ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lvii.

An Act to explain and amend the Powers and Provisions of the Act relating to the *Warkworth* Harbour in the County of *Northumberland.*

[18th *June* 1842.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for forming a Harbour in the Parish of* Warkworth *in the County of* Northumberland, *by improving the Navigation of the River* Coquet, *and for rendering the same safe and commodious, and easy of Access:* And whereas the Commissioners acting under the said Act have proceeded in the Execution thereof, and considerable Progress has been made in the Works, and large Sums of Money have been expended in the Improvement of the River *Coquet*, and in forming a Harbour at the Mouth thereof: And whereas it is expedient that some of the Powers and Provisions of the said recited Act 7 W. 4. & 1 Vict. c. 77.

should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Provisions, Matters, and Things therein contained, (except so far as the same are varied, altered, or repealed,) shall extend to this Act, in as full, ample, and beneficial a Manner as if the same had been re-enacted in this Act with reference to the Objects and Purposes thereof.

Powers of former Act extended to this Act.

As to certain Monies deposited for indemnifying the Duke of Northumberland.

II. And whereas, for the Purpose of effecting a substantial Indemnity to the Most Noble *Hugh* Duke of *Northumberland* for any Loss or Injury which might arise to his Fisheries, in the said recited Act mentioned, by the Prosecution of the Works of the Commissioners, and for obtaining his Consent to the Prosecution and Completion of the Works upon such Indemnity being given, Exchequer Bills to the Amount of Ten thousand Pounds Sterling, the Property of *Henry Kingscote* Esquire, Treasurer to the Commissioners, were some Time since lodged at the Banking House of Messieurs *Hoares* in *Fleet Street*, in the Names of Four Trustees, and it was agreed that the Dividends to arise therefrom should be paid to the said *Henry Kingscote*, or as he should direct, until some Injury or Damage to the Fishery should occur, capable of being estimated upon the Principles then agreed upon, and amounting to One hundred Pounds or upwards; and that when any such Injury or Damage as aforesaid should have arisen to the Amount above mentioned, the Trustees should be directed, on the Request of the said Duke of *Northumberland* (or Parties entitled for the Time being), forthwith to repair such Injury by or out of the Interest or Dividends of the Trust Fund, or, if they should not be sufficient, by Sale of a competent Part of the Principal; and that if for any Three Years in succession the Damage, to be estimated and compensated upon the Principle after mentioned, should exceed the Amount of the Interest or Dividends so far as to have caused a Diminution of the Capital at the End of such Three Years below Nine thousand Pounds, the said Duke of *Northumberland* should be at liberty to consider the Case one of entire Loss, and to have Compensation accordingly, and for that Purpose to put an end to the Trust; and in case it should be ascertained that the Fisheries are wholly lost, then the Trustees, at the Request of the said Duke of *Northumberland*, should sell the Trust Fund, and pay the Proceeds to the said Duke of *Northumberland*, and that if the Injury were only

partial, whether affecting both the Fisheries or only One of them, the Compensation should be estimated as was then by Agreement provided: And whereas it is expedient that the Commissioners should be empowered to give to the said *Henry Kingscote* Esquire Security for any Monies which may be paid to the said Duke of *Northumberland* either out of the Principal or Interest Money of the said Exchequer Bills, and also to recompence the said *Henry Kingscote* the Cost of such Exchequer Bills, with Interest; be it enacted, That in case any Sum or Sums shall have been or shall be paid out of the Principal and Interest of the said Sum of Ten thousand Pounds invested in Exchequer Bills, and so deposited as aforesaid, the same shall be considered as so much Money paid to and for the Use of the Commissioners for the Purposes of the recited Act; and the Commissioners shall and they are hereby empowered, from Time to Time, when required by the said *Henry Kingscote* Esquire, to assign as a Security by way of Mortgage the Rates and Duties, or any Part or Portion thereof, authorized to be collected by the recited Act; and every such Mortgage may be in the Form directed by the recited Act to be used in other Cases, or in such other Form as the Parties may mutually agree upon.

Commissioners may raise Money for paying off the 10,000*l.*

III. And be it enacted, That the Commissioners may from Time to Time apply any Sums of Money raised by virtue of the recited Act by way of Mortgage upon the Security of the said Rates and Duties, or any Part or Portion thereof, in repaying the said *Henry Kingscote* Esquire the Costs of the said Exchequer Bills so deposited as aforesaid, and all Interest which may have been paid to the said *Hugh* Duke of *Northumberland*, and in reimbursing the said *Henry Kingscote* Esquire for all Expences he may have incurred in relation thereto.

Mortgages, &c. and Transfers to be stamped.

IV. Provided always, and be it enacted, That every Mortgage or other Security for Money, and every Transfer of any Mortgage or other Security, granted or made or to be granted or made by virtue of the recited Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Act contained to the contrary notwithstanding.

Extension of Time for Completion of Works.

V. And whereas it is expedient to extend the Time for the Completion of the Works for the Improvement of the River *Coquet*; be it enacted, That the Time limited by the recited Act for the Completion of the said Improvements shall be extended and enlarged for the further Term of Five Years, to be computed from the Expiration of the Time for that Purpose granted by the recited Act.

VI. And

Powers to cease at the Expiration of Five Years, except as to Works executed.

VI. And be it enacted, That after the Expiration of the said extended Period of Five Years all the Powers hereby and by the recited Act granted to the Commissioners or otherwise in relation thereto shall cease to be exercised, except as to so much of the said Improvements as shall then be completed, and except such Powers as shall hereby or by the recited Act be declared to be continued for a longer Period.

Extension of Time not to apply to Works at the Pan Haven.

VII. Provided always, and be it enacted, That the extended Period herein-before granted for completing the said Works shall not apply or be construed to apply to the Harbour and Works by the said recited Act authorized to be made at the *Pan Haven*.

If Works at Pan Haven not completed, a larger Sum to be expended in Ccquetbefore Tolls are taken.

VIII. And whereas it was by the recited Act enacted, that no Rate, Toll, or Duty should be collected at the *Pan Haven* until the Sum of Three thousand five hundred Pounds should have been laid out on the said Harbour and Works there, and that no Toll should be demanded in the River *Coquet* of any Ship or Vessel or Steam Boat entering the said River, before the Expenditure of the Sum of One thousand Pounds in improving the Navigation thereof: And whereas it is expedient that in case the Harbour and Works at the *Pan Haven* shall not be completed, that a larger Sum than the Sum of One thousand Pounds should be expended upon that Harbour, Piers, and Works now in progress in or at the Mouth of the River *Coquet*, and in improving the Navigation thereof; be it therefore enacted, That the Commissioners shall expend upon the Harbour, Piers, and Works in and at the Mouth of the River *Coquet*, and in improving the Navigation thereof, a Sum of Money amounting, together with the Monies already expended thereon, to the Sum of Ten thousand Pounds Sterling at the least.

Tolls may be taken when 10,000*l.* is spent.

IX. Provided always, and be it enacted, That when and as soon as such Sum of Ten thousand Pounds Sterling shall have been so expended upon the Harbour, Piers, and Works in the said River *Coquet*, it shall be lawful for the Commissioners to demand, recover, and receive the Rates, Tolls, and Duties mentioned and contained in the recited Act and the Schedule thereto, any thing in the recited Act to the contrary notwithstanding.

Repeal of Provision in recited Act, reserving Power to Her Majesty and Lords of

X. And whereas it was by the recited Act provided and enacted, that it should and might be lawful for Her Majesty, in and by an Order in Council, or for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times when She and they should deem fit so to do, in and by Her

or

or their Order in Writing, to reduce the Duties thereby made payable on all or on so many of the Foreign Ships or Vessels as she or they in their Judgment should deem expedient, to the same and like Duties as were thereby made payable in respect of the *British* Ships or Vessels: And whereas it is expedient that such Provision and Enactment should be repealed, and other Provision made in lieu thereof; be it therefore enacted, That the said Enactment and Provision shall be repealed.

the Treasury to reduce Duties on Foreign Ships.

XI. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Her or their Order in Writing, to reduce the Rates, Tolls, and Duties by the recited Act made payable on all or any Vessels not entitled to the Privileges of *British*-built Vessels, and on all or any of the Goods imported or exported in Vessels not entitled to such Privileges, to the same and like Rates and Duties as shall from Time to Time be payable in respect of *British* Vessels, or the Goods imported or exported in them, in pursuance of the recited Act.

Lords of the Treasury, &c. may reduce Duties on Foreign Vessels.

XII. And whereas it was by the recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding, should be commenced or prosecuted against any Person for any thing done or omitted to be done in pursuance of that Act, or in the Execution of the Powers and Authorities or of any of the Orders made or directed in, by, or under that Act, unless Twenty-one Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless the same should be brought or commenced within Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage should have ceased, nor unless such Action, Suit, Information or other Proceeding should be brought and laid in the County, Riding, or Place where the Matter in dispute or Cause of Action should arise; and the Defendant in such Action, Suit, Information, or other Proceeding might plead the General Issue, and give that Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done (as the Case might be) in pursuance and by the Authority of that Act; and if they should appear to have been so done or to have been so omitted to be done (as the Case might be), or if it should appear that such Action, Suit, Information, or other Proceeding should have been brought otherwise than as therein-before directed, then the Jury should find

Repeal of so much of recited Act as relates to Limitation of Actions.

for the Defendant; and upon such Verdict, or if the Plaintiff should become nonsuited, or should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs by Law in other Cases: And whereas it is expedient that the said Enactment should be repealed; be it enacted, That the said Enactment shall be and the same is hereby repealed.

No Works below High-water Mark without the Consent of the Admiralty.

XIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Commissioners to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

For paying Expences of Act.

XIV. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be paid by the Commissioners out of the Funds of the said Commissioners, in preference to all other Payments whatsoever.

Public Act.

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

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