



CHAPTER cix.

An Act to alter the constitution of and method of election to the Blyth Harbour Commission to confer further powers upon the Commissioners to authorise the Commissioners to construct works and acquire lands to raise additional money and to create stock and for other purposes. A.D. 1912.
[7th August 1912.]

WHEREAS by the Blyth Harbour and Dock Act 1854 the Blyth Harbour and Dock Company (herein-after called "the company") were incorporated and authorised to improve maintain and carry on the harbour of Blyth in the county of Northumberland: 17 & 18 Vict.
c. xcii.

And whereas further powers were conferred upon the company by the Blyth Harbour and Dock Act 1858 and the Blyth Harbour and Dock Act 1860 and the said company constructed certain of the works thereby authorised: 21 & 22 Vict.
c. lxxviii.
23 & 24 Vict.
c. cvi.

And whereas by the Blyth Harbour Act 1882 (in this Act called "the Act of 1882") the Blyth Harbour Commissioners were constituted and incorporated and the then existing undertaking of the company was vested in the Commissioners: 45 Vict. c.
liv.

And whereas it is expedient that the constitution of the Commissioners should be altered and enlarged and that provisions with respect to the appointment and election of Commissioners should be made as provided by this Act:

And whereas it is expedient that the Commissioners should be authorised to construct the additional works described in this Act and to acquire additional lands:

And whereas the Act of 1882 contained provisions whereby the holders of shares in the company should be entitled in

A.D. 1912. respect of their holdings of shares in the company to the payments in the said Act mentioned :

And whereas under powers in that behalf contained in the Act of 1882 the Commissioners have paid off the loans of the company and have purchased from the holders thereof the whole of the preference share capital of the company and there remains outstanding in respect of the capital of the company only the ordinary share capital amounting to sixty-six thousand one hundred and thirty-six pounds ten shillings which is charged upon the revenue of the Commissioners and the annual payments in respect thereof are payable next after the interest and sinking fund payments in respect of moneys borrowed under the Act of 1882 :

And whereas the Act of 1882 provided for the payments to be made by the Commissioners in respect of interest on the ordinary share capital but contained no power to the Commissioners to purchase any such capital from the holders thereof and it is expedient that power should be conferred upon the Commissioners to purchase and extinguish the said ordinary share capital :

And whereas by the Act of 1882 the Commissioners were authorised to raise for the purposes of the said Act and of their undertaking the sum of one hundred and eighty-two thousand pounds :

And whereas of the moneys borrowed by the Commissioners on mortgage there remains owing the sum of thirty-eight thousand three hundred and eighty-eight pounds which together with the ordinary share capital of the said company amounting to sixty-six thousand one hundred and thirty-six pounds ten shillings is charged upon the harbour revenue of the Commissioners and the Commissioners have borrowed from their bankers and now owe the sum of seventy-five thousand pounds :

And whereas the Commissioners have in addition to the works described in the Act of 1882 constructed various staiths railways and sidings and dock and other works for or in connexion with their undertaking and it is expedient that they should be authorised to construct further works as by this Act authorised :

And whereas certain ferries over the River Blyth are now worked by the Commissioners by agreement with the Right Honourable Viscount Ridley who is or claims to be the owner

thereof and it is expedient that the Commissioners should be authorised to acquire the rights of the owner of such ferries and that power should be conferred upon the Commissioners as in this Act contained with respect to ferries: A.D. 1912.

And whereas it is expedient that the light dues heretofore paid to the Tyne Improvement Commissioners in respect of vessels entering and leaving Blyth Harbour should cease to be payable and that the Commissioners should be constituted a local lighthouse authority:

And whereas it is expedient that the Commissioners should be authorised to grant pensions and allowances to their officers and servants and dependents of such officers and servants:

And whereas it is expedient that the Commissioners should have such powers as are by this Act conferred upon them of subscribing to and assisting charitable and other institutions or funds:

And whereas it is expedient that further powers as contained in this Act should be conferred upon the Commissioners with respect to the making of byelaws with respect to wrecks and with respect to piers and charges for admission thereto:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Northumberland and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the *Blyth Harbour Act 1912.* Short title.

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Incorporation of Acts.

2. The following enactments (as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act) shall be incorporated with this Act (that is to say):—

The provisions of the Commissioners Clauses Act 1847 with respect to the following matters:—

The qualification of Commissioners (except sections 6 7 and 9);

The meetings and other proceedings of the Commissioners and their liabilities (except sections 40 42 43 45 and 48);

The contracts to be entered into and the deeds to be executed by the Commissioners (section 57 being construed as if the amount required therein were five hundred pounds instead of one hundred pounds);

The liabilities of and legal proceedings by or against the Commissioners;

The appointment and accountability of the officers of the Commissioners;

The mortgages to be executed by the Commissioners (except section 84);

The accounts to be kept by the Commissioners (except section 92);

Giving notices and orders; and

Access to the special Act:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices the sections of that Act being construed as if the expression "the Commissioners" had been inserted therein instead of the expression "the company" and as if a reference to the works by this Act authorised had been inserted therein instead of the expression "the railway" and as if the expression "centre of the railway" meant the limits of the works by this Act authorised:

The provisions of the Harbours Docks and Piers Clauses Act 1847 except sections 25 and 26 and 79 and 80 and (unless the Board of Trade shall otherwise require) the provisions with respect to lifeboats and with respect to keeping a tide and weather gauge the sections in the said Act being construed as if the expression "the Commissioners" had been inserted therein instead of the expression "the undertakers":

Provided that the following expressions used in the said Act shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act. Provided also that nothing in the said Act or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire:

The Lands Clauses Acts except sections 16 17 and 127 of the Lands Clauses Consolidation Act 1845 and in construing those Acts the Commissioners shall be deemed the promoters of the undertaking.

3. In this Act unless there be something in the subject or context repugnant to such construction the following words and expressions namely:—

"Ballast" "rubbish" "quarter sessions" "harbour"
"vessel" "master" "licence of the Commissioners"
"permission of the Commissioners" "goods" "tolls"

have the meanings assigned to them respectively in the former Acts and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have for the purposes of this Act the same respective meanings; and

The expression "the Commissioners" means the Blyth Harbour Commissioners as reconstituted by this Act;

The expression "the existing Commissioners" means the existing Blyth Harbour Commissioners;

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“The clerk” means the clerk of the Commissioners;

The expression “Viscount Ridley” means the Right Honourable Matthew White Viscount Ridley and the expression “successor” when used in relation to him means any his successor to that dignity style or title being the owner for the time being of the townships of Newsham and South Blyth and of Cambois or the larger portion in rateable value of such townships;

The expression “coalowners” means all persons who shall ship coal coke culm or cinders in the harbour;

The expression “shipowners” means all persons residing or having their principal place of business in the United Kingdom and paying tonnage rates under this Act or the former Acts in respect of a vessel or vessels registered in the United Kingdom of which such persons are registered as owners or part owners;

The expression “traders” means all persons residing or carrying on business in the urban district of Blyth or in the urban district of Bedlingtonshire or in the city of Newcastle-upon-Tyne who shall pay any of the dues (not being dues upon coal coke culm or cinders or in respect of ballast) mentioned in Schedule B to the Act of 1858 as amended by the Act of 1882;

The expression “former Acts” means the Blyth Harbour and Dock Act 1854 the Blyth Harbour and Dock Act 1858 the Blyth Harbour and Dock Act 1860 and the Blyth Harbour Act 1882.

Division of
Act into
Parts.

4. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Constitution qualification and election of Commissioners.

Part III.—Works.

Part IV.—Lands.

Part V.—Ferries.

Part VI.—Financial.

Part VII.—Stock.

Part VIII.—Purchase of ordinary shares.

Part IX.—Miscellaneous.

PART II.

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CONSTITUTION QUALIFICATION AND ELECTION OF COMMISSIONERS.

5. As from the second Thursday in the month of February one thousand nine hundred and thirteen there shall be nineteen Commissioners in lieu of thirteen as provided by the Act of 1882 and the Commissioners shall be constituted as follows:—

Constitution
of Commis-
sioners.

Viscount Ridley and his successor;

One Commissioner appointed by Viscount Ridley or his successor;

One Commissioner appointed by the North Eastern Railway Company;

One Commissioner being a landowner as herein-after defined appointed by the other Commissioners;

Six Commissioners elected by coalowners;

Four Commissioners elected by shipowners;

One Commissioner elected by traders;

Three Commissioners appointed by the Blyth Urban District Council;

One Commissioner appointed by the Bedlingtonshire Urban District Council.

6. The existing Commissioners shall continue to hold office until the second Thursday in the month of February one thousand nine hundred and thirteen when the elected and appointed Commissioners shall go out of office but shall be eligible if qualified for election or appointment under this Part of this Act Provided that until that date the existing Commissioners shall have and may exercise the powers by this Act conferred upon the Commissioners.

Existing
Commis-
sioners.

7. The Commissioner to be appointed by Viscount Ridley or his successor as the case may be shall be appointed in writing under the hand of Viscount Ridley or his successor and every such appointment shall be revocable at pleasure in like manner by Viscount Ridley or his successor If the power of appointment shall be vested in a minor an idiot or a lunatic it may be exercised by the guardian of such minor or the committee of such idiot or lunatic If any successor ceases so to be within the meaning of this Act any Commissioner appointed

Method of
appointment
by Viscount
Ridley.

A.D. 1912. by him shall cease to be a Commissioner. No person being an agent of or in the regular employment of Viscount Ridley or his successor shall be eligible for appointment as a Commissioner under this section.

Appoint-
ment of land-
owner Com-
missioner.

8.—(1) The Commissioner to be appointed as a landowner shall be appointed by the Commissioners at their first annual meeting held under this Act and at the annual meeting in each succeeding third year thereafter.

(2) The qualification of a person to be appointed a Commissioner as a landowner shall be the actual possession or receipt or enjoyment either in his own right or in right of his wife of the rents and profits of any hereditaments of the rateable value of not less than two hundred pounds within a distance of five miles of the harbour.

Appoint-
ment of
Commis-
sioner by
North East-
ern Railway
Company.

9. The Commissioner to be appointed by the North Eastern Railway Company shall be appointed and may at any time be removed by the directors of that company and his appointment or removal shall be notified in writing by the chairman or the secretary of the company to the clerk.

Appoint-
ment of
Commis-
sioners by
Blyth Urban
District
Council and
Bedlington-
shire Urban
District
Council.

10.—(1) The three Commissioners to be appointed by the Blyth Urban District Council shall be appointed at the first ordinary meeting of that council which shall be held in the year one thousand nine hundred and thirteen and in each succeeding third year thereafter.

(2) The Commissioner to be appointed by the Bedlingtonshire Urban District Council shall be appointed at the first ordinary meeting of that council which shall be held in the year one thousand nine hundred and thirteen and in each succeeding third year thereafter.

(3) Each such Commissioner shall either be a member of the Council by which he is appointed or be possessed of the requisite qualification to be such a member and his appointment shall take effect as from the second Thursday in the month of February in the year of appointment and the appointment of each such Commissioner shall be notified in writing by the clerk of the council to the clerk.

(4) Each of the Councils may at any time by resolution remove the Commissioner or any one or more of the Commissioners appointed by them.

11. The Commissioners to be elected by coalowners shipowners and traders respectively shall be elected in accordance with the provisions in that behalf herein-after contained at meetings of coalowners shipowners and traders to be held on the second Thursday in the month of February one thousand nine hundred and thirteen and on the second Thursday in the same month in each succeeding third year thereafter.

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Election of Commissioners and method of election.

12.—(1) On the second Thursday in the month of February one thousand nine hundred and sixteen and on the same day in each succeeding third year thereafter all the elected and appointed Commissioners shall retire from office and the vacancies shall be supplied by the election or appointment of Commissioners as by this Act provided and every retiring Commissioner being qualified shall be eligible for re-election or reappointment.

Retirement of Commissioners.

(2) Any Commissioner may retire from office at any time by giving notice in writing to the clerk of his desire so to do and his office shall thereupon become vacant.

13. As from the first of January one thousand nine hundred and thirteen the clerk shall prepare and keep separate registers of coalowners shipowners and traders and shall from time to time insert therein the names and addresses of all persons including partnerships co-ownerships and bodies corporate entitled to be included in such registers respectively together with (a) in the case of coalowners the quantities of coal coke culm or cinders from time to time shipped by each such person (b) in the case of shipowners particulars of the amounts from time to time paid for tonnage rates in respect of each vessel and the net register tonnage and port of registry of each vessel and (c) in the case of traders particulars of the amounts from time to time paid by each such person for dues upon goods.

Registers.

14. The registers shall be kept at the office of the Commissioners and shall be in charge of the clerk and each register shall immediately before the preparation of the list of electors to be compiled therefrom be certified in writing by the clerk as containing to the best of his knowledge and belief correct particulars in accordance with the provisions of this Act.

Custody of registers.

15. To enable the clerk to prepare and keep the registers under this Act the owner agent or person in charge of every vessel arriving at or departing from the harbour shall within fourteen days after the arrival or departure of such vessel produce

Copies of ship's manifest and other documents to be

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furnished to
Commissioners.

to the clerk or a collector of rates the vessel's certificate of registry and furnish him with a copy of the ship's manifest and such other documents as will show the names descriptions residences and places of business of the registered owner or owners of the vessel and of all persons who have paid or are liable to pay rates or dues in respect of such vessel or of the goods therein and the amount of rates or dues payable by such persons respectively and every owner agent or person in charge of any such vessel who shall refuse or neglect to produce such certificate or to furnish such manifest or other documents shall for every such offence be liable to a penalty not exceeding ten pounds Provided that nothing contained in this section shall in reference to this Act affect qualify or restrict sections 37 38 and 39 of the Harbours Docks and Piers Clauses Act 1847.

List of electors for elections.

16.—(1) On or before the fourteenth of January one thousand nine hundred and thirteen and on or before the same date in every third year thereafter the clerk shall compile lists of the persons entitled to vote at the then ensuing elections by coalowners shipowners and traders respectively and such lists shall be printed and posted on the door of the principal office of the Commissioners and printed copies of such lists shall be kept at that office for public inspection and on payment of a reasonable sum not exceeding sixpence per copy the Commissioners shall deliver a copy of any printed list to any person requiring the same.

(2) The said lists shall be compiled in the case of those to be used in elections to take place prior to the year one thousand nine hundred and sixteen from such information as the Commissioners have available and in the case of those to be used in subsequent elections from the registers to be prepared and kept as herein-before provided.

(3) The names in every such list shall be in alphabetical order and the number of votes to which each person is entitled in accordance with the provisions of this Act shall be specified in such list in connexion with the name of such person.

Scale of voting.

17.—(A) Each person appearing upon the list or register of coalowners as having in the year ending on the thirty-first of December next preceding the year of election shipped five thousand tons or upwards of coal coke culm or cinders shall be entitled to one vote for each five thousand tons up to ten

thousand tons and to one additional vote for every complete ten thousand tons above the first ten thousand tons shipped by him. A.D. 1912.

(B) Each person appearing upon the list or register of shipowners as having in the three years ending on the thirty-first of December next before the year of election paid tonnage rates to the extent of twenty pounds or upwards shall be entitled to vote according to the following scale:—

If the rates paid amount to twenty pounds and do not exceed one hundred pounds one vote;

If they exceed one hundred pounds and do not exceed four hundred pounds two votes;

If they exceed four hundred pounds and do not exceed six hundred pounds three votes;

If they exceed six hundred pounds four votes.

(c) Each person appearing upon the list or register of traders as having in the year ending on the thirty-first of December next before the year of election paid dues to the extent of ten pounds or upwards shall be entitled to vote according to the following scale:—

For the first or only ten pounds one vote;

For each twenty-five pounds beyond the first ten pounds up to one hundred and ten pounds one vote; and

One additional vote for any sum in excess of one hundred and ten pounds.

18.—(1) In the case of a partnership or body corporate or co-ownership the votes of such partnership or body or co-ownership shall be entered on the list in the name of such partnership or body or co-ownership and shall be given as if they were the votes of one individual. As to voting in case of partnerships companies &c.

(2) In the case of a person trading either in a partnership name or in any name other than his own the trade or partnership name of such person shall be inserted in the register and list and such person shall vote in the name so appearing.

19. On or before the first of January 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 not later than the fourteenth day of the same month shall Appoint-ment of re-visers of lists of electors.

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appoint a third person being a person on the list of any class of electors or a member of a partnership or co-ownership or a member or the secretary or manager of a body corporate on such list to be a third reviser and to be their chairman but if such two Commissioners fail to appoint such third reviser or if no person qualified as aforesaid to be such third reviser is able and willing to act the Board of Trade upon the application of the clerk may appoint some impartial person to be such third reviser.

Revision of
lists of elec-
tors.

20. The revisers shall during the fourteen days next before the first of February in the year of election revise at the Commissioners' office the lists of electors giving not less than three nor more than seven days' public notice of every such revision. Provided always that in the case of the death or failure to act of any of the revisers the others or other of them may make or complete the revision.

Claims and
objections
before re-
visers.

21. On every such revision any person whose name is omitted from any list may in person or by his agent claim to have his name inserted therein and any person whose name is inserted in any list may in person or by his agent claim to have the number of votes therein attributed to him 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 therein attributed to him.

Revisers to
correct lists.

22. The revisers shall retain the name of any person or the number of votes so objected to if the objection be not established to their satisfaction and shall insert the name of any person shown to their satisfaction to be entitled to have his name inserted therein and the number of votes to which he is entitled and shall retain the name of every person to whom and every number of votes to which an objection is not made and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name therein and shall correct the number of votes inaccurately attributed therein to any person on such inaccuracy being shown to their satisfaction.

Revisers
may substi-
tute princi-
pals for
agents.

23. In case on such revision application is made to the revisers by any person alleging that rates or dues appearing by the register 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 list of electors by striking off from such agents any votes attributed to them in such list in respect of such rates or 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 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.

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24. For the purposes of the revision of registers nomination of candidates and voting under this Part of this Act a partnership or co-ownership may act in the partnership or co-ownership name by any partner or co-owner and a body corporate may act by its secretary or manager or by any member of that body appointed for the purpose under the common seal of that body.

Provisions as to partnerships &c.

25. The decision of the revisers or a majority of them shall be final and conclusive and the revisers shall forthwith after every revision sign their names at the foot of each list revised.

Revisers to sign lists.

26. For the revision of the lists the Commissioners shall produce to the revisers such of the books and accounts of the Commissioners as are proper and sufficient to enable the revisers to revise the lists and shall afford to them all reasonable and proper facilities in that behalf.

Production to revisers of books &c.

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

Evidence of revised lists.

28. Every revised list shall be in force until the next revision of the list and the persons whose names appear on any revised list from time to time in force shall be the persons entitled to vote in the election of Commissioners and shall at every such election be respectively entitled to such a number of votes as appears on such list.

Duration of revised lists.

29. Every revised list shall forthwith after the revision thereof be printed by the Commissioners and every person

Revised lists to be printed.

A.D. 1912. whose name appears therein shall be entitled to a copy thereof on paying therefor such a sum not exceeding sixpence as the Commissioners think reasonable.

Meetings for election of Commissioners.

30. Every meeting for election of Commissioners by coal-owners shipowners and traders respectively shall be held at such convenient place as the Commissioners shall from time to time appoint and between the hours of ten in the forenoon and four in the afternoon and the Commissioners shall give not less than four nor more than ten days' public notice specifying the time and place thereof.

Meetings to be separate &c.

31.—(A) The meeting of each class of electors shall be separate and the Commissioners elected by each class shall be elected from that class.

Procedure at meetings.

(B) At every such meeting the electors present at the commencement of the meeting personally or by proxy appointed as herein-after provided 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 elected Commissioners under this Act.

Copies of register of electors to be conclusive.

(C) The clerk shall cause to be supplied to each such meeting lists of the electors qualified to vote thereat with his signature appended thereto in writing or in print and any of such copies shall for all purposes of the meeting be conclusive evidence of the matters therein appearing.

Qualification of Commissioners.

32. Subject as herein-after provided—

(1) Any person on the list of any class of electors and any person trading under the name of a partnership which is on the list or under any individual name other than his own and any member of any partnership or co-ownership and any member or the secretary or manager of a body corporate on the list who shall be nominated in writing by a person partnership co-ownership or body corporate on the list but no other person shall be eligible for election as a Commissioner by that class :

(2) No person shall be eligible for election as aforesaid unless at or before the meeting for election he shall be nominated as a candidate Every nomination shall be in writing signed by a person

on the list of electors to which the nomination applies or eligible for election as a Commissioner for that class and shall be delivered to the chairman at the meeting or to the clerk before the meeting:

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- (3) Any person who is nominated in more than one class shall be eligible for election as a Commissioner by the class in respect of which he accepts a nomination by signing the nomination paper and shall not be eligible for election by any other class and if he shall accept a nomination by signing a nomination paper in more than one class then such nominations shall be void:
- (4) No person shall be qualified to be elected as a Commissioner representing the shipowners unless he resides or carries on business in the urban district of Blyth or in the urban district of Bedlingtonshire or in the city of Newcastle-upon-Tyne or is the nominee of a partnership co-ownership or body corporate carrying on business within either of such districts or the said city:
- (5) No person being a woman or a minor shall be qualified to act as a Commissioner.

33.—(1) The Commissioners to be from time to time elected under this Act by each class of electors shall be elected by a majority of the votes of the electors of that class.

Election of
Commis-
sioners
voting
proxies &c.

(2) Votes shall in each case be given in writing under the hand of the elector present personally or of the person present personally qualified to exercise the powers and rights of the elector or under the hand of a proxy present personally of the elector or of the person qualified as aforesaid.

(3) The appointment of a proxy shall be made by an instrument under the hand or seal of the elector or (as the case may be) under the hand of any person qualified to exercise the powers and rights of an elector.

(4) In any case of an equality of votes in any election under this Act the chairman of the meeting shall have a casting vote.

34. The executor or administrator or any one but not more than one of the executors or administrators of any person on

Nomination
and voting
by executors
&c.

A.D. 1912. the list of electors who shall have died while such list is in force and the committee (if only one) or any one but not more than one of the committee (if more than one) of any person on the list of electors who shall have become of unsound mind (whether found so by inquisition or not) while such list is in force shall have the same or the like powers of nominating and voting for any candidate for the office of Commissioner as such person could have exercised had he been living or of sound mind but nothing herein contained shall confer upon any executor administrator or committee as such any right to become a candidate for the office of Commissioner:

Provided always that any executor administrator or committee desirous of nominating or voting as aforesaid shall previously produce or give to the Commissioners such evidence as they may reasonably require of his being such executor administrator or committee and of his being authorised by the other executors administrators or committee (if any) to exercise such powers of nomination and voting.

Unopposed
returns.

35.—(1) If no more persons are proposed for election as Commissioners in any class of electors than there are vacancies to be filled in such class the chairman shall certify the fact under his hand to the clerk and thereupon such persons shall be deemed to be duly elected Commissioners for such class.

(2) If the number of persons nominated for election as Commissioners in any class of electors is less than the number of vacancies to be filled in such class then the remaining vacancies shall be filled at the next triennial or extraordinary election of such class and in the meantime the Commissioners shall act as if their full number had been duly elected.

Regulations
as to voting.

36.—(1) Each elector in any class may vote for as many candidates as are required to fill the vacancies in that class or for any less number of candidates and may give to each candidate such a number of votes as he thinks fit but so that the total number of votes given by him does not exceed the total number to which he is entitled.

(2) If any elector in any class or any person qualified to exercise the powers and rights of an elector shall vote for more candidates than are required to fill the vacancies in that class or shall give more votes in the whole than he is entitled to all his votes in that class shall be invalid.

37. 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.

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Result of election to be communicated to clerk.

38. The expenses incurred by the Commissioners or the clerk of and incident and preparatory to the obtaining and preparation of lists the publication of advertisements and the holding of elections directed by this Act or otherwise relative thereto shall be paid by the Commissioners as part of the ordinary expenses.

Expenses of election.

39. The existing Commissioners if they deem it expedient may appoint any days other than the days in this Act mentioned for the first election of elected Commissioners and for and in relation to the several matters preparatory or incidental thereto in this Act mentioned.

Existing Commissioners may alter date in respect of first elections.

40. Any vacancy in the office of appointed Commissioners or elected Commissioners occasioned by death resignation removal or disqualification shall be filled up with all convenient speed by the appointment or election as by this Act provided of a Commissioner by the persons or body by whom or which the Commissioner whose vacancy is to be filled up may have been originally appointed or elected and the Commissioner so substituted shall hold office for the time during which the Commissioner in whose stead he is appointed or elected would have been entitled to continue in office.

Vacancies in office of Commissioners to be filled up.

41. No undischarged bankrupt shall be capable of being or continuing a Commissioner and no person who has compounded with his creditors shall be so capable within a period of three years from the compounding unless in the meantime his creditors shall have been paid in full.

Undischarged bankrupt &c. disqualified.

42. No person interested in a contract with the Commissioners shall on that account be disqualified from acting as a Commissioner and no Commissioner shall as such be incapable of being interested in a contract with the Commissioners but any Commissioner interested in any contract or proposed contract shall on the subject thereof be precluded from voting or otherwise acting as a Commissioner.

Saving for Commissioners interested in contracts.

43. A meeting of Commissioners shall be held on the third Thursday in the month of February in the year one thousand nine hundred and thirteen and on the third Thursday in the

Annual meeting of Commissioners.

A.D. 1912. month of February in every subsequent year or on such other day as may from time to time be appointed by the Commissioners in that behalf and such meeting shall be called the Commissioners' annual meeting.

Periodical meetings to be held.

44. The Commissioners may hold such periodical and other meetings as shall from time to time be appointed by them for any of the purposes of this Act and may from time to time fix the days and times for holding such meetings. A list of the days and times of holding any periodical meetings shall be duly fixed and continued in some conspicuous part of the usual place of meeting of the Commissioners.

Meetings of Commissioners to be styled Commissioners' meetings.

45. Every meeting of Commissioners under the authority and for the purposes of this Act shall be styled a Commissioners' meeting.

No extraordinary business at periodical meetings unless notice be given.

46. No new rules or regulations shall be adopted or any extraordinary business be transacted at the periodical meetings unless due notice thereof has been given at a prior meeting and the subject of such business notified to each Commissioner by means of written notices delivered or sent in the same manner as herein-after required for notices of special meetings.

Special meetings of Commissioners.

47. The Commissioners may hold special meetings and any three or more of the Commissioners may require a special meeting to be held but except in cases of emergency no such meeting shall be held unless two days' notice thereof shall be given.

How notices of meetings of Commissioners to be given.

48. All notices of meetings shall be in writing and (except as aforesaid) shall be delivered or sent by the clerk by post or otherwise to the usual place of abode or place of business of each of the Commissioners two days previous to such meeting and every notice shall specify the time and place of meeting and in the case of a special meeting the object thereof and no business shall be transacted at any such special meeting except such as is stated in the notice thereof.

Quorum of Commissioners.

49. The quorum of the Commissioners shall be five and all questions at any meeting shall be decided by a majority of the votes of those present and in case of an equal division of votes the chairman shall have a second or casting vote in addition to his vote as a Commissioner.

50. Any meeting of the Commissioners may be from time to time adjourned to such time and place as may at the time of adjournment be fixed.

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Meetings may be adjourned to any place.

51. As from the second Thursday in the month of February one thousand nine hundred and thirteen sections 7 to 58 inclusive of the Act of 1882 shall be and the same are hereby repealed.

Repeal of sections 7 to 58 of Act of 1882.

PART III.

WORKS.

52. Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works herein-after described:—

Power to make works.

Work No. 1 An openwork pier or jetty in the parish of Bedlington in the urban district of Bedlingtonshire commencing at a point on the stream known as Cow Gut about 13 chains (measured along the line of the said stream) southward from the point where the said stream crosses under the public road near Link House and extending thence in a southerly direction for a distance of about 24 chains to and terminating on the foreshore of the River Blyth at a point about 10 chains measured in a south-westerly direction from the southernmost corner of the Ridley Arms public-house:

Work No. 2 A tidal basin in the same parish comprising an area of about eight acres and lying to the eastward of and adjoining the pier or jetty Work No. 1 and comprised within a boundary commencing at high-water mark about 1 chain west from the westernmost corner of the said Ridley Arms public-house extending thence for a distance of about 21 chains parallel to and at a distance of 4 chains or thereabouts westward of the road known as Boca Chica and thence extending westward for a distance of 8½ chains or thereabouts to the point herein-before described as the commencement of the said pier or jetty:

Work No. 3 A pier or breakwater to be constructed partly solid and partly of openwork in the bed of the sea (extra parochial) commencing at a point on the existing east pier of the harbour at a point thereon about 2 chains

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from the seaward end thereof and extending seawards in a south-easterly direction to and terminating at a point about 16 chains distant from the point of commencement herein-before described:

Work No. 4 A sea wall in the said parish of Bedlington commencing at a point about half a chain northward from the northern end of the existing sea wall near the Rocket House extending in a northerly direction to and terminating at a point on the foreshore about $7\frac{1}{2}$ chains from the said point of commencement:

Work No. 5 A siding wholly in the parish or township of Newsham and South Blyth in the urban district of Blyth commencing by a junction with the sidings of the Commissioners on the southern side of the Blyth branch of the North Eastern Railway at a point thereon about 14 chains from the point of junction of those sidings with the said branch railway and terminating by a junction with the sidings of the Commissioners near the north-east entrance to the timber yard in the occupation of Messrs. Pyman Bell and Company.

Parishes in which certain piers to be deemed situate.

53. From and after the passing of this Act so much of the existing east pier of the Commissioners as is not at the passing of this Act situate within the parish of Bedlington and urban district of Bedlingtonshire and (when constructed) the pier or breakwater Work No. 3 by this Act authorised shall for all purposes be deemed to be situate within the said parish and urban district and so much of the existing west pier as is not at the passing of this Act situate within the parish of Newsham and South Blyth and the urban district of Blyth shall for all purposes be deemed to be situate within that parish and urban district.

Subsidiary works and powers in connexion with new works.

54. The Commissioners may in connexion with the works and for the purposes of this Act and of their undertaking deepen dredge scour cleanse widen alter and improve the harbour and the entrances and approaches thereto and the channel thereof and may remove any mud soil shingle rocks and shoals and otherwise improve the said approaches and channel and so facilitate the access to and use of the harbour and may use and appropriate any materials so dredged or removed and they may reclaim for the purposes of the works by this Act authorised

and of their undertaking and use in connexion therewith so much of the foreshore and bed of the River Blyth as may be necessary therefor and for keeping the entrance clear and open for the passage of vessels and boats and for the berthing and laying of vessels at the quay walls wharves and staiths :

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Provided that no materials excavated or dredged under the provisions of this section shall be deposited below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

55. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

56. The Commissioners shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

Lights on works during construction.

If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day on which they so fail be liable to a penalty not exceeding twenty pounds.

57. The Commissioners shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps

Permanent lights on works.

A.D. 1912. for the prevention of danger to navigation as the Corporation of Trinity House shall from time to time direct. If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

58. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal waters or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

59. If a work constructed by the Commissioners on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Provision against danger to navigation.

60. In case of injury to or destruction or decay of the works by this Act authorised or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House and shall apply to that corporation for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Power to deviate in construction of works.

61. Subject to the provisions of this Act the Commissioners may in the execution of the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of deviation shown thereon and may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding seven feet upwards or downwards:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade. A.D. 1912.

62. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

63. For the protection of the Northumberland County Council (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the Commissioners and the council apply and have effect (that is to say):— For protection of Northumberland County Council.

(1) In this section the expression "the main road" means the main road partly situated in the urban district of Blyth and leading thence to North Shields the expression "the bridge" means the bridge by which the main road will be carried over the siding Work No. 5 by this Act authorised and the expression "the county surveyor" means the surveyor for the time being of the council:

(2) The main road shall be carried over the said siding by means of the bridge which with the approaches thereto shall be of a clear width between the parapets or fences thereof of not less than forty feet including on each side thereof a properly made-up and kerbed footpath of not less than six feet paved or tar-grouted as the county surveyor may reasonably require. Provided that if at any time hereafter the average available width of the main road for a distance of two hundred and fifty yards on each side of the said bridge shall be increased beyond forty feet the Commissioners shall at their own expense increase the width of the bridge and the approaches thereto between the parapets or fences thereof to such extent as the council may require but not exceeding the average width of the main road as so widened or a maximum of sixty feet whichever shall be the less:

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- (3) Notwithstanding anything shown on the deposited sections or contained in this Act any alteration of the level of the main road which the Commissioners may make shall be so carried out that the altered portion thereof shall not in any part have a steeper gradient than one in thirty and the Commissioners shall to the reasonable satisfaction of the county surveyor make proper provision for the drainage of the main road where so altered and of the bridge and the approaches thereto :
- (4) The parapets of the bridge shall not be less than five feet in height above the level of the roadway :
- (5) The Commissioners shall during the execution of any works affecting the main road make such temporary provision (either by the substitution of a sufficient temporary road or otherwise) for the accommodation of traffic on the main road as the county surveyor shall reasonably approve :
- (6) The bridge shall be constructed of sufficient strength to support the ordinary traffic using the main road and also any steam roller traction engine or other vehicle not exceeding forty-five tons in weight :
- (7) The Commissioners shall not commence to construct any works which will interfere with the main road until they have given to the county surveyor not less than twenty-eight days' notice in writing of their intention so to commence such works accompanied by plans sections and specifications showing the nature of the said works nor until such plans sections and specifications have been approved by the said surveyor or in case of difference between him and the Commissioners have been settled by an arbitrator to be appointed as herein-after provided Provided always that if the said surveyor does not within twenty-eight days after service of any notice plans sections and specifications signify in writing his approval or disapproval thereof or other his directions in relation thereto he shall be deemed to have approved the same And the said works shall be carried out strictly in accordance with the plans sections and specifications so approved or settled and

the Commissioners shall also comply with all reasonable directions and requirements of the council or of the county surveyor in relation to the execution of the said works so far as they affect the main road:

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- (8) The bridge with the immediate approaches thereto (including the roadways and footpaths thereof) and all other necessary works connected therewith shall be executed and at all times thereafter maintained by the Commissioners at their own expense and to the satisfaction of the county surveyor:
- (9) If any difference shall arise under this section between the Commissioners and the council or the Commissioners and the county surveyor such difference shall be settled by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either of the parties by the President of the Institution of Civil Engineers and the Arbitration Act 1889 or any then subsisting statutory modification or re-enactment thereof shall apply to any such arbitration.

64. In constructing the bridge in the last preceding section mentioned the Commissioners if so requested by the Blyth Urban District Council shall take up the water mains of or belonging to that council now in the said road and shall either relay such mains in or over the said bridge or divert them so as to be clear of the said bridge and the approaches thereto.

For protection of Blyth Urban District Council.

PART IV.

LANDS.

65. Subject to the provisions of this Act the Commissioners may enter upon take and use for the purposes of the works by this Act authorised all or any part of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto and in addition thereto may also enter upon take and use for the general purposes of their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to acquire lands.

In the county of Northumberland—

Certain lands in the township or parish of Newsham and South Blyth in the urban district of Blyth abutting upon the western side of the river Blyth between the

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southern end of the south side staiths and a point on the west pier $10\frac{1}{2}$ chains or thereabouts north-westward from the south-eastern end of that pier such lands comprising the south harbour and the works in connexion therewith and being bounded on the south and south-east in part by a line drawn nearly at right angles to and extending for a distance of about 9 chains eastward from a point in the Shields Road about 45 chains measured along that road from the point where that road crosses the new Blyth branch of the North Eastern Railway and in part by a line drawn from the end of such last-mentioned line to the aforesaid point on the west pier on the west in part by Shields Road and in part by the western boundary of the premises known as Ridley Place and on the north-west by the south-eastern boundary of the property of the North Eastern Railway Company :

Certain other lands in the said township of Newsham and South Blyth lying to the southward of the new Blyth branch of the North Eastern Railway and bounded on the east in part by Shields Road in part by the field containing the Blyth Tile Sheds in part by Back Wensleydale Terrace and in part by the cricket ground and comprising the inclosures or parts of the inclosures numbered 100 124 125 126 127 128 129 130 131 132 135 136 143 and 144 on the 1897 edition of the $\frac{1}{2500}$ Ordnance map of the said parish sheet numbered LXIII. 14 :

Certain other lands in the said township of Newsham and South Blyth comprising a strip of land now in the occupation of the Commissioners and abutting in part upon the south side staiths and in part upon the western side of the said new Blyth branch railway and extending in a north-westerly direction from the point where the approach road to the coastguards station crosses that railway to a point distant about 18 chains from the said approach road :

A piece of land in the said township of Newsham and South Blyth comprising the south-eastern portion of an inclosure bounded on the north-east by Sussex Street on the south-east by Market Street and on the south-west by Blagdon Street :

A piece of land in the said township of Newsham and South Blyth comprising the landing-stage of the Blyth Mid-Ferry on the western side of the river such landing-stage abutting upon the High Quay :

Certain other lands in the township or parish of Cowpen in the urban district of Blyth comprising the landing-way and access to the Blyth High Ferry on the western side of the river such lands abutting upon the foreshore of the River Blyth and being bounded on the western side by Croft Street and Ann's Row :

Certain other lands in the same parish at Buckshill bounded on the west and south in part by the footpath leading from Buckshill to the Old Alkali Works and in part by the stream known as Monkey's Island Gut such lands comprising the inclosures numbered 225 and 226 on the 1897 edition of the $\frac{1}{2500}$ Ordnance map of the said parish sheets numbered respectively LXXIII. 6 and LXXIII. 10 :

A strip of land in the parish of Bedlington in the urban district of Bedlingtonshire about 4 chains or thereabouts in width extending from the western side of the Cambois Pit branch railway near Sunnyside past the Ridley Arms public-house touching the boundary fence thereof thence across the site of the jetty Work No. 1 by this Act authorised and the Cow Gut continuing for a distance of about 29 chains in a south-westerly direction and terminating at high-water mark :

A piece of land in the said parish of Bedlington on the northern side of the strip lastly herein-before described and comprising the south-eastern portions of the inclosures numbered 1022 and 1023 on the said Ordnance map of the parish sheet numbered LXXIII. 10 and the foreshore opposite such portions :

A piece of land part of the bed of the River Blyth in the said parish of Bedlington comprising the southern end of the site of the said jetty Work No. 1 :

A strip of land now in the occupation of the Commissioners in the said parish of Bedlington extending from the northern end of the existing east pier along the north-western bank of the river to the eastern side of the said Cambois Pit branch railway near Sunnyside :

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Certain other lands in the said parish of Bedlington and extra parochial comprising the site of the existing east pier and the works connected therewith from the existing termination thereof for a distance of about 43 chains north-westward also comprising the site of the pier Work No. 3 by this Act authorised extending from the termination of the existing east pier to a point distant about 16 chains from the same in a southerly direction :

Provided always that without the previous written consent of the Blyth Urban District Council the Commissioners shall not under the powers aforesaid enter upon take or use any part of Low Quay Road in the township of Newsham and South Blyth numbered 5 on the said plans and in the said book of reference.

Owners may be required to sell parts only of certain lands and buildings.

66. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Commissioners of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Commissioners and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Commissioners or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Commissioners that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Commissioners such portion only without the Commissioners being obliged or compellable

to purchase the whole the Commissioners paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Commissioners allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Commissioners have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Commissioners the portion which the tribunal shall have determined to be so severable without the Commissioners being obliged or compellable to purchase the whole the Commissioners paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat

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cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Commissioners may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Commissioners in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

As to private rights of way over lands taken compulsorily.

67. All private rights of way over any lands which are under the powers of this Act authorised to be acquired compulsorily shall as from the date of their acquisition be extinguished Provided that the Commissioners shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

68. The powers of this Act for the compulsory purchase of lands by the Commissioners shall cease after the expiration of five years from the passing of this Act.

69. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Persons under disability may grant easements &c.

70. The Commissioners in addition to any lands which they are authorised to acquire and hold under the other powers of this Act or the powers of the former Acts may from time to time by agreement acquire either by way of purchase or exchange or otherwise any land and foreshore not exceeding in the whole twenty acres and any right easement or privilege in over under upon or in respect of any such land or foreshore or any other land or foreshore.

Acquisition of lands by agreement.

71. The agreement made between Viscount Ridley and the Commissioners dated the thirtieth day of April one thousand nine hundred and twelve of which a copy is set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively and may be carried into effect by them accordingly.

Confirming agreement between Viscount Ridley and Commissioners.

PART V.

FERRIES.

72. The Commissioners may—

- (1) Purchase take and use compulsorily or by agreement any existing ferry or ferries across the River Blyth within the harbour together with the property (real and personal) rights powers and privileges held or enjoyed by the owner or owners of such ferry or ferries for the purposes thereof and the provisions of the Lands Clauses Acts incorporated with this Act shall so far as applicable extend and apply to the purchase and taking of such ferry or ferries property rights powers and privileges as if the same were lands within the meaning of those Acts:

Purchase and establishment of ferries.

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(2) Establish a new ferry or new ferries across the River Blyth within the harbour at such point or points as they may deem expedient and either in substitution for or in addition to any existing ferry :

(3) Purchase hire provide maintain use and work steam and other boats and construct and maintain landing-stages and other works and conveniences for the purposes of their ferries :

Provided always that the Commissioners shall not under this Act establish any new ferry or ferries unless and until they shall have acquired any existing ancient ferry or ferries which any such new ferry would interfere with or prejudicially affect Provided also that nothing in this Act shall recognise or confirm any title right or claim to any existing or other ferry across the river as ancient ferry.

Power to
take tolls for
ferries.

73. The Commissioners may demand and receive for the use of any ferry purchased or established by them under this Act any tolls not exceeding the sums mentioned in the Third Schedule to this Act but without prejudice to any existing right of His Majesty and save as provided by the Army Act nothing in this Act or any former Act shall extend to authorise any ferry rates or tolls to be demanded or received for the conveyance of any person when on duty in the service of the Crown (including in such expression any Government department) or his baggage or of any goods for the service or being the property of the Crown or of any mail bag as defined by the Post Office Act 1908.

List of tolls
to be exhib-
ited.

74. Lists of the ferry tolls from time to time appointed by the Commissioners to be taken under this Part of this Act shall be exhibited in conspicuous places where such tolls shall respectively be payable.

Taking and
recovery of
tolls.

75. The ferry tolls shall be paid to such persons and at such places upon or near the ferry and in such manner and under such regulations as the Commissioners shall by notice annexed to the list of tolls appoint and the Commissioners may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

Disputes as
to tolls.

76. If any dispute arise concerning the amount of the tolls due to the Commissioners by virtue of this Part of this Act the same shall be ascertained by a court of summary jurisdiction.

77. If any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his ferry toll when the same shall be payable by virtue of this Part of this Act he shall for every such offence be liable to a penalty not exceeding forty shillings.

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Penalties on persons practising frauds.

78. Every toll-collector who shall commit any of the following offences shall upon conviction be liable to a penalty not exceeding ten pounds for each such offence (that is to say):—

Penalties in case of offences by toll-collectors.

If he refuse to tell his Christian name and surname to any person demanding the same who shall have paid or tendered the ferry tolls demanded of him or if he give a false name to any such person:

If he wilfully and with intent to defraud demand or take a greater or less ferry toll from any person than he shall be authorised to do by virtue of this Part of this Act and of the orders of the Commissioners made in pursuance thereof.

79. The Commissioners may appoint employ remunerate and dismiss such officers servants toll-collectors and other persons as in their opinion may be required for any of the purposes of this Part of this Act.

Appointment of officers &c.

PART VI.

FINANCIAL.

80. For the purposes of this Act and for the general purposes of their undertaking the Commissioners may from time to time borrow and re-borrow at interest further moneys not exceeding in the aggregate eight hundred thousand pounds and for the purpose of securing the repayment of any moneys so borrowed the Commissioners may mortgage all or any of their property revenues and tolls.

Power to borrow.

81. The Commissioners shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or persons in whose name any loan or security for loan may stand in the register of mortgages of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof

Commissioners not to regard trusts.

A.D. 1912. notwithstanding any trusts to which such loan or security may be subject and whether or not the Commissioners have had express implied or constructive notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered in their register.

Lenders not bound to inquire as to compliance with Acts &c.

82. Lenders of money to the Commissioners under this Act shall not be bound to inquire as to the observance by the Commissioners of any of the provisions of this Act or the former Acts or to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Period for repayment of moneys borrowed.

83. The Commissioners shall pay off or make provision for paying off all moneys borrowed by them under the authority of this Act within a period (herein-after referred to as "the prescribed period") not exceeding fifty years from the passing of this Act.

Mode of payment off of moneys borrowed.

84. The Commissioners shall pay off all moneys borrowed by them under the authority of this Act by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

Sinking fund.

85.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities available for trustees under the statutes for the time being in force the Commissioners being at liberty from time to time to vary and transpose such investments. A.D. 1912.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Commissioners towards the equal annual payments to the fund or carried to their general account.

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Commissioners:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments or carried to the Commissioners' general account.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Commissioners in addition to the payments provided for by this Act.

(7) If it appear to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking

A.D. 1912. fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Commissioners desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as they think fit.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will be sufficient to repay the loan in respect of which it is formed within the prescribed period the Commissioners may discontinue the equal annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Commissioners may determine.

(12) It shall not be obligatory upon the Commissioners to commence to make any payments to the sinking fund until the expiration of five years from the passing of this Act.

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

86. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund 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 invested for the purpose of such sinking fund or paid off by instalments 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 or any interest thereon 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 the clerk shall be liable to a penalty of not exceeding twenty pounds recoverable summarily on the prosecution of the Board of Trade and not otherwise. 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 or any interest thereof 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 High Court.

A.D. 1912.

87. All moneys borrowed by the Commissioners under this Act shall be applied only for purposes to which capital is properly applicable including the discharge of any sums at the date of the passing of this Act owing to their bankers.

Application
of moneys
borrowed.

88. If the Commissioners pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligation of the Commissioners with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to
re-borrow.

89. The Commissioners may from time to time for temporary purposes accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners and they may from time to time secure the money to be advanced on such cash account with interest for the same upon the Blyth Harbour consolidated fund. Provided that the whole sum due and owing by the Commissioners on such cash account shall not at any time exceed the sum of one hundred thousand pounds.

Money may
be borrowed
on cash
account.

90. The Commissioners shall within one month after sending to the clerk of the peace a copy of their annual accounts send

Annual
account to
be sent to

A.D. 1912. a copy of the same to the Board of Trade and the Commissioners shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Board of
Trade.

PART VII.

STOCK.

(i) *Consolidated Fund.*

Consolidated
fund.

91. All moneys received by the Commissioners including all tolls dues rates and other charges proceeds of licences permissions consents and registrations by the Commissioners and proceeds of sales of land and all fines rents and premiums and all other moneys from whatever source and also moneys raised by the Commissioners under this Act shall after the passing of this Act be carried to and form one fund to be called "the Blyth Harbour consolidated fund" and all payments to be made by the Commissioners under the former Acts or this Act shall be paid out of that fund.

Charges on
fund.

92. All moneys borrowed under the former Acts and this Act and the ordinary share capital shall be charged upon the Blyth Harbour consolidated fund and the interest upon such moneys and the interest upon such capital shall be payable out of the income of that fund with the respective priorities to which the interest upon such moneys and the interest upon such capital are respectively for the time being entitled under the former Acts and this Act it being declared that the interest on moneys borrowed under the former Acts and the interest on the ordinary share capital shall have priority over the interest on the moneys to be borrowed under this Act.

(ii) *Creation and Charge of Stock.*

Power to
create and
issue stock.

93. Subject to the provisions of this Act the Commissioners may from time to time for the purposes of—

- (1) Raising any money which they are for the time being authorised to raise under the former Acts or this Act or any Act hereafter to be passed;
- (2) Paying off any money for the time being owing under any security granted under any of such Acts;
- (3) Converting any such security into redeemable stock;

create and issue by public tender or otherwise redeemable stock to the amount required for the aforesaid purposes or any of them at such prices and at such times and on such terms and subject to such conditions and bearing such rates of interest as the Commissioners shall by resolution direct. A.D. 1912.

The stock created and issued under this Act shall be called "Blyth Harbour redeemable stock" and in this Act the word "stock" (unless the context otherwise requires) means stock so created and issued.

94. The stock created and issued under this Act and the interest thereon shall be a charge on the Blyth Harbour consolidated fund. Charge of stock.

95.—(1) All stock at any time and from time to time created and issued shall rank equally and shall also rank equally with any mortgages granted after the passing of this Act without any priority or preference on any ground whatsoever. Stock to rank equally.

(2) The interest for the time being payable on all stock shall rank equally and shall also rank equally with the interest on all such mortgages as aforesaid.

(iii) *Redemption of Mortgages and Stock.*

96. All stock shall be redeemable by the Commissioners at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock at such time and in such manner as the Commissioners by the resolution for the creation of any portion of stock shall declare with reference to that portion: Stock to be redeemable at par.

Provided that every portion of stock created for the purpose of raising any money which the Commissioners are authorised to raise under the former Acts or this Act shall be redeemed by the Commissioners within fifty years from the passing of this Act:

Provided also that nothing in this Act shall be construed to prevent the Commissioners from redeeming any stock at a price below par by agreement with the holder of such stock or by purchase in the open market.

97. Subject to any special conditions as to time of repayment upon which any mortgage or stock shall have been or shall be created and issued whenever the Commissioners shall Order of repayment to be decided by lot.

A.D. 1912. be desirous to pay off one or more of the mortgages or part of the stock and shall not be able to pay off the whole of such mortgages or stock they shall decide the order in which any such mortgages or stock shall be paid off by lot and shall cause a notice signed by the clerk to be given to the persons entitled to the mortgage or stock to be paid off pursuant to such lot and such notice shall state the sum proposed to be paid off and that the same will be paid together with the interest due thereon at a place to be specified and at the expiration of six months from the date of giving such notice.

Extinction
of stock re-
deemed.

98. The Commissioners on redeeming any stock by means of a sinking fund shall obtain a receipt (either endorsed on the certificate or not) from the holder of such stock for the redemption money and such receipt shall operate to extinguish such stock and all interest thereon which has not already become payable and such extinction shall be recorded in the stock register herein-after mentioned. Such receipt may be in the form set out in the Fourth Schedule to this Act or to the like effect.

The Commissioners shall not create and issue any stock for the purpose of re-borrowing any money paid off by means of such sinking fund but subject thereto they may from time to time as occasion may require create and issue stock bearing such interest as they shall fix for the purpose of re-borrowing any other money or of paying off or redeeming any mortgage or stock for the time being bearing a higher rate of interest or any mortgage or stock of which notice of repayment or redemption has been previously given by them or of which the time fixed for repayment or redemption has arrived.

(iv) *Conversion of other Securities into Stock.*

Power to
convert other
securities
into stock.

99.—(1) The Commissioners may enter into an arrangement with the holder of any mortgage or other security (including the ordinary shares) created or granted under any of the former Acts or this Act or under any Act hereafter passed for the conversion of such mortgage or other security or any part thereof into an equal nominal amount of stock and the Commissioners may in every such case make such reasonable payment to such holder as they think fit for his consent to such arrangement and such payment shall be chargeable against revenue.

(2) Any person who holds any such mortgage or other security and who is one of the persons enabled by the Lands

Clauses Consolidation Act 1845 to sell land under that Act may consent to any arrangement under this Act for the conversion of such mortgage or other security into stock or to the payment of the moneys secured thereby before the time limited for the payment thereof as if such person were the absolute owner in his own right of such mortgage or other security and such person is hereby indemnified for so doing. A.D. 1912.

(3) All stock issued and moneys paid in substitution for or on account of any such mortgage or other security or the moneys secured thereby shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and encumbrances as immediately before the conversion or payment thereof affected such mortgage or other security or the moneys secured thereby and every deed or other instrument and every testamentary or other disposition shall take effect with reference to the whole or a proportionate amount of the substituted stock or moneys as the case may be.

(v) *Effect on borrowing Powers.*

100. After any moneys have been raised by the Commissioners by the issue of stock or after the conversion of any mortgage or other security into stock the Commissioners shall not issue any mortgage or other security for the amounts so raised or converted and the converted mortgage or other security shall be cancelled. Restriction on exercise of borrowing powers after issue of stock.

(vi) *Registration and Certificates.*

101.—(1) The clerk or any banker appointed by the Commissioners shall be the registrar of stock for the purposes of this Act (in this Act referred to as “the registrar”). Appointment of registrar.

(2) The Commissioners in relation to the provisions of this Act and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879.

102.—(1) The Commissioners or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of the stock (in this Act referred to as “stockholders”) and the amounts held by them (in this Act referred to as “the stock register”). Register of stock.

(2) The stock register shall be primâ facie evidence of any matter entered therein in accordance with this Act and of the title of the stockholders.

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Certificates
of proprie-
torship of
stock.

103.—(1) On demand of a stockholder the Commissioners shall give to him a certificate under their common seal of the proprietorship of the amount of stock to which he is entitled (in this Act referred to as a “stock certificate”).

(2) A stock certificate may be in the form set out in the Fourth Schedule to this Act or to the like effect and shall be *prima facie* evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Commissioners shall not prevent the stockholder from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Commissioners on production thereof may cancel it and give a similar certificate to the stockholder.

(4) If a stock certificate is lost or destroyed the Commissioners on proof thereof to their satisfaction may give a similar certificate to the stockholder.

(5) An entry of the issue of a stock certificate or substituted certificate as the case may be shall be made in the stock register.

(vii) *Transfer.*

Power for
stockholder
to transfer.

104. The Commissioners shall on the first creation of any portion of stock decide by resolution whether the whole of the stock by this Act authorised shall be transferable in books or by deed and from and after such decision no other method of transfer than that so decided on shall be good in law.

Every stockholder may in accordance with such resolution transfer all or any part of his stock in books or by deed in manner herein-after prescribed for such respective methods of transfer of stock.

Transfer in
books.

105.—(1) If the resolution of the Commissioners makes the stock transferable in books the provisions of this section shall apply and have effect but not otherwise.

(2) The registrar shall keep books wherein transfers of stock so transferable shall be entered (in this Act referred to as “the stock transfer books”).

(3) The transfer in books may be in the form set out in the Fourth Schedule to this Act or to the like effect.

(4) Every such entry shall be expressed in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(5) The registrar may if he think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

(6) The person to whom a transfer is made may if he think fit underwrite his acceptance thereof.

106.—(1) If the resolution of the Commissioners makes the stock transferable by deed the provisions of this section shall apply and have effect but not otherwise. Transfer by deed.

(2) Every transfer of stock so transferable shall be by deed.

(3) Every deed of transfer of stock so transferable may be in the form set out in the Fourth Schedule to this Act or to the like effect.

(4) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(5) The deed of transfer when duly executed shall be delivered to and kept by the registrar and the registrar shall enter a memorial thereof in a book to be called "the register of transfers of Blyth Harbour redeemable stock" and shall endorse on the deed of transfer a notice of that entry.

(6) The registrar shall on demand and on delivery of the old stock certificate or on such proof that it cannot be delivered as the registrar with the approval of the Commissioners may require deliver a new stock certificate to the transferee or shall at the option of the transferee make an endorsement of the transfer on the existing stock certificate which endorsement being signed by the registrar shall be equivalent to a new stock certificate.

(7) Until the deed of transfer has been so delivered to the registrar the Commissioners or the registrar shall not be affected thereby and the transferee of the stock shall not be entitled to receive any interest thereon.

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Evidence on
transfer.

107.—(1) The registrar before allowing any transfer of stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) The evidence shall be a statutory declaration of one or more competent persons or of such other nature as the registrar with the approval of the Commissioners may require.

Closing of
transfer
books.

108.—(1) The registrar with the approval of the Commissioners may as regards any portion of stock close the stock transfer books or the register of transfers of stock (as the case may be) on any day in the month next before that in which interest on that portion of stock is payable but so that the books be not at any time kept closed for more than fifteen days.

(2) The persons who on the day of such closing are inscribed as stockholders shall as between them and the transferees be entitled to the interest next payable thereon.

Stamp duty
on transfers.

109. Unless the Commissioners have compounded for stamp duty all stock shall notwithstanding anything in any resolution of the Commissioners be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

(viii) *Transmission.*Transmis-
sion on
death.

110.—(1) The property in stock of a deceased stockholder shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as owners of any stock such persons shall be deemed to be joint stockholders with right of survivorship between them.

(3) The Commissioners or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will or the letters of administration to the estate of the deceased has or have been left with the registrar for registration and may require all the executors who have proved the will to join in the transfer.

Transmis-
sion other-
wise than by
death of
holder or

111.—(1) If the property in any stock has become transmitted by any lawful means other than a transfer in books or by deed or than the death of a stockholder satisfactory evidence of the transmission shall be furnished to the registrar

by a statutory declaration of one or more competent persons or in such other manner as the registrar may with the approval of the Commissioners require.

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transfer in
books or by
deed.

(2) The name of the person entitled under the transmission shall be entered in the stock register.

(3) Until such evidence has been furnished the Commissioners or the registrar shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any interest on the stock.

(4) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

(ix) *Payment of Interest.*

112. The Commissioners shall pay by the registrar the interest on stock.

Payment of
interest.

113. The Commissioners or the registrar shall not be required to pay to any executors or administrators any interest on stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the registrar for registration.

Payment of
interest to
executors &c.

114. The registrar before paying any interest on any stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to receive the interest and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the registrar with the approval of the Commissioners may require.

Evidence of
title.

115.—(1) Where more persons than one are registered as joint stockholders any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the registrar by any other of them.

Interest pay-
able to joint
holders &c.

(2) Where stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the interest on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by

A.D. 1912. two or more credible witnesses but the registrar before acting on the letter of attorney may if he think fit require proof to his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Interest warrants by post.

116.—(1) The posting by the registrar of a letter containing an interest warrant addressed to a stockholder at his registered address or at any other address given by him shall as respects the liability of the Commissioners and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(2) Every warrant so sent by post shall be deemed a cheque and the Commissioners and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

(3) This section shall not apply to cases to which the provisions of section 4 of the National Debt Act 1889 apply.

(x) *General Provisions as to Stock.*

Nature and incidents of stock.

117. The stock shall be personal estate.

The stock shall not be liable to foreign attachment by the custom of London or otherwise.

Notice of trusts not receivable.

118. No notice of any trust express implied or constructive in respect of any stock shall be entered in the stock register or in any other book kept by the Commissioners or the registrar or be receivable by the Commissioners or the registrar or affect the Commissioners through the registrar or otherwise.

Receiver.

119.—(1) If at any time any interest due on any stock remain unpaid for two months after demand in writing the person entitled thereto may apply to the High Court for a receiver and the court may if it think fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying all dues rates tolls charges and moneys receivable by the Commissioners as the Commissioners or any of their officers would or might have and such other powers and such duties as the court thinks fit and shall apply all dues rates tolls charges and moneys so collected after payment of expenses and costs as the court directs for the purposes of the former Acts and this Act.

(3) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts. A.D. 1912.

120. A person taking or holding stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within the powers of the Commissioners or otherwise in accordance with this Act or whether or not the Commissioners or any meeting of the Commissioners were or was properly constituted or convened or whether or not the proceedings at any meeting of the Commissioners were legal or regular or to see to the application of any moneys raised by stock or be answerable for any loss or misapplication thereof. Protection of stockholders.

121.—(1) If at any time any interest on any stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest thereon in the meantime. Unclaimed interest.

(2) Where any interest remains unclaimed for five years from the time when it became payable the Commissioners shall cause notice thereof to be sent by post in a registered letter to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of five years from the day when the first interest becomes payable on stock first issued the Commissioners shall publish an advertisement in a local newspaper circulating in Northumberland stating what if any interest on stock has then been unclaimed for more than four years and the names and addresses of the stockholders appearing in the stock register when the same became due.

(4) At the end of every successive period of ten years from the day when the first interest becomes payable on stock first issued the Commissioners shall cause all interest unclaimed during that period and then in their hands to be carried to and applied as part of the Blyth Harbour consolidated fund without prejudice nevertheless to the rights of any person to such interest.

122.—(1) If at the end of the period within which any stock is required to be redeemed the Commissioners by reason of the stockholder not being forthcoming or by reason of any Unclaimed stock.

A.D. 1912. doubt as to the ownership of any stock shall not be able to redeem and extinguish such stock the Commissioners shall invest on securities in which trustees are for the time being empowered by law to invest trust moneys a sum equal to the nominal value of all such stock as cannot be redeemed as aforesaid such sum to be dealt with as herein-after prescribed and thereupon such stock shall be deemed to have been extinguished and such extinction shall be recorded in the stock register.

(2) If before the end of the period within which any stock is required to be redeemed the Commissioners shall have redeemed and extinguished all the stock except such as cannot be redeemed as aforesaid the Commissioners may invest on such securities as aforesaid a sum equal to the nominal value of all such stock as cannot be redeemed as aforesaid such sum to be dealt with as herein-after prescribed and thereupon such stock shall be deemed to have been extinguished and such extinction shall be recorded in the stock register.

(3) Any interest which shall be received by the Commissioners from any investment made in pursuance of this section shall from time to time as and when such interest shall be received be invested by them on such securities as aforesaid.

(4) Any sums and interest invested by the Commissioners as aforesaid shall, unless the securities^p on which the same have been invested be sold for the purpose of satisfying any claim in respect of the stock represented by the same be kept invested as aforesaid for a period of ten years after which time the Commissioners may appropriate the said sums and any accumulations thereon for such purposes as they may see fit without prejudice nevertheless to the rights of any person to the said sums or any part thereof.

Saving of power to borrow otherwise than by creation of stock.

123. Nothing in this Act shall affect any power of the Commissioners to raise in any other manner any money which they do not think fit to raise by the creation and issue of stock but whenever from time to time after the passing of this Act the Commissioners raise money otherwise than by stock they shall cause to be given to each lender of money so raised notice in writing signed by the clerk or other authorised officer of the Commissioners of the equality of charge which stock has by virtue of the section of this Act of which the marginal note is "Stock to rank equally."

124. The Commissioners may by resolution revoke at any time in whole or in part any resolution for creation of stock theretofore passed by the Commissioners so far as any stock created by such resolution has not been issued.

A.D. 1912.

Saving of
power of re-
vocation.

125.—(1) Save as in this Act otherwise provided nothing in this Act shall affect any power or duty of the Commissioners to sell lease or otherwise dispose of any land or property of the Commissioners or to apply any purchase-money or other money arising therefrom in discharge of any charge on that land or property or the revenues thereof other than the charge of stock or affect any claim of any person under such first-mentioned charge.

Saving of
power to sell
lands &c.

(2) Any such land or property shall in the hands of the purchaser or other person taking the same under any sale lease or other disposition by the Commissioners be by virtue of this Act absolutely freed from the charge of stock and he shall not be concerned to see to the application of the purchase-money or other money or be answerable for any loss or misapplication thereof.

126. Save as in this Act otherwise provided nothing in or done under this Act shall affect the security priority or rights of any holder of any mortgage or other security (including the ordinary shares) created or granted by the existing Commissioners or the Commissioners before the passing of this Act or before the first issue of stock under this Act.

Saving of
existing se-
curities.

127. Stock shall be deemed capital stock of a body corporate within the Forgery Act 1861.

Forgery.

128. Fees not exceeding those specified in the Fifth Schedule to this Act may be taken by or on behalf of the Commissioners in the cases therein mentioned.

Fees.

129.—(1) The expenses incurred by the Commissioners in or about the creation and issue of any amount of stock including any sum paid by them for composition for stamp duty thereon and any other expenses shall be payable out of the Blyth Harbour consolidated fund.

Expenses.

(2) Expenses of book-keeping and management and other current expenses from time to time incurred by the Commissioners in the execution of this Part of this Act shall be defrayed as the ordinary expenses of the Commissioners are or may be defrayed.

A.D. 1912.

Application of
moneys raised
by mortgage
or stock.

130. All moneys (other than premiums) received by the Commissioners on the issue of any mortgage or stock shall be applied to purposes of the former Acts and this Act to which capital is applicable and not otherwise.

Application
of premiums.

131. All premiums received by the Commissioners on the issue of any mortgage or stock may be applied by them either in meeting expenditure on works or to any other purpose to which the Blyth Harbour consolidated fund is applicable.

No premium received by the Commissioners on the issue of any mortgage or stock now or hereafter issued shall be deemed to reduce or extinguish the authorised borrowing powers of the Commissioners or any part thereof.

PART VIII.

PURCHASE OF ORDINARY SHARES.

Acquisition
of ordinary
shares.

132.—(1) The Commissioners may purchase all or any of the ordinary shares in the capital of the company from the holders of such shares at such price as may be agreed upon and upon the purchase of any such shares the same shall be cancelled and extinguished.

(2) The Commissioners may call a meeting of the shareholders for the time being and if at such meeting the holders of three-fourths in value of the then existing shares agree to accept such consideration as the Commissioners may offer for the acquisition of such shares the Commissioners may acquire upon the terms so accepted the whole of the shares and the holders of those shares shall sell the same to the Commissioners.

(3) Unless it be otherwise agreed the acquisition shall take place as from the expiration of the half-year in which such meeting as aforesaid shall have taken place and the interest upon the shares shall cease thereafter to be payable.

(4) The Commissioners shall cause notice in writing of the determination of such meeting to be sent to each holder of shares and by such notice may require him to deliver up for cancellation the certificate of his shares upon payment by the Commissioners therefor of the consideration so determined.

(5) If such consideration as aforesaid is not accepted by the holders of three-fourths in value of the shares the Commissioners may by notice in writing require the holders of the whole of

the shares to sell and the holders shall sell to the Commissioners the shares at such price per share and upon such terms as may be settled by arbitration. A.D. 1912.

(6) The provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall apply to such arbitration :

Provided that the arbitrator if not agreed upon shall be appointed by the Board of Trade.

PART IX.

MISCELLANEOUS.

133. The Commissioners may, in connexion with the works by this Act authorised and also for the general purposes of their undertaking exercise upon all or any of the lands shown on the deposited plans and described in the deposited book of reference when entered upon by the Commissioners under the provisions of this Act and upon any lands for the time being belonging or leased to the Commissioners all or any of the powers following (that is to say):—

Subsidiary powers in connexion with undertaking.

- (1) They may subject as herein-after mentioned divert alter stop up remove or otherwise interfere with either temporarily or permanently any sewers drains gas and water mains and pipes telegraphic telephonic electric and other wires pipes and apparatus and other works so far as may be necessary or desirable the Commissioners providing or causing to be provided a proper substitute before interrupting the flow of gas water electrical energy or sewage in any premises And in the exercise of any of such powers the Commissioners shall do as little damage as may be and shall make full compensation to all parties interested for any damage by them sustained by reason or in consequence of the exercise of such powers the amount thereof to be determined except as herein-after mentioned in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation Provided that the Commissioners shall not remove alter or in any way interfere with any telegraphic telephonic or electric cables

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wires pipes or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

- (2) They may from time to time make lay down provide and maintain all necessary or convenient rails sidings junctions turntables stations signals bridges approaches roads gates warehouses sheds offices buildings yards quays wharves wharf walls retaining walls river walls embankments telegraphic and telephonic works water-works pumps reservoirs pipes sewers drains culverts sluices jetties groynes shipping-places landing-places walls staiths stairs stages gantries coal and other tips machinery gridirons cuts channels locks dock entrances timber-ponds cranes hydraulic and other lifts hoists drops dolphins moorings mooring-posts buoys beacons and other works buildings appliances and conveniences :

Provided that any telegraphic or telephonic works made or maintained by the Commissioners under this section shall not be used in contravention of the exclusive privilege of the Postmaster-General under the Telegraph Act 1869 :

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 except in accordance with and subject to the provisions of section 15 of that Act and any difference which may arise under that section and any question as to the amount of compensation to be paid to any such undertakers shall be determined in manner provided by that Act.

Power to
make junc-
tions.

134. Subject to the provisions of this Act and of sections 9 to 12 of the Railways Clauses Act 1863 the Commissioners may in connexion with and as part of the works by this Act or the former Acts authorised make and effect junctions between any rails or sidings to be laid down or constructed by them under this Act and any existing railways and any railways tramways or sidings belonging to or worked by the North Eastern Railway Company and situate within the limits of deviation or the limits of land to be acquired shown on the deposited plans.

For the purposes of this section the said sections of the Railways Clauses Act 1863 shall be incorporated with this Act

and in construing the provisions thereof the expression "the railway" therein shall mean any rails or sidings so laid down or constructed by the Commissioners and the expression "the company" shall mean the Commissioners. A.D. 1912.

135. The works by this Act authorised and any land or property powers rights estates or interests acquired or works executed by the Commissioners under or by virtue of this Act or the former Acts or otherwise shall form part of the undertaking of the Commissioners and may subject to the provisions of this Act and the former Acts be maintained managed exercised and enjoyed accordingly and subject as aforesaid the Commissioners shall have and may exercise and enjoy in over and upon the said works and such land and property and in relation thereto all the rights powers and privileges granted to conferred upon or vested in the existing Commissioners under the former Acts or any of them. Works &c.
to form part
of under-
taking.

136. The Commissioners shall at all times keep at convenient places on the works below high-water mark by this Act authorised and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use. Lifebuoys
to be kept.

137. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the works below high-water mark by this Act authorised spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the said works. Life-saving
apparatus
may be at-
tached to
works.

138. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the works below high-water mark by this Act authorised and not breaking bulk while making use thereof be exempt from rates leviable under this Act. Certain fish-
ing vessels
under stress
of weather
exempt from
rates.

139. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either Lifeboat crew
exempt from
tolls and
charges

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belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Commissioners.

Evidence of appointment and removal of harbour-master collector of tolls and officers.

140. A certificate in writing under the hand of the clerk shall for all purposes be *primâ facie* evidence of the appointment or removal of any harbour-master collector of tolls or other officer acting in the execution of this Act or of the former Acts.

Commissioners may grant pensions &c.

141.—(1) The Commissioners may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum or make a pension or other allowance or payment to any of their officers or servants who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Commissioners on such terms and conditions as to contributions by such officers or servants or otherwise as the Commissioners may think fit and the Commissioners may grant a gratuity of any sum to the widow or family or dependents of any such officer or servant who may die in their service or be retired or become incapacitated as aforesaid.

(2) Every such gratuity pension allowance or payment shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had not (as the case may be) been disabled injured or retired or become incapacitated or died as aforesaid.

(3) If the Commissioners shall under the powers of this section make any scheme for the establishment of a superannuation or provident fund requiring contributions by such officers and servants such scheme shall not come into operation until the Commissioners shall in respect of that fund have been registered under the Friendly Societies Act 1896 and the provisions of that Act (except the proviso to subsection (1) of section 8 and section 41) so far as they are applicable and are not inconsistent with the provisions of this section shall apply (a) as if the Commissioners were a society to which that Act applies and were the trustees of such society (b) as if the

scheme were the rules of such society (c) as if the superannuation or provident funds were the funds of such society and (d) as if the contributors to the fund were the members of such society. A.D. 1912.

142. The Commissioners may out of the consolidated fund subscribe to any charitable or benevolent institution or fund but such subscriptions shall not exceed a total sum of two hundred pounds in any year. Power to subscribe to charitable and other institutions.

143.—(1) The Commissioners may themselves provide moorings in the harbour and may on such terms and conditions as they may think fit grant licences to any person to place lay down maintain use and have moorings in the harbour and may contribute to the cost of any moorings placed or laid down by any such person. Moorings and licences and charges therefor.

(2) The Commissioners may by licence confer on any person the privilege or preferential right of user of any moorings provided by the Commissioners in consideration of a contribution or periodical payment by such person to the Commissioners.

(3) The Commissioners may charge for the use by any vessel of any of the moorings provided by them or under their control such rates as they shall think reasonable and such rates shall be recoverable by the Commissioners in like manner as other dues and rates leviable by them.

144. From and after the passing of this Act the light dues heretofore paid to the Tyne Improvement Commissioners in respect of vessels entering and leaving Blyth Harbour shall cease to be payable and subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 and the Merchant Shipping Act 1894 the Commissioners may maintain their existing light-houses leading and other lights beacons buoys and signals and may establish and maintain others in lieu thereof or in addition thereto and may appoint and pay keepers or other persons responsible for such lighthouses leading and other lights and beacons buoys and signals and the Commissioners shall be deemed to be a local lighthouse authority within the meaning of the Merchant Shipping Act 1894. Light dues lights &c.

145. For the purpose of the dues payable in respect of any vessel carrying deck cargo not being a home-trade ship as defined by the Merchant Shipping Act 1894 the memorandum referred to in subsection (3) of section 85 of that Act shall be Dues in respect of vessels carrying deck cargo.

A.D. 1912. produced to the collector of dues by the master of the vessel or his agent and the dues shall be calculated and be payable upon the aggregate of the net register tonnage of the vessel and of the tonnage of the space occupied by the deck cargo as entered in the said memorandum.

Explaining section 100 of Act of 1882.

146. The expressions "shipped" and "unshipped" in section 100 (Rates on goods) of the Act of 1882 shall be deemed to include any transfer of goods or merchandise into or from a vessel lying or being in the harbour.

Harbour-master to be a collector of rates in certain cases.

147. The harbour-master and every assistant harbour-master of the Commissioners shall be a collector of rates for the purpose of receiving any dues rates tolls or charges payable in respect of any vessel entering the harbour for refuge or entering or leaving the harbour without receiving delivering or discharging cargo or solid or liquid fuel.

Report to collector of rates of vessels entering or leaving harbour.

148.—(1) In addition to the report required to be made to the harbour-master under the provisions of the Harbours Docks and Piers Clauses Act 1847 the master of any vessel liable to rates shall within twenty-four hours after the arrival of such vessel within the harbour report such arrival to a collector of rates.

(2) Before the departure from the harbour of any vessel liable to rates the master of such vessel shall report the intended departure to a collector of rates.

(3) Provided that for the purpose of receiving any such report in respect of a vessel entering the harbour for refuge or entering or leaving the harbour without receiving delivering or discharging cargo or solid or liquid fuel it shall be sufficient compliance with subsections (1) and (2) of this section if the report is made to the harbour-master or to an assistant harbour-master of the Commissioners.

(4) If the master of any vessel fail to make any such report in accordance with the provisions of this section he shall be liable to a penalty not exceeding ten pounds.

Master to deliver account in writing of fuel and ballast.

149. The master of any vessel shall within twelve hours after the report of such vessel deliver to a collector of rates the best account in writing in his power of the kinds weights and quantities of all solid or liquid fuel and ballast in such vessel when she enters the harbour and if such master refuse

omit or neglect to deliver such account within the time aforesaid or shall deliver or give any false particulars he shall be liable to a penalty not exceeding ten pounds.

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150. The master of any vessel shall before such vessel leaves the harbour deliver to a collector of rates a copy of the bill of lading or manifest of the cargo and an account in writing of the quantity of solid and liquid fuel and ballast with which the vessel is intended to leave or is leaving the harbour and if such master refuse omit or neglect to deliver such copy of the bill of lading or manifest or such account or shall deliver or give any false particulars he shall be liable to a penalty not exceeding ten pounds.

Master to deliver copy of bill of lading or manifest.

151. If the master of any vessel shall not pay or give satisfactory security for payment of all inward dues rates tolls or charges payable to the Commissioners on such vessel or on any ballast therein within forty-eight hours after the arrival of the vessel within the harbour and all outward dues rates tolls or charges on the vessel and on any solid or liquid fuel shipped on board such vessel or any ballast shipped therein before the vessel leaves the harbour he shall be liable to pay to the Commissioners three times the amount of such dues rates tolls or charges and the same may be recovered from such master in the same manner as penalties imposed by the Harbours Docks and Piers Clauses Act 1847 are recoverable or by action in a court of competent jurisdiction.

Remedy for non-payment of dues on vessels fuel and ballast.

152. If the owner of any goods shall not pay or give satisfactory security for payment of all inward dues rates tolls or charges payable to the Commissioners in respect of goods imported within forty-eight hours after their arrival within the harbour and all outward dues rates tolls or charges payable to the Commissioners in respect of goods exported within forty-eight hours after their shipment in the harbour he shall be liable to pay to the Commissioners three times the amount of such dues rates tolls or charges and the same may be recovered from such owner in the same manner as penalties imposed by the Harbours Docks and Piers Clauses Act 1847 are recoverable or by action in a court of competent jurisdiction.

Remedy for non-payment of dues on goods.

153. The harbour-master may prevent the removal or sailing out of the harbour of any vessel in respect of which or of the goods exported by such vessel any rate shall have been payable until evidence shall have been produced to him of the

Harbour-master may prevent sailing of vessels when rates

A.D. 1912.
have not
been paid.

payment of such rates to the collector and any person disobeying the orders of the harbour-master in reference to the provisions of this section shall be liable to a penalty not exceeding ten pounds for each offence.

Regulations
with respect
to timber
logs rafts &c.

154. No person without the permission of the harbour-master shall bring to or leave or permit to remain in the harbour except at such place or places as the Commissioners may appoint any timber logs floats or rafts of timber and any person offending against this enactment shall be liable for each offence upon conviction to a penalty not exceeding forty shillings and the Commissioners or any of their officers may cause such timber logs floats or rafts of timber to be removed and may detain the same for payment of such penalty together with the costs of removal and detention and if any such penalty and costs shall not be paid within ten days after such removal and detention the Commissioners may cause to be sold by public auction such timber logs floats or rafts of timber and apply the proceeds of such sale after payment of the expenses thereof in or towards payment of such penalty and costs and any surplus of such proceeds shall be paid to the owner Provided that the Commissioners shall give to the owner (if ascertainable) of any such timber logs floats or rafts of timber not less than seven days notice in writing before selling the same.

Removal of
stranded or
sunk vessels
&c.

155.—(1) Whenever any vessel is stranded or sunk in the harbour or in or near any approach thereto from the sea or is laid by in the harbour or neglected as unfit for sea service the Commissioners may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its said approaches therefrom.

(2) Whenever any floating timber or any float or raft of timber (in this section included in the expression "timber") is stranded or abandoned or constitutes an obstruction within the harbour or in or near any approach thereto the Commissioners may cause such timber to be removed or broken up or destroyed.

(3) The Commissioners may cause any such vessel or any part thereof which shall be raised or saved and all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel and also any such timber as aforesaid to be sold in such manner as they think fit (subject to notice being given of the intended sale similar to the notice prescribed by the first proviso to section 530 of the Merchant

Shipping Act 1894 in the case of a sale under that section) and out of the proceeds of sale may after payment of any duties of customs or excise due reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling such vessel or timber and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto. A.D. 1912.

(4) If the proceeds of sale are insufficient to reimburse the Commissioners for the aforesaid expenses the Commissioners may recover the deficiency or in case of an appeal under subsection (5) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the person who at the time of the sinking or stranding of the vessel was the registered owner of the vessel or from the owner of such timber (as the case may be) or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(5) If on demand being made under this section for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (4) of this section.

(6) The powers given to the Commissioners by subsection (1) of this section shall not be exercised if the registered owner of the vessel stranded or sunk shall within twenty-four hours after the vessel shall have been stranded or sunk take such steps as may in the opinion of the harbour-master be necessary for the raising or removal of the vessel and shall thenceforth continuously and diligently and to the satisfaction of the harbour-

A.D. 1912. master prosecute and do all such works and things as may in the opinion of the harbour-master be necessary and proper for the raising and removal of the vessel as speedily as possible.

(7) The Commissioners shall where reasonably practicable and except in cases of emergency give to the owner of any such timber as aforesaid not less than twenty-four hours' notice in writing before breaking up or destroying such timber under the powers of this section and the owner may on giving twelve hours' notice in writing after the expiration of the aforesaid notice be at liberty forthwith himself to break up or destroy such timber.

(8) For the purposes of this section the expression "vessel" shall include and extend to everything included in the same expression under or by virtue of section 532 of the Merchant Shipping Act 1894.

Admission
of public to
piers.

156. The Commissioners may admit the public to any of their piers and landing-places and may make reasonable charges for such admission and may vary such charges as they may from time to time see fit. Provided that the Commissioners shall exhibit on a placard at the entrance of every such pier or landing-stage the charges for admission as fixed or varied from time to time.

Special con-
stables.

157. Subject to the conditions herein-after set forth any two justices having jurisdiction in the county of Northumberland may on the application of the Commissioners appoint all or so many as they may think fit of the persons recommended to them for that purpose by the Commissioners to act as special constables upon and within the harbour and the works and lands belonging to the Commissioners and the following provisions shall apply to every appointment so made:—

(1) Every person so appointed shall make oath or declaration in due form of law before a justice having jurisdiction in the said county:

(2) Every person so appointed and having been sworn or having made declaration as aforesaid shall during the continuance of his appointment have all the powers protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has departed from the said harbour works and lands after committing therein or thereon

any offence for which he might have been arrested while within or upon the said harbour works and lands :

- (3) Any two justices assembled and acting together or the Commissioners may dismiss from his office or accept the resignation of any constable so appointed and thereupon all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease No person so dismissed or resigning shall be capable of being reappointed except with the consent of the authority by whom he was dismissed :
- (4) The county council of Northumberland shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or consequent upon their appointment and nothing in this Act contained shall restrict or affect the jurisdiction or powers of the county or of any police force :
- (5) A constable appointed as aforesaid shall not act as such unless he be in uniform or provided with an authority to act as a constable which authority the justice before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so :
- (6) The provisions of sections 79 and 80 of the Harbours Docks and Piers Clauses Act 1847 as incorporated in the Act of 1882 shall as from the passing of this Act cease to apply to the Commissioners or to or in respect of the harbour.

158. The Commissioners shall on such terms and conditions as they from time to time shall think fit grant licences in respect of vessels moored or intended to be moored in the harbour and used or intended to be used for the storage or sale of coal or merchandise or for the deposit of ashes or other refuse or for any other similar purpose and in respect of boats carrying or intended to carry stores for sale and boats carrying or intended to carry marine stores in the harbour and may make a charge not exceeding twenty shillings for such licence and no vessel or boat shall be used for any of such purposes unless and until such licence shall have been granted and such charge has been paid.

Power to licence and make charges in respect of certain river craft.

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Any such licence shall if granted be granted for the period named therein and the owner of every such vessel or boat used or intended to be used as aforesaid shall before the first day of January in every year apply in writing to the Commissioners for a licence in respect of that vessel or boat for such year and if such licence be granted by the Commissioners such owner shall on the granting of the same pay such charge as aforesaid in respect of the period named in such licence.

It may be made a condition of the grant of any such licence that the boat or vessel licensed shall be distinguished by having thereon in a conspicuous place a number easily legible corresponding with the number of the licence.

Every application for a licence shall state the full name and address of the owner of such vessel or boat and of the person applying and the purpose for which such vessel or boat is intended to be used.

The Commissioners may refuse to grant a licence in respect of any such vessel or boat or may withdraw any licence granted in respect of any such vessel or boat:

Provided that any person aggrieved by the refusal of the Commissioners to grant a licence or by the withdrawal of any licence granted by the Commissioners under this section may within one month after the refusal or withdrawal as the case may be appeal to a petty sessional court who shall have power to hear and determine such appeal and to make such order thereon as they may think fit.

The owner or master of any vessel or the proprietor of any boat permitting or suffering the same to be used for any of the before-named purposes without having obtained a licence from the Commissioners shall be liable to a penalty not exceeding five pounds for every day during or upon which such vessel or boat shall be so used.

Provided always that nothing in this section contained shall apply to any boat belonging to any vessel other than the vessels in this section mentioned.

Commis-
sioners may
dispose of
materials
dredged &c.

159. The Commissioners may use sell or subject to the provisions of this Act dispose of in such manner as they think proper the rock stones gravel sand clay soil and other materials dug or dredged by them within the harbour.

160. The Commissioners may from time to time by agreement purchase or take on lease for the deposit or obtaining of ballast any lands and any easements rights and interests in over or affecting the same.

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Power to
acquire lands
for deposit of
ballast.

161. No rubbish shall be thrown out of any vessel upon the quays of the harbour except by permission of the harbour-master and every master or other person who shall throw out any rubbish from any vessel on such quays without such permission and every master owner agent or manager of any vessel who shall fail immediately to remove from such quays any rubbish thrown out of such vessel to such place as the harbour-master may direct shall be liable to a penalty not exceeding five pounds for each offence.

No rubbish
to be thrown
on quays
without per-
mission.

162.—(1) In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 and the former Acts the Commissioners may subject to the provisions of this Act from time to time make vary or repeal such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

Additional
byelaws.

- (A) For regulating the conduct and behaviour of boatmen labourers jobbers and stevedores resorting to the harbour docks basins piers quays or other works;
- (B) For regulating and controlling the beacons buoys and moorings and the use thereof;
- (C) For regulating the use of the rails sidings and turntables on and along the docks quays and piers and other works of the Commissioners and the moving of engines carriages waggons and trucks along the same;
- (D) For regulating the conduct of the owners and masters of vessels propelled by steam or other power with regard to the rate of speed at which such vessels may proceed within the harbour the mode of navigating such vessels the keeping the advertised times of sailing and the taking on board and landing or discharging passengers;
- (E) For regulating the towing of vessels at the harbour the size and number of vessels towed at one time in one train the order and manner in which the

A.D. 1912.

- towage shall be given and the duties and conduct of all persons employed on the tugs used at the harbour for towing vessels with regard to the rate of speed at which they may proceed within the harbour or with regard to any other matter;
- (F) For regulating the terms and conditions of granting licences of the Commissioners for such tugs;
 - (G) For regulating the efficiency of the boats employed for landing persons from and putting them on board vessels in the harbour;
 - (H) For regulating the ballasting of vessels within the harbour and the order and manner in which they shall be supplied with ballast and the discharging removal or disposal of ballast;
 - (I) For prohibiting all persons working or employed in or upon the Commissioners' sheds quays warehouses or premises at the harbour while so working or employed from smoking;
 - (K) For regulating the sale of fish and the depositing of fish fish baskets nets and other things appertaining to fish or fishing vessels within the harbour or on the adjoining quays or lands and for enforcing the removal of obstructions and nuisances from the harbour and the works connected therewith and for keeping the same clear and clean;
 - (L) For regulating controlling limiting and prescribing the times for the use of any ferry and landing-stage acquired or established by the Commissioners and the conduct of persons using any such ferry or stage;
 - (M) For preventing annoyance to passengers or the commission of any nuisances in or upon any ferry or stage of the Commissioners;
 - (N) For regulating the conveyance of passengers passengers' luggage goods and vehicles in or upon any such ferry or stage and the embarkation and disembarkation of the same respectively and for prohibiting and preventing the embarkation of any goods or vehicles in any such ferry which may in the

opinion of the Commissioners be injurious to or prejudicially affect the use of the same or the traffic to be carried therein; A.D. 1912.

- (o) For regulating the management and use of all or any of their piers and landing-places and the admission of persons thereto and the conduct of persons thereat and thereon.

(2) The byelaws to be made by the Commissioners under this section shall not be operative until confirmed by the Board of Trade and shall be published in such manner as the Board of Trade may prescribe and shall be observed under penalties not exceeding the sum of five pounds for each offence and such confirmation shall be sufficient for all purposes.

(3) Any person aggrieved by the refusal of the Commissioners to grant any licence which they are empowered by the provisions of this section to grant or by the withdrawal or refusal to renew any such licence may appeal to a petty sessional court who shall have power to hear and determine such appeal and to make such order as they may think fit.

163. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). Crown rights.

164. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.


THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PART ONLY IS REQUIRED TO
BE TAKEN.

	Number on deposited Plan.	Description of Property.
Parish of Bedlington -	2	Garden and fence.
	66	Railway siding.
	74	Field and works.
	75	House.
	76	House.
	77	House.
Township of Newsham and South Blyth.	78	House.
	79	House.
	80	House.
	81	Garden.
	82	Garden.
	83	Garden.
	84	Field.

THE SECOND SCHEDULE.

Stamp.


 Ten
shillings.

AN AGREEMENT made the thirtieth day of April one thousand nine hundred and twelve between the Right Honourable MATTHEW WHITE VISCOUNT RIDLEY (who with his heirs and assigns is herein-after referred to as the Owner) of the one part and the BLYTH HARBOUR COMMISSIONERS (who with their successors and assigns are herein-after referred to as the Commissioners) of the other part with reference to the Bill promoted by the Commissioners and now pending in Parliament for an Act intended to be called the Blyth Harbour Act 1912 and herein-after referred to as "the intended Act."

WHEREBY it is agreed as follows:—

1. The purchase by the Commissioners of such of the lands belonging to the Owner as are delineated on the deposited plans referred to in the intended Act and described in the deposited book

of reference relating thereto (herein-after referred to as "the said lands") shall be subject to the provisions herein-after specified (that is to say):— A.D. 1912.

- (A) There shall be reserved out of the purchase during the currency of the respective leases herein-after mentioned the rights and powers thereby conferred upon the lessees under such leases so far as they relate to or affect the said lands but with the benefit to the Commissioners of the provisions in those leases respectively contained for compensation in respect of such of the said lands purchased by the Commissioners as may be taken used or damaged in or by reason of the exercise of those rights and powers. The leases referred to are (1) a lease dated the fourth of August one thousand eight hundred and sixty from Sir Matthew White Ridley Baronet and others to John Cookson and others of coal in the township of Cambois and (2) a lease dated the thirty-first of January one thousand nine hundred and one from Viscount Ridley to the Cowpen Coal Company Limited of coal in the townships of Newsham and South Blyth:
- (B) There shall also be excepted and reserved out of the purchase all mines and minerals within and under the said lands with liberty by underground operations only to work and carry away the same and any other mines and minerals whatsoever and also liberty to make maintain and use drifts and tunnels through the said lands for any purpose reasonable compensation being paid to the Commissioners for any damage to be occasioned to them thereby such compensation in case of difference to be settled by arbitration. Provided always that during the currency of the respective leases before mentioned or in respect of anything done during the respective terms and under the powers of such leases the compensation shall only be such as is provided for by those leases respectively and shall only be payable by and recoverable from the persons or company liable therefor under the respective leases:
- (C) As regards so much of the said lands (herein-after referred to as the Gow lands) as is comprised in two valuations or awards by Thomas Gow dated respectively the eighth of May one thousand eight hundred and ninety-three and the twenty-fourth of December one thousand eight hundred and ninety-five there shall also be excepted and reserved to the Owner all then existing rights of wayleave to the harbour with power to the Owner to grant additional wayleaves from time to time over the Gow lands as they become necessary with a right of frontage to the roads formed by the Commissioners and the free use of all such roads in connexion with any other lands of the Owner:

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(D) As regards the Gow lands there shall be reserved to the Owner power at any time within three calendar months after the passing of the intended Act by notice in writing to the Commissioners to exclude from the sale the portion of the Gow lands at Cambois containing five acres three roods and twenty-two perches or thereabouts which is coloured round with blue upon the plan annexed hereto and thereupon it shall be excluded accordingly and the purchase price of the Gow lands mentioned in Article 2 hereof shall be reduced by the sum of seven hundred and thirty-five pounds and the rent paid by the Commissioners to the Owner or the late Viscount Ridley in respect thereof shall be repaid to the Commissioners or be allowed in account:

(E) As regards the Gow lands there shall be excepted and excluded from the sale so much (if any) of those lands as at the date of the said valuations or awards belonged not to the late Viscount Ridley but to the Commissioners and the purchase price of the Gow lands mentioned in Article 2 hereof shall be proportionately reduced the basis of calculation being the price fixed in the said valuations or awards for the excluded land and the rent paid by the Commissioners to the Owner or the late Viscount Ridley in respect of the excluded land shall be repaid to the Commissioners or be allowed in account:

(F) The Owner shall have the right to make (a) one or two connexions with the railways of the Commissioners at convenient points to the west of the Shields Road and (b) one or more connexions at convenient points with any railways the Commissioners may construct on the Cambois side of the River Blyth such points together with the manner of connexion to be settled by agreement or failing agreement by arbitration and the Commissioners shall afford all necessary facilities to enable a line or lines of railway from any lands of the Owner to the said points of connexion to be laid and maintained over any lands of the Commissioners between the first-mentioned railway and the lands of the Owner. The Owner shall make and pay to the Commissioners reasonable compensation for any land of the Commissioners occupied or used for the purpose of any railway or connexion made under the provisions of this sub-clause and for damage (if any) by severance such compensation to be settled by agreement or failing agreement by arbitration:

(G) From and after the laying and making of the said line or lines of railway and the said connexions the Owner shall

be entitled to have and to exercise running powers over the said railway of the Commissioners to the east of the Shields Road for the purpose of carrying traffic to and from the docks of the Commissioners and to the west of the Shields Road for the purpose of carrying traffic to and from the North Eastern Railway such running powers to be subject to such terms as shall be agreed or failing agreement be settled by arbitration.

2. The owner shall sell and the Commissioners shall purchase the Gow lands (except as aforesaid) and subject to such reductions and allowances as are mentioned in Article 1 (d) and (e) the purchase price of the Gow lands shall be the sum of fifty-nine thousand five hundred and eight pounds seventeen shillings and one penny which shall be paid and the purchase be completed within twelve calendar months from the passing of the intended Act or within such extended time as shall be allowed by the Owner and the rent of two thousand three hundred and eighty pounds seven shillings and one penny per annum payable in respect of those lands shall (subject as aforesaid) be paid up to the date of completion and the Commissioners shall pay to the Owner his costs of such sale in accordance with the provisions of section 82 of the Lands Clauses Consolidation Act 1845.

3. The purchase price of so much of the said lands containing thirty acres or thereabouts and rights as is comprised in a lease dated the tenth of February one thousand nine hundred and ten from the Owner to the Commissioners shall (if they are bought) be the sum of twenty-two thousand five hundred pounds provided for by that lease and if the Commissioners exercise their option of purchase under that lease the purchase-money shall be paid and the purchase be completed at the time and in the manner provided by that lease.

4. As regards such of the said lands belonging to the Owner as are not included in the expression Gow lands and are not comprised in the said lease of the tenth day of February one thousand nine hundred and ten as shall be taken by the Commissioners under the provisions of the intended Act the Commissioners' power of compulsory purchase shall cease after the expiration of three years from the passing of the intended Act and the provisions of the Lands Clauses Acts shall (subject to the provisions of this agreement) apply.

5. The provisions of the Railways Clauses Consolidation Act 1845 with respect to temporary use of lands shall not be exercised as regards any lands of the Owner without his previous written consent.

6. The provisions of this agreement shall be in addition to any provisions of the intended Act which may inure for the benefit or protection of the Owner.

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7. Any difference between the Owner and the Commissioners under or with respect to any of the provisions of this agreement shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1889.

8. As witness the hand of Viscount Ridley and the common seal of the Commissioners.

Witness—

HILDA M. PASCOE

Blagdon

Cramlington

Secretary.

} RIDLEY.

The common seal of the Blyth Harbour Commissioners was hereunto affixed in the presence of

T. E. FORSTER

RIDLEY WARHAM

Commissioners.

C. E. BALDWIN

Clerk.

(L.S.)

THE THIRD SCHEDULE.

FERRY TOLLS.

	For each Crossing.	
	s.	d.
For each person - - - - -	0	1
For each pig sheep calf or lamb - - - - -	0	1
For each animal of any other description - - - - -	0	2
For each bicycle barrow handcart mailcart perambulator or similar vehicle - - - - -	0	2
For each tricycle - - - - -	0	3
For each motor bicycle - - - - -	0	3
For each motor car including driver and passengers - - - - -	0	9
For each two-wheeled vehicle drawn by one horse including driver and horse - - - - -	0	4
For each two-wheeled vehicle drawn by two or more horses including driver and horses - - - - -	0	6
For each four-wheeled vehicle drawn by one horse including driver and horse - - - - -	0	8
For each four-wheeled vehicle drawn by two or more horses including driver and horses - - - - -	0	10
For each furniture van motor lorry or other vehicle not before described - - - - -	1	6

THE FOURTH SCHEDULE.

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FORM OF STOCK CERTIFICATE.

BLYTH HARBOUR REDEEMABLE STOCK.

Created on the _____ day of _____
 Issued on the _____ day of _____

To be redeemed on the _____ day of _____ 1962.

At the option of the Blyth Harbour Commissioners this stock may be redeemed on or at any time after the _____ day of _____ on six months' previous written notice given by them.

Certificate No.

This is to certify that *A.B.* of _____ is the proprietor of _____ pounds of Blyth Harbour Redeemable Stock bearing interest at the rate of £ _____ per cent. per annum payable half-yearly subject to the enactments relating thereto and to the condition that no interest thereon will be payable by the Blyth Harbour Commissioners for any period beyond the date of redemption.

Given under the common seal of the Blyth Harbour Commissioners
 this _____ day of _____ 19 _____

(L.S.)
 Chairman.
 Clerk.

N.B.—This certificate must be surrendered before any transfer whether for the whole or any portion of the stock can be registered or a new certificate issued in exchange.

FORM OF TRANSFER IN BOOKS.

BLYTH HARBOUR COMMISSIONERS.

BLYTH HARBOUR REDEEMABLE STOCK (£ _____ PER CENT.).

^I_{we} *A.B.* of _____ in consideration of the sum of _____ pounds paid to ^{me}_{us} by *C.D.* of _____ (herein-after called the said transferee . . .) do hereby transfer to the said transferee . . . the sum of _____ pounds Blyth Harbour Redeemable Stock standing [or part of the stock standing] in ^{my}_{our} name . . . in the books of the Blyth Harbour Commissioners To hold unto the said

A.D. 1912.

transferee . . . ^{his} _{their} executors administrators and assigns [or successors and assigns] subject to the several conditions on which ^I _{we} hold the same at the time of the execution hereof and ^I _{we} the said transferee . . . do hereby accept the said stock subject to the same conditions.

As witness our hands the . . . day of

Witness to the signature of the said A.B. . . . A.B.

Witness to the signature of the said C.D. . . . C.D.

FORM OF DEED OF TRANSFER.

^I _{we} A.B. of . . . in consideration of the sum of . . . pounds paid to ^{me} _{us} by C.D. of . . . (herein-after called the said transferee . . .) do hereby transfer to the said transferee . . . the sum of . . . pounds Blyth Harbour Redeemable Stock standing [or part of the stock standing] in ^{my} _{our} name . . . in the books of the Blyth Harbour Commissioners To hold unto the said transferee . . . ^{his} _{their} executors administrators and assigns [or successors and assigns] subject to the several conditions on which ^I _{we} hold the same at the time of the execution hereof and ^I _{we} the said transferee . . . do hereby accept the said stock subject to the same conditions.

As witness our hands and seals the . . . day of

Signed sealed and delivered by the said A.B. in the presence of . . . A.B. . . . (L.S.)

Signed sealed and delivered by the said C.D. in the presence of . . . C.D. . . . (L.S.)

FORM OF SEPARATE RECEIPT.

I . . . hereby acknowledge that I have received from the Blyth Harbour Commissioners the sum of £ . . . in full discharge of all claims upon them in respect of the sum of £ . . . Blyth Harbour Redeemable Stock registered in my name in their register and all interest thereon.

As witness my hand this . . . day of . . . 19 . . .

Witness

FORM OF RECEIPT FOR ENDORSEMENT OR SUBSCRIPTION.

I . . . hereby acknowledge that I have received from the ^{[within} _{above}] named Blyth Harbour Commissioners the sum of £ . . . in full discharge of all claims upon them in respect of the ^{[within} _{above}] mentioned stock and the interest thereon.

As witness my hand this . . . day of . . . 19 . . .

Witness

[2 & 3 GEO. 5.]

Blyth Harbour Act, 1912.

[Ch. cix.]

THE FIFTH SCHEDULE.

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FEEES.

	£	s.	d.
On original issue of stock receipt or stock certificate -	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer in books - - - - -	0	2	6
On registering transfer by deed - - - - -	0	2	6
On registering or noting probate letters of administration death or marriage certificate or any other document - - - - -	0	2	6

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