



CHAPTER lxxvi.

An Act to authorise the Tees Conservancy Commissioners A.D. 1912.
to make new roads for improving the access to lands
reclaimed by them in the county of Durham to heighten
the one-third tide river-training walls in the River Tees
to confer further powers on the Commissioners for the
regulation of the river and for other purposes.

[7th August 1912.]

WHEREAS by the Tees Conservancy Acts 1852 to 1907 the
Tees Conservancy Commissioners (in this Act referred to
as "the Commissioners") are constituted and incorporated and
are invested with powers for the conservancy improvement and
regulation of the River Tees and for the construction of works
and the reclamation of land and for other purposes:

And whereas by the Tees Conservancy Act 1858 (herein-
after referred to as "the Act of 1858") it was enacted that all
the land in course of being gained or reclaimed at the time of
the passing of that Act or thereafter to be gained or reclaimed
by the Commissioners from the tidal waters of the River Tees
should be held by Her late Majesty Her heirs and successors
or by the grantees of the Crown under and subject to the
powers provisions declarations and enactments contained in the
now reciting Act of and concerning the same whereby it was
provided that the owners for the time being of ancient inclosed
lands adjoining such reclaimed lands should in the order and
priority of their respective estates in such ancient inclosed lands
be entitled to the pre-emption of such reclaimed lands as lay
between their respective lands and the channel of the River
Tees subject to the right of the Commissioners of Woods to
retain in their own possession so much of the reclaimed lands

A.D. 1912. as should be necessary for the purpose of forming roads to enable the Commissioners of Woods and the Commissioners respectively to have proper access to any reclaimed lands which might not be purchased by the owners of the ancient reclaimed lands and provision was made for the determination of any differences between the Commissioners of Woods and the said owners with respect to the retention of such lands and any matters incident thereto by the arbitrators therein referred to or their umpire :

And whereas by the Tees Conservancy Act 1863 (herein-after referred to as "the Act of 1863") it was provided that the Commissioners of Woods might retain any part of the said reclaimed lands for the formation of any roads or other ways which they might think expedient to or through any of such reclaimed lands and that the arbitrators appointed by the Act of 1858 or their umpire might direct who should have the use of such roads and ways and by whom they or any of them should be made and kept in repair :

And whereas the Commissioners reclaimed a large amount of land in the parishes of Cowpen Bewley Greatham and Seaton in the county of Durham and in many cases the owners of the adjoining ancient inclosed lands did not exercise their said rights of pre-emption :

And whereas by two awards in writing dated the sixteenth day of March one thousand eight hundred and eighty-seven and the sixteenth day of August one thousand eight hundred and eighty-nine Thomas Fenwick and George Pemberton Leach the arbitrators appointed for the purposes of the Acts of 1858 and 1863 determined and awarded that the Commissioners should form and make certain roads of the width of thirty feet at the least and other ways through the reclaimed lands in the said parishes (herein-after referred to as "the reclaimed lands") and that the owners and occupiers of any lands already reclaimed or thereafter to be reclaimed under the provisions of the said Acts should have the use of the said roads in common with the owners and occupiers of the ancient inclosed lands abutting on the said roads or in respect of which the owners thereof were entitled to such right of pre-emption and that the cost of making the said roads should be repaid to the Commissioners out of the purchase moneys of the said reclaimed lands when sold as directed by the said awards and that the persons for

the time being entitled to use the said roads should after they had been formed and made as aforesaid and until they should respectively have been taken over by the local authorities having charge of the highways in the districts in which the said roads were situate as public highways contribute to the cost of maintaining and keeping in repair the same in such shares and proportions as having regard to the extent of land in respect of which they should be entitled respectively to use the said roads should be agreed upon or in default of agreement be settled by arbitration in manner provided by the said awards:

And whereas under the powers of the Tees Conservancy Act 1889 (herein-after referred to as "the Act of 1889") the said awards have since been varied as regards certain of the roads or parts thereof by agreements between the Commissioners the Commissioners of Woods and the owners of the land on which the same were directed to be made:

And whereas since the making of the said awards railways have been made by the North Eastern Railway Company upon the site of the roads directed to be made by the said awards as varied by the said agreements or some parts thereof and a road leading from the public road from Haverton Hill to Port Clarence to the Cowpen Marshes and Greatham Creek (herein-after referred to as "Greatham Creek Road") has by agreement between the Commissioners the Commissioners of Woods and some of the owners of the lands adjoining the said reclaimed lands in the parishes of Billingham and Cowpen Bewley been made and opened for giving access to a portion of the reclaimed lands:

And whereas the trade of the river is increasing and works have been established on parts of the lands which have been reclaimed by the Commissioners on the north side of the river and upon the ancient inclosed lands adjacent thereto but large tracts of the reclaimed lands offering advantageous sites for the establishment of further factories riverside and other works cannot be utilised for these purposes until further roads are constructed and the necessary powers for that purpose are conferred upon the Commissioners:

And whereas it is expedient that the Commissioners be empowered to make the new roads herein-after described for providing in connexion with Greatham Creek Road access to the said reclaimed lands in lieu of the roads directed and agreed to

A.D. 1912. be made by the said awards as varied by the said agreements other than the portion occupied by the North Eastern Railway :

And whereas by the Tees Conservancy Act 1867 the Commissioners and the Commissioners of Woods were authorised to enter into agreements for improving any lands reclaimed or thereafter to be reclaimed by the Commissioners and by the Act of 1889 the Commissioners of Woods were authorised with the consent of the Commissioners to grant leases of the minerals under the reclaimed lands either with or without any part of the surface thereof :

And whereas large portions of the reclaimed lands have not yet been sold and in order to expedite the development thereof and the construction of works thereon it is expedient that the Commissioners of Woods with the consent of the Commissioners be empowered to grant building leases of the reclaimed lands :

And whereas it is expedient that the Commissioners be empowered to heighten the one-third tide river-training walls in the River Tees as by this Act provided and that further powers be conferred upon them for regulating the construction and erection of works on the banks bed or foreshore of the River Tees :

And whereas it is expedient that the various provisions contained in the Tees Conservancy Acts with respect to the making altering and repealing of byelaws by the Commissioners and the confirmation thereof should be consolidated and amended :

And whereas a large and growing export trade in inflammable oils and their products is now being carried on in the River Tees and it is expedient that further provision be made for regulating the same as in this Act provided :

And whereas it is expedient that the Commissioners be empowered to apply their funds for the purposes of this Act and to establish a reserve fund and that such further powers be conferred upon the Commissioners and such other provisions be made as are contained in this Act :

And whereas plans and sections showing the lines situations and levels of the roads by this Act authorised and the lands which may be taken under the powers of this Act and for the purposes of the same and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands (which plans sections and

book of reference are herein-after referred to respectively as the deposited plans sections and book of reference of the new roads) and plans of the River Tees showing the one-third tide river-training walls and sections showing the proposed heightening of those walls and sections specifying the levels of both banks of the river (which last-mentioned plans and sections are herein-after referred to as "the deposited plans and sections of the river works") were duly deposited with the clerk of the peace for the county of Durham and copies of the last-mentioned plans and sections were also duly deposited with the clerk of the peace for the North Riding of the county of York:

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

PRELIMINARY.

1. This Act may for all purposes be cited as the Tees Conservancy Act 1912 and the Tees Conservancy Acts 1852 to 1907 and this Act together may be cited for all purposes as the Tees Conservancy Acts 1852 to 1912.

Short and collective titles.

2. The following Acts and portions of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

Incorporation of Acts.

The Lands Clauses Acts;

Sections 14 15 28 99 and 100 of the Harbours Docks and Piers Clauses Act 1847 and the said sections 28 and 99 as incorporated with this Act shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections and the following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say) The expressions "packet boat" and "Post Office packet" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined

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by the Post Office Act 1908 and the expression "Post Office bag of letters" shall mean a mail bag as defined by the same Act Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers goods or minerals for hire;

and in construing the incorporated provisions of the said Acts the expressions "the Company" and "the Undertakers" shall respectively mean the Commissioners.

Interpreta-
tion.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act the following words and expressions shall have the meanings respectively assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"Tees Conservancy Acts" means the Tees Conservancy Acts 1852 to 1907;

"Work No. 1" "Work No. 2" and "Work No. 3" mean respectively Work No. 1 Work No. 2 and Work No. 3 by this Act authorised;

"The substituted roads" means the roads and works in connexion therewith by this Act authorised and so much of Greatham Creek Road in the parish of Cowpen Bewley as lies between the termination of Work No. 1 and the commencement of Work No. 2;

"Petroleum" has the same meaning as in the Petroleum Acts 1871 and 1879;

"Ship" includes every description of vessel used in navigation whether propelled by oars or otherwise;

"The river" means the portions of the River Tees and the shore thereof and of any creek bay arm of the sea or navigable river communicating therewith within the jurisdiction of the Commissioners;

"Statutory securities" means any securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock

stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Commissioners.

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NEW ROADS.

4. For the purpose of giving and improving the access to the reclaimed lands the Commissioners may subject to the provisions of this Act make and maintain in the lines and according to the levels shown on the deposited plans and sections of the new roads the new roads herein-after described of a width of not less than thirty feet together with all necessary or proper bridges fences gates retaining and other walls banks drains watercourses culverts cuts channels ways and other works in connexion therewith and may enter upon take and use such of the lands delineated on the deposited plans of the new roads and described in the deposited book of reference thereto as may be required for that purpose The roads herein-before referred to and authorised by this Act are—

Power to take lands and make works.

Work No. 1 A carriage road situate in the parishes or townships of Billingham and Cowpen Bewley commencing in the parish or township of Billingham in the public highway leading from Haverton Hill to Port Clarence and terminating in the parish or township of Cowpen Bewley in Greatham Creek Road:

Work No. 2 A carriage road situate in the parishes or townships of Cowpen Bewley Greatham and Seaton commencing in Greatham Creek Road and terminating in the said parish of Seaton at or near the termination of the public highway from West Hartlepool to and through Seaton Carew at or immediately to the north of the entrance gate to Seaton Snook:

Work No. 3 A carriage road situate in the parish of Seaton commencing in Work No. 2 at a point one hundred and twenty yards or thereabouts measured in a north-westerly direction from the south-east corner of the inclosure numbered 157 on the $\frac{1}{2500}$ Ordnance map (second edition 1897) of the said parish and terminating in the inclosure numbered 156 on the said Ordnance map.

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Limiting quantity of common-able lands to be taken.

Power to deviate in construction of roads.

5. The quantity of land which may be taken by the Commissioners from the common or commonable land known as Seaton Snook or Common in the parish of Seaton under the powers conferred on them by this Act shall not exceed five acres.

6. In making the new roads herein-before described the Commissioners may deviate laterally from the lines thereof shown on the deposited plans of the new roads to any extent within the limits of lateral deviation shown on the said plans and may deviate vertically from the levels thereof shown on the deposited sections of Work No. 2 where the same passes through the lands numbered 5 6 and 7 on the deposited plans in the parish of Seaton to any extent not exceeding twenty feet upwards or two feet downwards and of the remainder of the works to any extent not exceeding seven feet upwards or two feet downwards Provided that no deviation downwards from the level of Work No. 2 where the same crosses Greatham Creek shall be made without the consent in writing of the Greatham Hospital Trustees Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Correction of errors in deposited plans and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans of the new roads or described in the deposited book of reference thereto the Commissioners after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices for the correction thereof and if it appear to such justices that such omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of such omission misstatement or wrong description and such certificate shall be deposited with the clerk of the peace for the county of Durham and shall be kept by him with the other documents to which the same relates and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate and the Commissioners may make the works in accordance with such certificate as if such omission misstatement or wrong description had not been made.

Copies of deposited plans &c. to be evidence.

8. Copies of the deposited plans of the new roads and book of reference thereto or of any alteration or correction thereof or extract therefrom certified to be true by the clerk of the peace for the county of Durham (which certificate such clerk of the peace shall give to all parties interested when required) shall be

received in all courts of justice or elsewhere as *prima facie* evidence of the contents thereof. A.D. 1912.

9. The Commissioners may in lieu of acquiring any land for the purpose of the works authorised by this Act purchase and take such easements and rights in such lands as they may require for the purpose of making maintaining and using the said works and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with respect to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

Power to acquire easements only.

10. The powers of the Commissioners for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

11. 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.

Persons under disability may grant easements &c.

12.—(1) During and for and in connexion with the construction of the roads by this Act authorised the Commissioners may cross divert and interfere with any road or footpath so far as may be necessary and may prevent persons from passing along and using the same and may temporarily or permanently divert or alter the course or position of any stells drains water and other pipes posts cables and wires which may interfere with the construction maintenance or user of the said roads on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the Commissioners and the owners of such pipes posts cables or wires or in case of difference as may be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall extend and apply to any such arbitration.

Temporary stoppage of roads and alteration of pipes and cables &c.

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(2) In the exercise of the powers conferred by this section the Commissioners shall cause as little detriment and inconvenience and do as little damage as may be and shall make full compensation to all bodies and persons interested in any such stells drains water and other pipes posts cables and wires for all damage sustained by them by reason or in consequence of the exercise of any such powers.

(3) The Commissioners shall not divert or alter the course or position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

New roads to be substituted for award roads.

13.—(1) The substituted roads when formed and made shall be substituted for and accepted by all persons interested in lieu of the roads and other ways other than the North Eastern Railway which are by the Tees Conservancy Acts or the Tees Foreshore Reclamation Awards dated the sixteenth day of March one thousand eight hundred and eighty-seven and the sixteenth day of August one thousand eight hundred and eighty-nine as varied by agreement in pursuance of the provisions of section 11 of the Act of 1889 required or directed or agreed to be formed and made by the Commissioners on the reclaimed lands to the east and north of Port Clarence aforesaid and so soon as Works No. 2 and No. 3 shall have been formed and made the Commissioners shall not be under any obligation to construct any of the said roads or other ways so required directed or agreed to be made as aforesaid or subject to any claim or liability by reason of the non-construction thereof.

(2) The owners and occupiers of any lands already reclaimed or which may hereafter be reclaimed by the Commissioners under the provisions of the Tees Conservancy Acts shall have the use of the substituted roads in common with the owners and occupiers of ancient inclosed lands abutting on the said roads and of ancient inclosed lands in respect of which the owners thereof were are or will be entitled to a right of pre-emption in any part of such reclaimed lands under the said Acts and of the ancient lands purchased by the Commissioners situate to the east of the reclaimed lands in the parish of Seaton and except as by this Act otherwise provided the persons for the time being entitled to use the said roads shall (after each of such roads shall have been formed and made by the Commissioners and until the same shall have been transferred to the county council of Durham or taken over by the local authority

or local authorities having charge of public highways in the district in which such road is situate) contribute to the cost of maintaining and keeping in repair the same in such shares and proportions as having regard to the extent of land in respect of which they shall be entitled respectively to use the same road shall be mutually agreed upon or in default of agreement shall be settled by arbitration. Provided that the North Eastern Railway Company shall not be liable under the provisions of this section to make any contribution towards the cost of maintaining and keeping in repair the said roads.

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(3) Any dispute which shall arise as to any sums to be paid in respect of the maintenance or repair of any of the said new roads or as to the persons entitled to use any such road shall be settled by a surveyor or engineer to be appointed by the Board of Trade on the application of any of the parties.

14. For the protection of the Right Honourable John Earl of Eldon tenant for life or other the person or persons who for the time being shall be the owner or owners of or have the powers of a tenant for life under the Settled Land Acts of the settled estate as herein-after defined his or their heirs sequels in estate and assigns (all of whom are herein-after respectively referred to as "Lord Eldon") the following provisions shall unless otherwise agreed have effect (that is to say):—

For protection of Lord Eldon.

(1) In this section the following expressions have the meanings herein-after assigned to them respectively (that is to say):—

"The settled estate" means the lands (not being the manorial lands herein-after defined) situate in the parish of Seaton in the county of Durham and constituting part of the settled estates in that county of which the said John Earl of Eldon is tenant for life in possession;

"Lord Eldon's purchased reclaimed land" means that part of the settled estate which on the twentieth day of May one thousand eight hundred and ninety-two was conveyed to the said John Earl of Eldon by the Commissioners of Woods and the Commissioners;

"The manorial lands" means the lands in the parish of Seaton numbered 147 148 148A 149 and 151 on the $\frac{1}{2500}$ Ordnance map (second edition 1897) of the said parish;

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“The agreed plan and section” means the amended plan and section signed in duplicate by John Hetherington Amos on behalf of the Commissioners and by Charles Gibbons May on behalf of the said John Earl of Eldon ;

“Road authority” means with respect to the portion of Work No. 2 in the Hartlepool Rural District and Work No. 3 respectively the Commissioners until the same respectively shall have been transferred to and vested in the Durham County Council or the Hartlepool Rural District Council and thereafter the Durham County Council or the Hartlepool Rural District Council as the case may be :

(2) Except as in this section herein-after mentioned the Commissioners shall not take any lands or any easement right or privilege over any lands forming part of the settled estate or any estate or interest of the said John Earl of Eldon in the manorial lands but they may purchase and take and Lord Eldon shall sell and grant to the Commissioners accordingly but as to the manorial lands only to the extent to which his estate and interests therein enable him to grant and assure the same easements or rights in over or affecting such lands of a width of sixty feet and such additional width as may be required for embankments and cuttings for the purposes of making and maintaining Work No. 2 and of a width of not less than thirty-six feet for the purpose of making and maintaining Work No. 3 and the Commissioners may within two years from the passing of this Act give notices to treat in respect of such easements or rights and the several provisions of the Lands Clauses Acts (inclusive of those with respect to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts :

(3) If the Commissioners elect to purchase from Lord Eldon the easements or rights above referred to they shall not later than one year after giving the notice to treat referred to in subsection (2) of this section

take all necessary steps for acquiring and shall with all reasonable despatch acquire from all necessary parties the lands or sufficient easements or rights of way and other rights along over upon and under the lands not forming part of the settled estate constituting the remainder of the lands required for the purposes of making and maintaining Works No. 2 and No. 3 such easements or rights being at least equally extensive with those purchased or acquired over upon or under the settled estate:

- (4) Within one year after giving the notice to treat referred to in subsection (2) of this section the Commissioners shall commence and shall thereafter with all reasonable despatch proceed with and finish the following works namely The Commissioners shall make Works No. 2, and No. 3 over the lands either acquired or over which easements or rights may have been acquired for the purpose of making and maintaining Works No. 2 and No. 3 up to a width of at least thirty feet on and along the whole length of the sites of the roadways and shall metal the roadways and make the bridges shown on the agreed plan and section and in accordance therewith:
- (5) Lord Eldon and the owners and occupiers from time to time of the settled estate and the manorial lands or any part or parts thereof claiming under Lord Eldon shall have full rights of way for vehicular and all other traffic over the roads forming Works No. 2 and No. 3:
- (6) Any transfer to or taking over by the county council of Durham or by the local authority of any new roads authorised by this Act or any part thereof shall be made and take effect subject to the rights by this Act reserved to Lord Eldon:
- (7) Work No. 2 where the same shall be situate on or pass through the lands lying between the points A and B on the agreed plan and Work No. 3 shall be made in the line and according to the altered levels shown on the agreed plan and section Provided always that if within three months after the date of the service upon him of the notice to treat in respect of the easements or rights over the settled

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estate Lord Eldon shall by notice require the Commissioners to alter the line of such portion of Work No. 2 as lies between the points B and C on the agreed plan or such portion of Work No. 3 where the same shall be situate on the settled estate and the manorial lands the Commissioners shall deviate laterally from the lines thereof as shown on the agreed plan to such extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the said section either upwards or downwards to such extent not exceeding two feet upwards or two feet downwards as Lord Eldon may by such notice require:

- (8) The Commissioners shall make a footpath not less than six feet wide along the western and northern side of Work No. 2 so far as the same shall be made on lands in the parish of Seaton and kerb the same with suitable materials to the reasonable satisfaction of Lord Eldon and shall from time to time at the request of Lord Eldon and to his reasonable satisfaction pave with suitable paving such portions of the said footpath as are not already paved Provided that the Commissioners shall not be required to make the footpath along the roadway southwards of the commencement of Work No. 3 until buildings have been erected on the lands adjacent thereto:
- (9) Before the Commissioners commence to make Works No. 2 and No. 3 upon the lands forming part of the settled estate and the manorial lands they shall to the reasonable approval of Lord Eldon fence off the said lands from the adjoining lands with suitable stock-proof fences provided with proper gates at such reasonable intervals as Lord Eldon may require for the passage of persons vehicles and animals across and (except during construction of the said works) along the lands forming the sites thereof and the road authority shall thereafter maintain such fences and gates in proper condition and repair Provided always that Lord Eldon may at any time before or after the completion of the said works place and maintain additional gates in the said fences for the like purposes or may after the works are

completed remove the fences and gates erected by the Commissioners or any of them or any part or parts of such fences and thereupon all obligations of the road authority hereunder with respect to the maintenance of such fences and gates shall to the extent of the fences and gates removed cease and determine. Provided always that until the Commissioners shall have fenced off the said lands as hereby required Lord Eldon and the tenants of the adjoining lands shall have the same rights of grazing and passing across the said lands as heretofore:

(10) It shall be lawful for Lord Eldon at his own costs and charges to make and maintain over or under and across any of the lands forming part of the settled estate over which such easements or rights as aforesaid shall be acquired such and so many bridges subways and tunnels sewers drains pipes wires and cables as he may think fit but so always that no electric power cables shall be carried overhead and that no work shall during construction interfere unreasonably with the rights and easements aforesaid being used for the free passage of vehicular and other traffic thereover. Any such works shall only be constructed in accordance with plans sections and specifications previously submitted to the road authority fourteen days at least before the commencement of such work. If within that period the road authority shall disapprove of such plans and sections as interfering unreasonably with the use of the rights and easements as aforesaid the question whether or not such plans and sections do so interfere shall be referred to arbitration in the manner herein-after provided:

(11) Where any embankment slope of cutting or retaining wall of Work No. 2 or Work No. 3 is constructed upon any part of the settled estate Lord Eldon may remove all or any part of the embankment or slope lying beyond thirty feet from the centre of the roadway and build on the site so cleared and may also build up to and on any part of any retaining wall or support lying beyond such distance of thirty feet. Lord Eldon erecting and maintaining proper

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retaining walls or supports for the roadway in place of such part of the embankment or slope as may be removed and maintaining all walls and supports on which any buildings erected under the provisions of this section may actually rest and also making good all damage done to any works or property of the road authority in the exercise of the powers hereby conferred on Lord Eldon Provided always that before any works shall be commenced under this subsection seven days previous notice in writing of the intention to commence the same shall be given to the road authority and the work shall be executed under the superintendence and to the reasonable satisfaction of such road authority and if any dispute shall arise as to the reasonableness of the requirements of the road authority the same shall be referred to arbitration in manner herein-after provided :

- (12) The shares and proportions in which the owners and occupiers of the settled estate of the manorial lands and of the unsold portions of the parcels of reclaimed lands at the time of the passing of this Act numbered 6 7 and 8 on the plan attached to the recited award of the sixteenth day of August one thousand eight hundred and eighty-nine shall contribute to the cost of maintaining and keeping in repair the substituted roads until the same shall be transferred to the county council of Durham or the local authorities shall be as follows namely :—

The owners and occupiers of that portion of the settled estate (other than Lord Eldon's purchased reclaimed lands) which is situate within one hundred and fifty yards of the centre of Work No. 2— $\frac{2}{3}$ ^{$\frac{9}{5}$} th parts of the cost of maintaining so much of Work No 2 as is situate north of the bridge over Great-ham Creek and Work No. 3 after deducting the amount of any contributions towards such maintenance which the Commissioners may obtain from persons other than the owners of or the persons entitled to share in the proceeds of sale of the reclaimed lands and from the owners and occupiers of the ancient lands purchased by the Commis-

sioners situate to the east of the reclaimed lands in the parish of Seaton;

The owners and occupiers of Lord Eldon's purchased reclaimed lands— $\frac{5}{235}$ ths of such last-mentioned cost;

The owners and occupiers of the unsold portion of the Parcel No. 6 aforesaid— $\frac{24}{235}$ ths of such last-mentioned cost;

The owners and occupiers of the unsold portion of the Parcel No. 7 aforesaid— $\frac{13}{235}$ ths of such last-mentioned cost;

The owners and occupiers of the unsold portion of the Parcel No. 8— $\frac{22}{235}$ ths of such last-mentioned cost;

The owners and occupiers of that portion of the settled estate (other than Lord Eldon's purchased reclaimed land) which is situate more than one hundred and fifty yards from the centre of Work No. 2 and the owners and occupiers of the manorial lands—Nil:

Provided always that if the width of the substituted roads shall exceed thirty feet then the shares and proportions in which the owners and occupiers aforesaid are to contribute to the costs of maintenance and repair above mentioned shall be limited to and calculated upon such proportion only of the whole costs and expenses as the width of thirty feet bears to the entire width of the substituted roadway:

- (13) Within one year from the completion of Work No. 2 the Commissioners shall soil and seed the slopes of every embankment constructed by them upon the settled estate and the manorial lands:
- (14) With respect to the mines and minerals lying under or near so much of the manorial lands and the lands forming part of the settled estate (other than Lord Eldon's purchased reclaimed land) on which Works No. 2 and No. 3 are situate sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall be incorporated with this Act and apply as if the said works are "the railway" and

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the Commissioners are "the company" within the meaning of that Act and the prescribed distance shall be two hundred yards:

(15) Exchanges shall be made of such small portions of the manorial lands as after the execution of Work No. 2 shall lie to the west of the site of that work for equal areas of lands to be indicated by Lord Eldon forming part of the settled estate and abutting upon the manorial lands which after such execution shall lie to the east of such work and of such small portion of the reclaimed lands in the parish of Seaton as after such execution shall lie to the north of the site of the said work for an equal area of the land numbered 1 on the deposited plans for the parish of Seaton forming part of the settled estate and abutting upon the reclaimed lands lying to the south of such work and if they so agree Lord Eldon may sell and the Commissioners may purchase the remainder of the said intersected portion of the settled estate numbered 1 and 3 on the deposited plans for the said parish in which case it shall not be necessary for the Commissioners to construct the bridge shown on the agreed plan and section for giving access to the land numbered 3 Lord Eldon and the Commissioners shall make all necessary purchases and assurances for giving effect to the provisions of this subsection and all lands which shall be taken from the manorial lands in exchange for portions of the settled estate shall for all purposes thenceforth be regarded as forming part of the settled estate and all lands which under such exchange as aforesaid shall be added to the manorial lands shall for all purposes thenceforth be regarded as forming part of the manorial lands and all lands which shall be added by way of exchange to the reclaimed lands shall for all purposes thenceforth be regarded as subject to the same trusts as the reclaimed lands given in exchange:

(16) Any difference which shall at any time arise under the provisions of this section except subsection (2) hereof between Lord Eldon and the road authority shall be determined by arbitration by a single

arbitrator to be appointed failing agreement between the parties to the difference by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply thereto. A.D. 1912.

15. For the protection of the Greatham Hospital Trustees owners of the ancient inclosed lands in the parish of Greatham adjoining the parcel of reclaimed land numbered 5 on the plan attached to the recited award of the sixteenth day of August one thousand eight hundred and eighty-nine their successors and assigns (all of whom are herein-after respectively referred to as "the trustees") the following provisions shall unless otherwise agreed have effect (that is to say):— For protection of Greatham Hospital Trustees.

- (1) In this section the expression "road authority" means the Commissioners until the portion of Work No. 2 in the Hartlepool Rural District shall have been transferred to and vested in the Durham County Council or the Hartlepool Rural District Council and thereafter the county council or the Hartlepool Rural District Council as the case may be:
- (2) The trustees and the owners and occupiers from time to time of the said lands or any part or parts thereof claiming under the trustees shall have full rights of way for vehicular and all other traffic over the roads forming Works No. 1 No. 2 and No. 3:
- (3) Before the Commissioners commence to make Work No. 2 they shall to the reasonable approval of the trustees fence off the lands on which the said work is to be constructed from the adjoining lands of the trustees with suitable stock-proof fences provided with proper gates at such reasonable intervals as the trustees may require for the passage of persons vehicles and animals across and (except during construction of the said work) along the lands forming the site thereof and the road authority shall thereafter maintain such fences and gates in proper condition and repair Provided always that the trustees may at any time before or after the completion of the said work place and maintain additional gates in the said fences for the like purposes or may after the said work is completed remove the fences and

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gates erected by the Commissioners or any of them or any part or parts of such fences and thereupon all obligations of the road authority hereunder with respect to the maintenance of such fences and gates shall to the extent of the fences and gates removed cease and determine Provided also that until the Commissioners shall have fenced off the said lands as hereby required the trustees and the tenants of the adjoining lands of the trustees shall have the same rights of grazing and passing across the said lands as heretofore :

(4) For the purpose of giving access to or communication between the lands of the trustees in the parish of Greatham situate on the western side of Work No. 2 and any reclaimed land abutting on the eastern side of the said work which they may acquire in the said parish the trustees may at their own cost and charges make and maintain over or under and across any of the said lands purchased from them by the Commissioners or over which easements or rights shall be acquired by the Commissioners for the purpose of making Work No. 2 such and so many bridges subways and tunnels sewers drains pipes wires and cables as they may think fit but so always that no electric power cables shall be carried overhead and that no work shall during construction interfere unreasonably with the user of the said lands easements or rights or the free passage of vehicular and other traffic thereover Any such work shall only be constructed in accordance with plans sections and specifications previously submitted to the road authority fourteen days at least before the commencement of such work If within that period the road authority shall disapprove of such plans and sections as interfering unreasonably with the user of the said lands easements or rights or the free passage of vehicular and other traffic as aforesaid the question whether or not such plans and sections do so interfere shall be referred to arbitration in the manner herein-after provided :

(5) Work No. 2 where the same will be situate in front and to the eastward of or upon the ancient lands

of the trustees in the parish of Greatham shall be made as nearly as may be in the altered line and according to the altered levels shown on an agreed plan and section signed in duplicate by John Hetherington Amos on behalf of the Commissioners and by Tobias Harry Tilly on behalf of the trustees and if the roadway of Work No. 2 shall in the first instance be constructed of a width of thirty feet any future widening of the roadway to the extent of thirty feet shall be made on the western side thereof but so that the entire width of the widened road shall not exceed sixty feet:

- (6) Where any embankment slope of cutting or retaining wall of Work No. 2 is constructed upon any part of the lands of the trustees the trustees may remove all or any part of the embankment or slope lying beyond thirty feet from the western side of the roadway thirty feet wide and build on the site so cleared and may also build up to and on any part of any retaining wall or support lying beyond such distance of thirty feet the trustees erecting and maintaining proper retaining walls or supports for the roadway in place of such part of the embankment or slope as may be removed and maintaining all walls and supports on which any buildings erected under the provisions of this section may actually rest and also making good all damage done to any works or property of the road authority in the exercise of the powers hereby conferred on the trustees Provided always that before any works shall be commenced under this subsection seven days' previous notice in writing of the intention to commence the same shall be given to the road authority and the work shall be executed under the superintendence and to the reasonable satisfaction of such road authority and if any dispute shall arise as to the reasonableness of the requirements of the road authority the same shall be referred to arbitration in manner herein-after provided:
- (7) The shares and proportions in which the owners and occupiers of the said lands of the trustees in the parish of Greatham and of the parcel of reclaimed

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lands numbered 5 on the plan attached to the recited award of the sixteenth day of August one thousand eight hundred and eighty-nine shall contribute to the cost of maintaining and keeping in repair the substituted roads until the same shall be transferred to the county council of Durham or the local authorities shall be as follows namely:—

The owners and occupiers of that portion of the said lands of the trustees in the parish of Greatham which is situate within one hundred and fifty yards to the westward of the centre of Work No. 2 fifty-seven two hundred and thirty-fifth parts of the cost of maintaining Work No. 2 including the bridge over Greatham Creek and Work No. 3;

The owners and occupiers of the parcel No. 5 aforesaid fifty-seven two hundred and thirty-fifth parts of such last-mentioned cost;

The owners and occupiers of that portion of the said lands of the trustees in the parish of Greatham which is situate more than one hundred and fifty yards from the centre of Work No. 2
—Nil:

Provided always that if the width of the substituted roads shall exceed thirty feet then the shares and proportions in which the owners and occupiers aforesaid are to contribute to the costs of maintenance and repair above mentioned shall be limited to and calculated upon such proportion only of the whole costs and expenses as the width of thirty feet bears to the entire width of the substituted roadway:

- (8) The Commissioners of Woods and the Commissioners shall exchange the severed portions of the reclaimed lands adjoining the ancient inclosed lands of the trustees situate on the western side of Work No. 2 in the parish of Greatham for so much of the ancient inclosed lands of the trustees as may be required for the construction of Work No. 2 not exceeding sixty feet wide and the severed portions of the land of the trustees situate on the eastern side of the said work in the same parish and the

trustees and the Commissioners of Woods and the Commissioners as the case may be shall pay for equality of exchange at the rate of one hundred pounds in respect of every acre or part of an acre by which the quantity of land so acquired by one party shall exceed the quantity so acquired by the other party and the moneys so received by the Commissioners of Woods (if any such moneys be payable by the trustees) after deducting therefrom the cost of the Commissioners of Woods and the Commissioners of and incidental to the said exchange shall be paid as to two-thirds thereof to the Commissioners and one-third thereof to the Commissioners of Woods :

- (9) Any difference which shall arise under the provisions of this section between the trustees and the road authority shall be determined by arbitration by a single arbitrator to be appointed failing agreement between the parties to the difference by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply.

16. With respect to the mines and minerals lying under or near the lands belonging to the Ecclesiastical Commissioners on which Works No. 1 and No. 2 are situate sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall be incorporated with this Act and apply as if the said works are "the railway" and the Commissioners are "the company" within the meaning of that Act and the prescribed distance shall be two hundred yards.

For protection of Ecclesiastical Commissioners.

17. For the protection of the North Eastern Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Commissioners and the company be observed and have effect (that is to say) :—

For protection of North Eastern Railway Company.

- (1) (A) Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to deviate in construction of roads" the Commissioners shall not in constructing the bridge carrying Work No. 2 over the company's Seaton Snook branch deviate from the centre line thereof as

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shown on the deposited plans at the point where the said work is shown to cross the company's said branch;

(B) The said bridge shall be constructed and thereafter maintained under the direction and superintendence and to the reasonable satisfaction of the engineer of the company and in accordance with plans drawings and specifications previously submitted to and approved by him with a clear headway above rail level of fifteen feet and with a clear span of seventy-four feet;

(C) The Commissioners shall not in the execution maintenance or repair of the said bridge interfere with the safe user of the company's railway or interrupt obstruct hinder or interfere with the traffic thereon;

(D) The Commissioners shall during the execution or repair of the said work execute all such temporary works as shall be reasonably necessary for the purpose of avoiding risk to the railway or interruption to the traffic thereon and they shall further pay and make good to the company all loss damages and expenses which the company shall sustain or be put to by reason of the construction maintenance repair and use of the said bridge;

(E) From and after the transfer and vesting of Work No. 2 in the Durham County Council or the Stockton Rural District Council and the Hartlepool Rural District Council the obligations of the Commissioners in respect of the maintenance and repair of the said bridge shall be fulfilled by the county council or the Hartlepool Rural District Council as the case may be:

(2) The Commissioners shall not in carrying Work No. 2 over Greatham Creek construct such work across the said creek so that the centre line will be nearer than fifty feet to the west of the centre line of the said work as shown on the deposited plans:

(3) The Commissioners shall not without the consent in writing of the company take any property of the company but they may purchase and take and the

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company shall grant such right or easement over or upon any lands or works of the company delineated on the deposited plans as shall be necessary for the purpose of constructing maintaining and using Work No. 2 and the Commissioners shall not either temporarily or permanently enter upon use or interfere with any railway or property of the company save only as far as may be necessary for the purpose of constructing and maintaining Work No. 2 in accordance with the provisions of this Act:

- (4) Any difference arising between the Commissioners or the Durham County Council or the Hartlepool Rural District Council and the company under this section shall be determined by an engineer to be appointed failing agreement by the Board of Trade under the provisions of the Arbitration Act 1889.

18.—(1) After Work No. 1 shall have been made and opened for public use the Commissioners may if they think fit stop up and discontinue as a public highway so much of Great-ham Creek Road as lies between the railway bridge thereover near the Clarence Station Hotel and the termination of Work No. 1 and thereupon all public rights of way over the said road shall cease and be extinguished but subject and without prejudice to the rights of user of the said road by the Ecclesiastical Commissioners for England the Salt Union Limited and Bell Brothers Limited.

As to stop-
ping up parts
of Greatham
Creek Road.

(2) After Works No. 2 and No. 3 shall have been made and opened for use the Commissioners may if they think fit stop up and discontinue so much of Greatham Creek Road as lies to the north of the commencement of Work No. 2 and thereupon all rights of way thereover shall cease and be extinguished and the site of the portion of road so stopped up and discontinued shall thereupon vest in the Commissioners and be deemed to be part of the reclaimed lands.

19. So soon as Works No. 2 and No. 3 shall have been formed and made as aforesaid all existing rights of way if any over or upon any of the unsold reclaimed lands Lord Eldon's purchased reclaimed lands and the ancient lands of the Commissioners situate in the parishes of Greatham and Seaton shall cease and be extinguished but this section shall not operate so as to affect any rights conferred upon or reserved to the parties named in the agreement dated the tenth December one thousand

As to rights
of way over
certain
reclaimed
lands.

A.D. 1912. nine hundred and six and set forth in the First Schedule to the North Eastern Railway Act 1908 and confirmed by section 40 of that Act with reference to the new railway referred to in the said agreement.

Agreements with local and road authorities as to construction &c. of substituted roads.

20. The Commissioners on the one hand and the Durham County Council the mayor aldermen and burgesses of the county borough of West Hartlepool the mayor aldermen and burgesses of the county borough of Middlesbrough the Hartlepool Rural District Council and the Stockton Rural District Council or any one or more of such bodies on the other hand may enter into and carry into effect agreements for and with respect to the widening of the substituted roads or any of them to a width greater than thirty feet and to the maintenance and repair of such roads or any of them or any portion thereof and any such agreement may provide for the payment of contributions by any of the said bodies towards the expense of such widening maintenance and repair and for the transfer of the said roads or any of them to the said Durham County Council or the said rural district councils or any or either of them and the maintenance thereof as public highways.

RIVER WORKS.

Heightening of one-third tide river-training walls.

21. The Commissioners may heighten and maintain the one-third tide river-training walls shown upon the deposited plans of the river works on the south and north sides of the navigable channel of the river below the wharf of the Cargo Fleet Iron Company Limited to any height not exceeding that shown on the deposited sections of the river works:

Provided that nothing herein contained shall authorise the Commissioners to alter or interfere with any portion of the one-third tide river-training wall in front of the Eston Wharf and property of Bolckow Vaughan and Company Limited between the high end of Clay Lane Wharf and a point two thousand five hundred and eighty-five feet measured in a northerly direction therefrom being the low end of the sheet piling below the Eston pumping station of Bolckow Vaughan and Company Limited which portion of the said training wall is shown in red on the plan signed in duplicate by John Hetherington Amos on behalf of the Commissioners and by Erasmus Darwin on behalf of Bolckow Vaughan and Company Limited.

Amendment of section 41

22. Section 41 of the Act of 1863 shall be read and construed as if the words "or of any quay or quay-wall or of any

staith dock-entrance jetty pier breastwork or other structure or work or river-bank" were inserted therein after the words "face wall or piling of any wharf or landing-place" and as if the words "staith dock-entrance jetty pier breastwork or other structure or work or river bank" were inserted therein after the words "such face wall or piling" Provided always that the provisions of this section shall not apply to any work which the Commissioners are under the provisions of the Tees Conservancy Acts liable to maintain.

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of Tees Con-
servancy
Act 1863.

23. After the passing of this Act no quay quay-wall wharf staith jetty pier dock-entrance landing-place bank breastwork or other structure or work not authorised by a special Act of Parliament or Provisional Order confirmed by Parliament shall be constructed below high-water mark in or upon any part of the foreshore or bed of the river except in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the Commissioners with or without modification or alteration.

Approval of
erections in
river.

If the Commissioners shall not approve with or without modification or alteration or disapprove of any such plans sections or specifications within two months from the time when the same shall have been first submitted to them or if any person shall be dissatisfied with any modification or alteration or disapproval by the Commissioners and shall notify his dissatisfaction and (in case of an approval with modification or alteration) the reasons therefor in writing to the Commissioners within twenty-eight days after the expiration of such period of two months a difference shall be deemed to have arisen between the Commissioners and the person submitting such plans sections and specifications and the same shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade upon the application in writing of either of the parties to such difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

BYELAWS.

24.—(1) The Commissioners may from time to time make byelaws with reference to all or any of the following purposes (that is to say):—

Consolida-
tion of
existing pro-
visions as to
byelaws.

- (i) For the purposes named in section 83 of the Harbours Docks and Piers Clauses Act 1847;
- (ii) For prohibiting or regulating the discharge or casting of ballast ashes refuse or other material into the river;

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- (iii) For regulating the fisheries below Stockton Bridge other than the salmon fisheries and for protecting the cockle beds and mussel beds and for preventing the removal of the young fish and for regulating the vessels employed in fishing or dredging in the river and for preventing unauthorised vessels fishing in the river Provided that the powers hereby conferred of making byelaws for protecting cockle beds and mussel beds shall not be exercised during the continuance of the Tees Fishery Order 1909 confirmed by the Sea Fisheries (Tees) Provisional Order Confirmation Act 1909 and nothing herein contained shall prejudicially affect any rights powers authorities duties or obligations lawfully conferred or imposed on any local fisheries committee or Board of Conservators exercising the powers of the Sea Fisheries Regulation Act 1888 within any part of the Commissioners' jurisdiction ;
- (iv) For regulating the steam tugs employed in towing vessels (but not the towage rates to be charged for such steam tugs) and for the good government of the masters and crews thereof and for preventing misbehaviour ;
- (v) For regulating the speed of steamers ;
- (vi) For preventing trespassing on the works and premises of the Commissioners ;
- (vii) For preventing obstructions or impediments whether fixed or floating arising or being occasioned in the river or the portion of the sea within the jurisdiction of the Commissioners or at or in any works under the charge of the Commissioners and for effectually removing the same and for raising sunken craft and for protecting the navigation from danger of obstruction ;
- (viii) For preventing accidents on the river on the occasion of any public event likely to cause the crowding of persons or vessels in the river or the crowding of persons on the banks thereof or on any of the piers landing-places or wharves of the Commissioners ;
- (ix) For the berthing mooring and removing of vessels lying in any part of the river ;
- (x) For fixing and regulating the lights to be carried by all vessels within the river ;

- (xi) For regulating the loading discharging and landing of timber and the placing of the same in timber ponds or depôts and regulating the manner and limiting the period of using such timber ponds and depôts and of entering and leaving the same; A.D. 1912.
- (xii) For regulating the times and manner of paying and place of payment of tolls rates and dues authorised to be received or paid under the authority of any of the Tees Conservancy Acts;
- (xiii) For regulating the use of the coal staithes of the Commissioners and the conduct of persons using or frequenting the same;
- (xiv) For regulating the use of any wharves quays and landing-places constructed by the Commissioners and the conveniences connected therewith and the conduct of persons using or employed at the same or on board any vessels while lying at or using such wharves quays or landing-places.

(2) Sections 83 to 90 of the Harbours Docks and Piers Clauses Act 1847 are hereby incorporated with this Act and shall apply to all byelaws made by the Commissioners after the passing of this Act except byelaws affecting only the officers or servants of the Commissioners and byelaws made under the section of this Act the marginal note of which is "Byelaws as to ships loading petroleum in the river" Provided always that all byelaws made under the provisions of this section shall be confirmed by the Board of Trade instead of by a judge of the Supreme Court and the Board of Trade may confirm such byelaws with or without any omission addition or alteration or may disallow the same.

25. From and after the passing of this Act all provisions contained in the Tees Conservancy Acts with respect to the making altering or repealing of byelaws by the Commissioners and the confirmation thereof are hereby repealed but without prejudice to any existing byelaws made under those Acts or any of them all which byelaws shall continue in force as if this Act had not been passed until the same shall be altered or repealed by the Commissioners.

Repeal of existing provisions with respect to making &c. of byelaws.

26. The Commissioners may frame and submit for confirmation to the Board of Trade byelaws for regulating the place or places in the river at which ships loading or carrying

Byelaws as to ships loading petroleum in the river.

A.D. 1912. — petroleum for exportation are to be moored and for regulating the time and mode of and the precautions to be taken on in and during such loading and after such loading while the ships shall remain in the river.

The Commissioners shall publish the byelaws so framed with a notice of their intention to apply for the confirmation thereof The Board of Trade may confirm such byelaws with or without any omission addition or alteration or may disallow the same.

Every such byelaw when confirmed shall be published by the Commissioners and may be from time to time altered or repealed by a byelaw made in like manner Byelaws under this section shall be published in such manner as the Board of Trade may from time to time direct.

If at any time it appears to the Board of Trade that there is no byelaw for the time being in force under this section in the river the Board of Trade may by notice require the Commissioners to frame and submit to them a byelaw for the purposes of this section and if the Commissioners make default in framing a byelaw and obtaining the confirmation thereof within the time limited by such notice the Board of Trade may make a byelaw for the purposes of this section and such byelaw shall have the same effect as if it had been framed by the Commissioners and confirmed by the Board of Trade.

Where any ship or cargo is moored or loaded or otherwise dealt with in contravention of any byelaw for the time being in force under this section in the river the owner and master of such ship or the owner of such cargo as the case may be shall each incur a penalty not exceeding fifty pounds for each day during which such contravention continues and it shall be lawful for the harbour-master or any other person acting under the orders of the Commissioners to cause such ship or cargo to be removed at the expense of the owner thereof to such place as may be in conformity with the said byelaw and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

FINANCE.

Commis-
sioners may
advance
moneys for
roads.

27. The Commissioners may at their discretion from time to time apply any moneys or funds in their hands or under their control for paying the cost of constructing any of the works

by this Act authorised including the necessary lands and easements for the same or may advance out of any of such moneys or funds any moneys required for paying the cost of constructing Works No. 1 No. 2 and No. 3 and of purchasing the necessary lands and easements for the same. A.D. 1912.

28. The Commissioners may enter into and carry into effect agreements with the Commissioners of Woods the Ecclesiastical Commissioners the trustees of the charity called the Hospital of God in Greatham but as to such trustees only with the approval of the Charity Commissioners for England and Wales the Right Honourable John Earl of Eldon and the trustees of his settled estates or any of them with respect to the construction maintenance and user of the roads by this Act authorised or any of them or any part thereof and with respect to contributions by way of money payments or the conveyance of lands or both to be made by them respectively towards the cost of constructing and maintaining the same. Agreements with land-owners as to contributions to cost of new roads &c.

29. All moneys advanced by the Commissioners for the construction of Works No. 2 and No. 3 including the acquisition of the necessary lands and easements for the same after deducting therefrom any contributions thereto which may be obtained by the Commissioners from persons other than the persons interested in the sale proceeds of the reclaimed lands through which the said works will be constructed with interest on such moneys calculated at the rate of four per centum per annum or at such lower rate as the Commissioners shall borrow the same from the dates of such advances until repayment shall be apportioned between and shall until repaid be charged upon the rents premiums and sale proceeds of the unsold parcels or portions of parcels of reclaimed lands specified in the said award of the sixteenth day of August eighteen hundred and eighty-nine and situate in the parishes of Greatham and Seaton and the unsold parcel of the ancient lands of the Commissioners situate to the east of the reclaimed lands in the parish of Seaton and in such proportions as the area of each such parcel or portion of parcel bears to the total area of all such lands and as and when each such parcel or portion of parcel or any part thereof shall be let or sold the nett moneys arising therefrom after paying the costs and expenses of each such letting or sale shall be applied in or towards repayment to the Commissioners of the moneys for the time being remaining so charged upon the premises let or sold before being applied in manner directed Incidence of cost of Works No. 2 and No. 3.

A.D. 1912. by the Tees Conservancy Acts Provided that the Commissioners shall bear and pay the one-fourth part of the proportions of the cost of constructing the portion of Work No. 2 situate to the south of Greatham Creek and of the bridge over the Creek including the cost of acquiring the necessary lands or easements therefor which under the provisions of this section would otherwise be borne by the rents premiums and sale proceeds of reclaimed lands allocated by the said award to owners of the ancient inclosed lands entitled to pre-emption in the unsold reclaimed lands in the parish of Seaton Provided also that if the lands chargeable with the moneys to be so advanced by the Commissioners after making such deductions as aforesaid would but for this proviso be chargeable with a sum exceeding fifty pounds per acre no part of the excess over such sum of fifty pounds shall be borne by or chargeable upon or paid out of that portion of the rents premiums and sale proceeds of reclaimed lands allocated by the said award to owners of the ancient inclosed lands entitled to pre-emption in the unsold reclaimed lands in the said parish of Seaton.

Power to vary rates &c.

30. The Commissioners may vary all or any of the rates and dues specified in the Tees Conservancy Acts and agree to accept from any person any composition in lieu of payment of such rates and dues as they from time to time think proper and reasonable provided no such rates or dues exceed the sums specified in that behalf in those Acts and that such rates and dues shall be charged and such composition granted equally and on the same terms to all persons in respect of the same description of vessels trading to and from the same ports and the same description of goods shipped on or unshipped from vessels so trading.

Deposit on account of dues.

31. The Commissioners may from time to time receive by way of deposit on account of dues to become payable by any payer of dues such a sum of money as shall in their opinion be sufficient to cover the amount of any such dues and every payer of dues shall on demand give to the Commissioners such security for the payment of any dues which may thereafter become payable by him as they may reasonably require and the amount of such security shall be recoverable from any payer of dues in the same way as rates and dues are recoverable under the Tees Conservancy Acts.

Reserve Fund.

32.—(1) The Commissioners may carry to a reserve fund such part of the receipts on revenue account as shall be available for the purpose until the fund amounts to one hundred thousand

pounds and if the fund be at any time reduced below that amount the Commissioners may carry to the fund so much of any such receipts as shall be required to restore the fund to that amount and be available for the purpose. A.D. 1912.

(2) The reserve fund so formed shall from time to time be applied by the Commissioners in their discretion in or towards meeting any deficiency on revenue account in any year or for improving the navigation of the river or to provide against risks and losses by injury to or destruction of works other than ordinary wear and tear or to defray any claims which may be made upon the Commissioners for compensation for accidents or damage consequent thereon or in advancing moneys for or towards the cost of constructing the roads by this Act authorised or for any other lawful purpose duly sanctioned by the Commissioners at any meeting specially called for that purpose.

(3) The sums paid into the reserve fund shall be invested in statutory securities.

GENERAL.

33. If Works No. 1 No. 2 and No. 3 shall not be constructed within five years from the passing of this Act or if the heightening of the one-third tide river-training walls by this Act authorised shall not be carried out within fourteen years from the passing of this Act then on the completion of those respective periods the powers by this Act granted to the Commissioners for executing the respective works or otherwise in relation thereto shall cease except as to so much thereof as shall then have been completed. Period for completion of works.

34. The Commissioners shall at or near the works below high-water mark by this Act 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 in which they so fail be liable to a penalty not exceeding twenty pounds.

35. The Commissioners shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct. Permanent lights on works.

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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.

36. If at any time the Board of Trade deems 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 water 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 be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

37. If a work constructed by the Commissioners on in over through or across tidal lands or tidal water 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.

Power to Commissioners of Woods to grant building leases.

38. Subject to the provisions of this Act it shall be lawful for the Commissioners of Woods with the consent of the Commissioners in writing under the hand of their chief clerk at any time after the passing of this Act and from time to time to lease or agree to lease any lands reclaimed under the powers of the Tees Conservancy Acts and which for the time being may remain unsold or any part of such lands either with or without a reservation of all or any of the mines minerals or substrata thereunder and of any rights powers and privileges for working getting and manufacturing the same for any term of years not exceeding ninety-nine years from the time of making such lease or agreement at such rents and with under and subject to such covenants provisions rights powers and privileges (whether affecting the surface of the land or otherwise) as to the Commissioners and the Commissioners of Woods may seem expedient.

Notice to landowners of exercise of powers of leasing certain reclaimed lands.

39.—(1) Before making any lease or agreement for lease for a longer term than seven years of any or any part of the reclaimed lands mentioned in this section under the provisions of this Act the Commissioners of Woods shall give written notice of the proposed terms thereof—

(A) As regards reclaimed lands situate in the parish of Seaton to the Earl of Eldon for the time being or

his lawful agent or solicitor as the representative of all owners of ancient inclosed lands interested in the reclaimed lands so situate: A.D. 1912.

(B) As regards reclaimed lands situate in the parish of Greatham to the trustees of the Hospital of God in Greatham or their lawful clerk or solicitor as the representatives of all owners of ancient inclosed lands interested in the reclaimed lands so situate.

(2) If within twenty one days from service of such notice any objection to the proposed terms is made in writing and served upon the Commissioners of Woods by any party on whom notice as aforesaid has been served the objection unless withdrawn or removed or unless the proposed lease or agreement for lease shall be abandoned shall be referred to and determined by a competent and impartial referee to be appointed on the application of the Commissioners of Woods by the President of the Institution of Civil Engineers and the lease or agreement for lease shall only be proceeded with subject to such alteration (if any) of the proposed terms as the referee may determine.

(3) The remuneration and expenses (if any) of the referee shall be paid in the first instance by the Commissioners of Woods and the amount so paid shall be repaid to them out of the moneys arising from such lease or agreement for lease before the same shall be paid and applied as herein-after directed.

(4) The Earl of Eldon for the time being may act under this section by his lawful agent or solicitor.

40. All rents and royalties received from leasing any reclaimed lands or the surface thereof in exercise of the powers of this Act shall be paid and applied in the same manner in all respects as if they were rents arising under the powers of the Tees Conservancy Acts from the letting of reclaimed lands. Application of rents.

41. Save as otherwise by this Act expressly provided all offences against any of the provisions of this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

42. Every penalty imposed by this Act shall (except where otherwise expressly provided) be paid to the Commissioners. Application of penalties.

A.D. 1912.

Crown
rights.

43. 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 commence any of the works hereby authorised which may affect or entail any charge on any moneys payable to the Crown or 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 whatever 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).

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

44. 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.

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.

Costs of
Act.

45. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Commissioners.

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