tyne district.

Filling up of extraordinary vacancies.

32. An extraordinary vacancy in the office of Commissioner elected under this Act shall arise in the event of his death, resignation, bankruptcy, or lunacy, and thereupon the Commissioners shall convene a special meeting of the proper class of electors for the election of a Commissioner to supply the vacancy; and in every case of a like extraordinary vacancy happening in the office of auditor elected under this Act the Commissioners shall convene an aggregate special meeting of all the three classes of electors, and the proceedings at all such special meetings shall be conducted as nearly as may be in the same manner as the proceedings at meetings in the year of election; and every person elected a Commissioner or auditor under this section shall be entitled to hold office so long only as the Commissioner or auditor in whose stead he is elected would have been entitled to continue in office.

As to expenses of elections.

33. The expenses incurred by the Commissioners or their clerk of and incident and preparatory to the obtaining and preparation of lists and statements and registers, and of holding elections directed by this Act, or otherwise relative thereto, including the expenses of the collectors of customs of the three ports, shall be paid by the Commissioners, and shall be charged by them to the Tyne Improvement Fund.

Expenses of Act.

34. The costs of and preliminary and incident to the passing of this Act shall be paid by the Commissioners out of the Tyne Improvement Fund.

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