



ANNO DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## *Cap. cx.*

An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River *Tyne*, and the River Police, and for transferring the Powers of the said Act to the *Tyne* Improvement Commissioners; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of *Durham* and *Northumberland*, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes. [17th *June* 1852.]

**W**HEREAS an Act was passed in the Session of Parliament holden in the Ninth Year of the Reign of Her present Majesty, Chapter Fifty-nine, (the *Newcastle-upon-Tyne* Port Act, 1845,) whereby the Council of the Borough of *Newcastle-upon-Tyne* were authorized to provide, fix, and place, maintain and regulate, Moorings for the Use of Ships resorting to and using the Port of *Newcastle-upon-Tyne* (defined by the said Act), and the said Council were by the said Act authorized, out of the Borough Fund of the said Borough of *Newcastle-upon-Tyne*, to expend any Sum or Sums

8 & 9 Vict.  
c. 59.

[*Local.*]

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of Money that might be required for providing, fixing, and placing such Moorings, and in paying the Expenses of the said Act, not exceeding in the whole the Sum of Twenty thousand Pounds: And whereas by such Act the said Council were empowered from Time to Time to borrow at Interest any Sum of Money not exceeding in the whole the Sum of Twenty thousand Pounds, and to secure by Mortgage of Two Third Parts of the Tonnage Rates by the said Act made payable, or by Bond or other Instrument under the Common Seal of the said Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, the Repayment of the Monies so borrowed, with Interest: And whereas by such Act it was enacted that the Money therein-before authorized to be borrowed should be applied in paying the Expenses of the Act, and in providing, laying down, fixing, and placing Moorings within the said Port, and maintaining the same, as therein-after provided, and in and to no other Purpose whatsoever: And whereas by such Act it was enacted that a Committee should be appointed, consisting of the Mayor for the Time being of the Borough of *Newcastle-upon-Tyne*, and Eleven Members of the Council, and Nine other Persons, to be appointed as therein-after mentioned, such Committee to be called the "River Watch Committee," and to exercise the several Powers conferred upon them by the said Act: And whereas by such Act it was enacted, that so soon as the River Watch Committee should have been appointed it should be lawful for the Council to demand and receive for every Vessel which should enter within the Limits of the Port of *Newcastle-upon-Tyne* the Sum of One Farthing for every Ton Burden which such Vessel should measure or contain: And whereas by such Act it was enacted, that the Tonnage Rates should be applied as therein and herein-after mentioned, (that is to say,) One Third Part of the Amount of such Tonnage Rates to the Maintenance of the River Police and to the other Purposes of the said Act connected therewith, and the remaining Two Thirds of the Amount of such Tonnage Rates in paying, as therein mentioned, the Principal and Interest of the Monies borrowed and expended in placing and laying down Moorings within the said Port, and in the Accumulation and Investment of the Sum of Money therein mentioned, and after Repayment of the said Principal and Interest Monies, and the Completion of such Investment, the same Two Thirds of such Tonnage Rates should be applied with the other One Third Part thereof in the Maintenance of the River Police, and to the other Purposes of the said Act connected therewith: And whereas by such Act it was enacted, that when the Sum expended by the Council in placing and laying down Moorings, and the Interest thereon, as therein mentioned, should have been paid, the Sum of Four thousand Pounds of the Proceeds of the said Two Thirds of the Tonnage Rates should be accumulated and invested in the Three *per Centum* Consolidated or Reduced Bank Annuities, or in any other  
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of the Public Funds, or in any Real Securities, in the Name of the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, and the Dividends and Interest arising therefrom should be applied in the Maintenance of the said Moorings: And whereas by such Act it was enacted, that so soon as the said Sum of Four thousand Pounds should have been accumulated and invested as aforesaid, the Tonnage Rate by the said Act granted should be reduced, and should not exceed the Sum of One Eighth of a Penny *per* Ton, and the Council should from Time to Time further reduce, suspend, or discontinue the said Tonnage Rate as the River Watch Committee should from Time to Time require: And whereas the Council of the Borough of *Newcastle-upon-Tyne* have, under the Authority of the said recited Act, laid out and expended the Sum of Twenty thousand Pounds for the Purposes of such Moorings as aforesaid, and have, under the Authority of the same Act, borrowed for the Purposes thereof various Sums of Money, of which the Sum of Seventeen thousand one hundred Pounds only now remains due and owing to the several Persons, and on the several Securities, and bearing the Rates of Interest mentioned and specified in Schedule (A.) to this Act, but no Part of the Sum of Four thousand Pounds directed by the said Act to be accumulated and invested for the Purpose therein and herein-before mentioned has been provided: And whereas the said River Watch Committee has been from Time to Time appointed pursuant to the same Act, and they have acted in the Execution of the same Act: And whereas an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seventy-three (the *River Tyne Improvement Act, 1850*), and by the same Act Commissioners were appointed, and authorized to be appointed, for executing the same Act, by the Name of "The *Tyne Improvement Commissioners*:" And whereas it was by the said last-mentioned Act enacted, that after the Commencement (which was declared to be from the Ninth Day of *November* next after the passing of the same Act), and subject to the Provisions of the same Act, the Commissioners, meaning thereby, as declared in the same Act, the said Improvement Commissioners, should be the Conservators of the Port and of the River, meaning thereby, as declared by the same Act, the Port of *Newcastle-upon-Tyne*, and the Parts of the *River Tyne* within the Limits of the Port, and the Conservancy of the Port and of the River was thereby vested in the Commissioners: And whereas by such last-mentioned Act the Sum of Sixty-seven thousand three hundred and forty-nine Pounds, Part of the then existing Debt, was charged upon the *Tyne Improvement Fund* thereby vested in the said Commissioners, and by the same Act the said Commissioners were authorized to raise, on the Credit of the said *Tyne Improvement Fund*, the further Sum of Thirty thousand Pounds: And whereas it was by the said last-mentioned Act enacted, that anything therein contained should not authorize the Commissioners, without the previous Consent in every Instance of the River  
Watch

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Watch Committee, acting under the Authority of the *Newcastle-upon-Tyne* Port Act, 1845, to appoint any Person to be a Special Constable; and it was also enacted, that any Person appointed by the Commissioners to be a Special Constable should not exercise his Authority as a Special Constable so as in any Manner to prevent, obstruct, or interfere with the Execution by any Person appointed by the River Watch Committee, or Superintendent or Police Constable, for the Purposes of the *Newcastle-upon-Tyne* Port Act, 1845, or any of his respective Duties under that Act: And whereas it would be of advantage to the Public if the Management and Control of the Moorings for Vessels in the River *Tyne*, and the watching of the same River, were transferred to the said *Tyne* Improvement Commissioners, and if the said Commissioners were authorized to provide additional Moorings, and also if the same Powers in reference to the Moorings for Vessels, and the watching of the said River, as were by the said first-recited Act granted to the said Council and the said River Watch Committee, were granted to the said Commissioners: And whereas it is expedient for the Purposes aforesaid, that the same Tonnage Rate as by the said first-recited Act authorized to be demanded and received by the said Council should be granted to the said Commissioners and that for the Purposes of such Moorings they should be authorized to expend additional Monies, not exceeding the Limit herein-after mentioned, and to borrow a Part thereof upon the Security of such Rates: And whereas it is expedient that the said first-recited Act should be repealed, and some of the Provisions thereof should be re-enacted in this Act, with reference to the said *Tyne* Improvement Commissioners: And whereas a Bay or Inlet, situate at or near to a Place called the *Hay-hole* on the North Side of the said River *Tyne*, in or adjacent to the Parishes of *Tynemouth* and of *Wallsend* in the County of *Northumberland*, is in its present State injurious to the Navigation of the River; but if the same Bay or Inlet were enclosed from the River it might be conveniently converted into Docks for Shipping, by means whereof the Channel of the River would be straightened, and the Navigation thereof improved, and the Public be benefited: And whereas the Queen's most Excellent Majesty in Right of Her Crown, the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*, and his Grace the Most Noble *Algernon* Duke of *Northumberland*, respectively lay Claim to the Ownership of the Soil of the said Bay or Inlet, or to Rights, Privileges, and Easements therein equivalent to an Ownership: And whereas by the Construction of Piers at the Mouth of the River *Tyne* the Entrance into the said River from the Sea will be greatly improved: And whereas it is expedient that the said *Tyne* Improvement Commissioners be authorized to construct the said Docks and Piers, with all convenient Works to be connected therewith respectively, and to levy Rates, Dues, and Duties for the Purposes thereof respectively, and to borrow Money for the like Purposes, in manner herein-after provided: And whereas

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the Purposes 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That in this Act, and in any Act the whole or any Part whereof is incorporated herewith, the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpreta-  
tion of  
Terms.

The Expression "the Port" shall mean the Port of *Newcastle-upon-Tyne* as defined by the said second-recited Act, and includes so much of the Port of *Shields* established for Custom House Purposes as lies within the Limits of the Port of *Newcastle-upon-Tyne*, so long as the same shall continue for such Purposes a separate Port:

The Expression "the River" shall mean the Parts of the River *Tyne* within the Limits of the Port:

The Expression "the Lord High Admiral" shall include the Commissioners for the Time being executing the Office of Lord High Admiral:

The Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*:

The Expression "the Council" shall mean the Council of the Borough of *Newcastle-upon-Tyne*:

The Expression "the Commissioners" shall mean the *Tyne Improvement Commissioners* for carrying this Act into execution:

The Expression "the Docks" shall mean the Docks by this Act authorized, and all Basins, Wharfs, Staiths, Quays, Entrances, and other Works connected therewith:

The Expression "the Piers" shall mean the Piers by this Act authorized, and the Works connected therewith:

The several Words and Expressions in this Act to which Meanings are assigned by the Acts wholly or partly incorporated with this Act, and to which Meanings are not otherwise assigned by this Act, shall have in this Act the same Meanings as are so assigned to them respectively.

II. That "The Commissioners Clauses Act, 1847," with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners, and with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners, and with respect to the Appointment and Accountability of the Officers of the Commissioners, and with respect to the Mortgages to

Certain  
Clauses of  
10 & 11 Vict.  
c. 16. incor-  
porated with  
this Act.

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be executed by the Commissioners, and with respect to the Accounts to be kept by the Commissioners, and with respect to the making of Byelaws, and with respect to giving Notices and Orders, and with respect to Access to the Special Act, shall be incorporated with this Act.

Owners, &c.  
of certain  
Mines, &c.  
disqualified  
to act as  
Commis-  
sioners.

III. That the Owners, Lessees, and Occupiers of Coal Mines the Produce of which is or shall or may be shipped in the *Hayhole* or in the Docks, and the Owners, Lessees, and Occupiers of Railways used for conveying such Produce to the *Hayhole* or the Docks, and the Owners, Lessees, and Occupiers of Land abutting on the Site of the Docks, shall be disqualified from acting as Commissioners under the "*Tyne Improvement Act, 1850*," in any Matter relating to the said Docks.

8 & 9 Vict.  
c. 18. incor-  
porated.

IV. That "*The Lands Clauses Consolidation Act, 1845*," shall be incorporated with this Act.

10 & 11 Vict.  
c. 27. incor-  
porated.

V. That "*The Harbours, Docks, and Piers Clauses Act, 1847*," shall be incorporated with this Act, and shall be applicable to the Objects and Purposes of this Act, save and except that the Incorporation of such Act shall not alter or affect the Provisions herein-after expressly granted in reference to Moorings for Ships, and the Watching of the River.

Short Title.

VI. That in citing this Act for all Purposes it shall be sufficient to use the Expression "*The Tyne Improvement Act, 1852*."

First-re-  
cited Act  
repealed.

VII. That immediately from and after the passing of this Act the said first-recited Act shall be and the same is hereby repealed.

Moorings,  
&c vested in  
Corporation  
under re-  
cited Act  
vested in  
Commis-  
sioners.

VIII. That from and immediately after the passing of this Act all the Moorings for Vessels, Chains, Cables, Boats, Vessels, Station Houses, and the Furniture and Fittings thereof respectively, provided, placed, fixed, purchased, made, created, or constructed by the Council or the Corporation, or the said Watch Committee, or otherwise acquired by or belonging to them or either of them under or in respect of the said first-recited Act, or declared so to be, and all Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and other Effects of or belonging to the said Corporation and Council, and the said Watch Committee, or any or either of them, in respect to the said repealed Act, shall be and the same are hereby vested in the Commissioners; and all Persons and Corporations who immediately before the passing of this Act owed any Money to the Corporation or Council, or to the said Watch Committee, or any or either of them, in respect of the said repealed Act, shall pay the same, together with all  
Interest

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Interest (if any) due or to accrue due for the same, to the Commissioners, and all Debts which immediately before the passing of this Act were due and owing by the Corporation or Council, or the Watch Committee, in respect of the said repealed Act, shall be paid, with all Interest (if any) due and to accrue due thereon, by the Commissioners, and all Rates and Monies which immediately before the passing of this Act were due and payable, or then accruing due, under or by virtue of the said repealed Act, to the said Corporation or Council, or the said Watch Committee, or any or either of them, shall be and become due and payable to the Commissioners, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Monies by this Act expressly made payable to the Commissioners; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the passing of this Act, to, with, in favour of, or by or for the Corporation, Council, or Watch Committee, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Commissioners, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the Commissioners had been a Party to and executed the same, or had been named or referred to therein, instead of the Corporation, Council, or Watch Committee, as the Case may be.

IX. That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said Corporation or Council, or the said Watch Committee, previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, that the same shall continue and take effect, both in favour of and against the Commissioners, in the same Manner in all respects as the same would have continued and taken effect in relation to the Corporation, Council, or Watch Committee, as the Case may be, if this Act had not been passed; and also that all Penalties incurred by any Offence against the Provisions of the said repealed Act, previously to the passing of this Act, shall and may be sued for, and all Offences which may have been committed before the passing of this Act, against the Provisions of the said first-recited Act, may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Commissioners being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Corporation, Council, or the said Watch Committee, as the Case may be.

Actions not  
to abate.

X. That every Clerk, Agent, Collector, Superintendent, and other Officer appointed by the Council or the Watch Committee by virtue of the said repealed Act, and not acting contrary to the Provisions and Directions

Officers  
under re-  
pealed Act  
to continue

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until re-  
moved.

Directions in this Act contained, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom by the Commissioners; and every such Clerk, Agent, Collector, Superintendent, and other Officer shall, in respect of the Purposes for which his Appointment was made, have the like Power and Authority under this Act, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by the Commissioners by virtue of this Act.

Books to be  
Evidence.

XI. That all Books, Accounts, and other Documents whatsoever by the said first-recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts of Law and Equity or elsewhere.

Limits of  
Act as to  
Moorings  
and Police.

XII. That this Act shall, in respect of Moorings and River Police by this Act provided for, be put in force within the Limits of the Port of *Newcastle-upon-Tyne*, from *Hedwin Streams* above the Town of *Newcastle-upon-Tyne* to *Spar Hawke-in-the-Sea*.

Commis-  
sioners to  
provide  
Moorings.

XIII. That the Commissioners shall provide, fix, and place good and sufficient Moorings for the Use of Vessels resorting to or using the said Port, in addition to the Moorings already provided, and hereby vested in them, and such additional Moorings may be placed and fixed in such Situations in the Bed of the River *Tyne* within High-water Mark, and may be of such Nature, Quality, and Description, as the Commissioners may think fit; and the Moorings and Works hereby vested in the Commissioners, and which may be provided, fixed, or placed by them, under the Authority of this Act, may be taken up and replaced, from Time to Time, and may be maintained, and the Nature, Quality, and Description thereof varied, as the Commissioners may think proper.

Additional  
Sum may be  
expended on  
Moorings.

XIV. That it shall be lawful for the Commissioners to lay out and expend, in addition to the Monies already expended for the like Purposes, the Sum of Twenty thousand Pounds, in providing, laying down, fixing, and placing Moorings for Vessels in the River, and to borrow at Interest, in addition to the Sum of Money now due and owing as aforesaid, any Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, and to secure, by Mortgage of Two Third Parts of the Tonnage Rate of One Farthing *per* Ton by this Act made payable, or by Bond or other Instrument under the Hands and Seals of Five of the Commissioners, the Repayment of the Monies so borrowed; but every such Mortgage as last aforesaid shall be subject and without Prejudice to the Securities for Seventeen thousand one hundred Pounds now due and owing as aforesaid, and the Interest for



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for the same, so long as the same shall be unpaid, or as to so much and such Part thereof respectively as shall for the Time being remain unpaid.

XV. That the Money herein-before authorized to be borrowed, or such Part thereof as shall not be borrowed for the Purpose of paying off existing Mortgages or Bonds or Securities for the Time being, shall be applied in providing, laying down, fixing, and placing, and in regulating and maintaining, Moorings for Vessels within the River, and in and to no other Purpose whatsoever.

Application  
of Money  
raised for  
Moorings.

XVI. That the Moorings placed or laid down shall be under the Management and Control of the Harbour Masters of the Commissioners; and it shall be lawful for the Harbour Masters for the Time being, or their Assistants, or any of them, to give Directions for all or any of the following Purposes; (that is to say,)

Control of  
Moorings,  
and Powers  
of Harbour  
Masters.

For regulating the Vessels which shall use such Moorings or any of them, and the Time any such Vessel shall continue thereat:

For regulating the Manner of using such Moorings and attaching Vessels thereto:

For regulating the Position of Vessels while lying at such Moorings.

XVII. That the Master or Commander of every Vessel using or intending to make use of the said Moorings shall regulate such Vessel according to the Directions of the Harbour Masters for the Time being of the Commissioners, or any of them, or any of their Assistants; and any Master or Commander of any Vessel who shall not forthwith regulate such Vessel according to such Direction shall be liable to a Penalty not exceeding Ten Pounds.

Penalty on  
Masters of  
Vessels not  
obeying  
Orders of  
Harbour  
Masters.

XVIII. That if the Master or Commander of any Vessel using or intending to use the Moorings shall not moor, unmoor, place, or remove such Vessel according to the Directions of the said Harbour Masters for the Time being, or any of them, or any of their Assistants, it shall be lawful for any such Harbour Masters or any of their Assistants to cause such Vessel to be moored, unmoored, placed or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expenses attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, together with the Costs of ascertaining and recovering the same.

Harbour  
Master may,  
on Neglect,  
moor and  
unmoor  
Vessels.

XIX. That if any Master or Commander of any Vessel, or any Person on board the same, shall hinder the Harbour Master or any of his Assistants, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in manner aforesaid, such Master or

Penalty for  
obstructing  
Harbour  
Master in  
his Duty.

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Commander

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Commander or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Harbour Master may cut Ropes of Vessels in certain Cases.

XX. That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened to the said Moorings shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened, he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expenses thereby incurred shall be paid by the Master or Commander of such Vessel, together with the Costs of ascertaining and recovering the same.

No Charge to be made for Use of Moorings.

XXI. That, subject to the Directions of the Harbour Masters for the Time being, or any of them, or any of their Assistants, the Master or Commander of every Vessel shall be entitled to use the said Moorings, without being liable to pay any Fee or Charge for the same.

Harbour Master not to give undue Preference.

XXII. That if any Harbour Master, or any of the Assistants to the said Harbour Masters, shall give any undue Preference or show any Partiality in permitting or regulating the Use of the Moorings, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for wilfully cutting Ropes.

XXIII. That if any Person, other than a Harbour Master or his Assistants, or other Person acting under his Authority, in execution of the Powers of this Act, shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the Limits of the said Port shall be moored or fastened to the said Moorings, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Masters of Vessels to pay for Damage done to Moorings.

XXIV. That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber, through whose wilful Act or Negligence any Damage shall be done to any of the Moorings hereby vested in or to be laid down by the Commissioners, or the Buoys attached thereto, by means of such Vessel or Float of Timber, shall pay for and repair all such Damage; and all such Damage, if the Amount claimed does not exceed Twenty Pounds, shall be ascertained and recovered in the same Manner as any Damage for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; and, in addition to the Remedies hereby provided for the Recovery of the same, it shall be lawful for any

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any Justice to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded shall be paid, and if the same shall not be paid within Seven Days after the taking of such Distress, to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded, and all the Charges incurred by the Distress, Detention, and Sale of such Property.

XXV. That the Owner or Master or Commander of every Vessel or Float of Timber shall be answerable to the Commissioners for any Damage wilfully or negligently done by such Vessel or Float of Timber, or any Person employed about the same, to any of the said Moorings; and it shall be lawful for any Harbour Master, or any of his Assistants, to detain any such Vessel until sufficient Security shall have been given for the Amount of the Damage done by the same, or by any Person employed therein.

Owners of  
Vessels an-  
swerable for  
Damage.

XXVI. That if the Owner, Master, or Commander of any Vessel shall make satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel, the Person doing such Damage shall repay to the said Owner, Master, or Commander the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage.

Owners may  
recover  
Sums paid  
for Damage  
from their  
Servants.

XXVII. That it shall be lawful for the Commissioners to establish, support, and maintain a proper and effective Watch or Police Force on the River *Tyne* within the Limits of the Port of *Newcastle-upon-Tyne*, and from Time to Time, as Occasion shall require, to appoint a Superintendent of Police, and a sufficient Number of fit Men to act as Constables under this Act, and at pleasure to remove and displace, and, if they see fit, re-appoint such Superintendent and Constables, anything in the second-recited Act to the contrary notwithstanding.

Power to  
Commis-  
sioners to  
establish a  
Police Force  
on the River  
*Tyne*.

XXVII. That the Superintendent and Police Constables appointed in pursuance of this Act shall be employed and are hereby authorized and required to keep proper and effective Watch upon all or such Parts of the said River *Tyne* between *Sparhawke-in-the-Sea* and *Hedwin Streams* in the said River, during the whole or such Periods of the Year as the Commissioners shall think fit; and the Constables to be appointed in pursuance of this Act shall act as Constables for preserving the Peace by Day and Night, and for preventing Felonies and Misdemeanors, and apprehending Offenders against the Law, not only within the Limits of the Port of *Newcastle-upon-Tyne* as the same are defined in this Act, but also within the several Boroughs of *Newcastle-upon-Tyne*, *Gateshead*, *Tynemouth*, and *South Shields*, and the Counties  
of

Duties of  
River  
Police.

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of *Northumberland and Durham*, and shall also aid and assist at all Times in saving and protecting the Shipping and other Property on the River *Tyne*, in Cases of Accident, Distress, or Danger arising from Freshes or Floods, and also in Cases of Fire and other Casualties; and every such Police Constable shall be sworn in manner directed by an Act of Parliament passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, respecting the Constables to be appointed in pursuance of that Act; and the Constables appointed in pursuance of this Act shall, upon the said River, within the Limits aforesaid, and in the Boroughs and Counties aforesaid, have all such Powers and Privileges, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes, made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any Justices of the Peace having Jurisdiction in any Place or Places in which they shall be called upon to act as Constables, for conducting themselves in the Execution of their Office; and the said Constables to be appointed in pursuance of this Act shall have Authority to act as Police Constables of the said Boroughs and each and every of them, and shall have all and every of the Powers, Authorities, and Privileges by the said Act of the Fifth and Sixth Years of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, given or granted to the Constables appointed in pursuance of that Act; and the Superintendent for the Time being of the said River Police shall have the same Powers and Privileges, and shall be liable to the same Duties and Responsibilities, as the Superintendent for the Time being of the Police of the Borough of *Newcastle-upon-Tyne* now has or is liable to, or shall have or be liable to; and the said Superintendent and Constables shall at all Times be under the sole Direction, Management, and Control of the said Commissioners, who shall from Time to Time direct and appoint how and where the said River Police Constables shall be stationed, and how and in what Manner they shall go their Rounds or Beats, and Limits of the same.

Payment of  
River  
Police.

XXIX. That the Superintendent and Constables appointed under this Act shall be paid such Salaries, Wages, and Allowances, and at such Periods, as the Commissioners shall direct; and the Commissioners shall, in case they see fit so to do, order to be paid also any extraordinary Expenses which such Persons shall appear necessarily to have incurred in apprehending Offenders, and executing the Orders of any Justice of the Peace having Jurisdiction in the Matter, such Expenses having been first examined and approved by such Justice; and the said Commissioners may award to be paid such Sums as they  
may

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may think fit to any of the Persons belonging to the said Constabulary Force as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out by Length of Service, and all other Charges and Expenses which the Commissioners shall direct to be paid for the Purposes of the Constabulary Force under this Act.

XXX. That the Commissioners may maintain any Station House hereby vested in them, and may provide, furnish, and maintain other convenient Station Houses, to be situate within One Mile from the Middle of the Stream of the River *Tyne* within the Limits of this Act, and may also provide and maintain as many Boats or Vessels, of such Description as they may think proper, for the Use of the Constables within the Limits of this Act, and may pay the Expenses of providing, upholding, and furnishing such Station Houses, or relating thereto, and also of providing and maintaining such Boats or other Vessels, with and out of the Monies to be raised under this Act.

Commis-  
sioners may  
provide  
Station  
Houses and  
Boats.

XXXI. That it shall be lawful for every Constable, having just Cause to suspect that any Felony has been or is about to be committed on board of any Vessel in the said Port and within the Limits of this Act, to enter at all Times, as well by Night as by Day, in and upon every such Vessel, and to take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect have been or are about to be committed, and to apprehend and detain all Persons suspected to be concerned in such Felonies, and also all Property suspected to be feloniously stolen, and to produce the same before some Justice of the Peace.

Powers of  
Constables  
to go on  
board  
Vessels.

XXXII. That if any Person shall wilfully destroy or damage, or shall be concerned in destroying or damaging, any Boat or Vessel provided or employed by the Commissioners, or any of the Sails, Oars, Tackle, or Furniture of such Boat or Vessel, or any Goods or Stores therein, he shall forfeit for every such Offence any Sum not exceeding Ten Pounds, together with the Amount of Damage sustained by the Commission of such Offence.

Penalty for  
destroying  
Boats of  
Commis-  
sioners.

XXXIII. That from and immediately after the passing of this Act it shall be lawful for the Commissioners to demand and receive for every Vessel which shall enter within the Limits of the Port of *Newcastle-upon-Tyne* the Sum of One Farthing for every Ton Burden which such Vessel shall measure or contain.

Tonnage  
Rate for  
Moorings.

[*Local.*]

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XXXIV. That

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Application  
of Tonnage  
Rate.

XXXIV. That the Tonnage Rate of One Farthing *per* Ton shall be applied as follows, (that is to say,) One Third Part of the Amount of such Tonnage Rate shall be applied to the Maintenance of the River Police, and to the other Purposes of this Act connected therewith, and the remaining Two Thirds of the Amount of such Tonnage Rate shall be applied, first, in paying the Interest now due and hereafter to accrue on the said existing Debt of Seventeen thousand one hundred Pounds, and in paying the Principal thereof, as and when the same shall be required to be paid; secondly, in paying Interest upon any Money which may be borrowed for the Purposes of Moorings under this Act, and in paying the Principal of the Money which may be so borrowed; thirdly, in laying down and placing Moorings under the Authority of this Act, and in maintaining and repairing the Moorings laid down or placed under the Authority of the said first-recited Act, and which shall be laid down or placed under the Authority of this Act; and fourthly, in the Accumulation and Investment of the Sum of Money herein-after mentioned; and when and as soon as the Commissioners shall have expended the Sum which by this Act they are authorized to expend on Moorings, or so much thereof as they shall see fit to expend, and when and as soon as the said existing Debt, and all Interest thereon, and all Monies which may be borrowed under the Authority of this Act, and all Interest thereon, shall have been fully paid and discharged, and such Accumulation and Investment shall have been completed, then the said Two Thirds of such Tonnage Rate may be applied, with the other One Third Part thereof, in the Maintenance of the River Police, and to the other Purposes of this Act connected therewith.

Interest on  
Money bor-  
rowed for  
Moorings.

XXXV. That the Charge upon the said Two Thirds of the Tonnage Rate of One Farthing *per* Ton in respect of the Interest upon the existing Debt of Seventeen thousand one hundred Pounds, and in respect of the Interest upon any Sum of Money borrowed for Moorings under the Powers of this Act, shall not exceed the average Rate of Four Pounds *per Centum per Annum*; and if the Interest upon such respective Sums of Money shall exceed the average Rate of Four Pounds *per Centum per Annum* upon the whole of such Debts, the Excess beyond such average Rate of Interest shall be payable out of the *Tyne Improvement Fund*.

One Third of  
Expense of  
River Police  
to be paid  
out of *Tyne*  
*Improve-*  
*ment Fund*.

XXXVI. That from and after the passing of this Act the *Tyne Improvement Commissioners* shall, out of the Due or Duty called the Ship and Boat Due, Part of the *Tyne Improvement Fund*, pay One Third Part of the Expense of maintaining the River Police, or otherwise in relation to such Police.

XXXVII. That

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XXXVII. That until the reserved Fund to be provided as herein mentioned shall have been raised and invested the Moorings hereby vested in or authorized to be provided by the Commissioners shall be maintained out of the Monies to be received under this Act in respect of Two Thirds of the said Tonnage Rate of One Farthing *per* Ton, and that when and so soon as such reserved Fund shall have been raised and invested the said Moorings shall be maintained out of the Interest or other annual Proceeds arising from such reserved Fund; and in case the Interest or other annual Proceeds of the reserved Fund shall at any Time be sufficient for such Purposes, it shall be lawful for the Commissioners, notwithstanding the Tonnage Rate shall have been previously reduced, under the Provision herein-after contained, by increasing the Amount of the Tonnage Rate for the Time being payable, not however exceeding the said Amount of One Farthing *per* Ton, to raise the Deficiency in such Interest and other annual Proceeds for maintaining the said Moorings.

Maintenance of Moorings.

XXXVIII. That when the Sum now due and owing as aforesaid, and all Interest thereon, and the Money which may be borrowed under the Authority of this Act, and the Interest thereof, and other the Monies hereby authorized to be expended in placing and laying down Moorings, shall have been paid, the Sum of Four thousand Pounds of the Proceeds of the said Two Thirds of the Tonnage Rate shall be accumulated and invested in the Three *per Centum* Consolidated or Reduced Bank Annuities, or in any other of the Public Funds, or in any Real Securities, in the Name of the Commissioners, or of Trustees named by them, and the Dividends and Interest arising therefrom shall be applied in the Maintenance and Repair of the said Moorings.

Reserve Fund to be accumulative.

XXXIX. That so soon as the said Sum of Four thousand Pounds shall have been accumulated and invested as aforesaid the Tonnage Rate of One Farthing *per* Ton by this Act granted shall be reduced, and shall not exceed the Sum of One Eighth of a Penny *per* Ton; and the Commissioners shall from Time to Time further reduce, suspend, or discontinue the said Tonnage Rate, as the Circumstances of the Case shall from Time to Time enable them to do, without Detriment to the Purposes for which such Tonnage Rate is granted.

When reserve Fund accumulated, Tonnage Rate to cease.

XL. That the Accounts to be kept by the Commissioners of the said Tonnage Rate of One Farthing *per* Ton, or in anywise relative thereto, and of the Expenses in respect of such Moorings and watching of the said River, shall be kept distinct from all other Accounts of the Commissioners, whether under this Act or otherwise howsoever.

Separate Accounts with respect to Moorings and Police to be kept.

XLI. And

*The Tyne Improvement Act, 1852.*Application  
of Penalties.

XLI. And with respect to the Application of any Penalties or Forfeiture recovered by virtue of this Act the Application whereof is not otherwise provided for, the Justices by whom any such Penalty or Forfeiture shall be imposed may award, if they see fit, not more than One Half thereof to the Informer, and shall award the Remainder to be paid to the Commissioners, to be applied by them in the same Manner as the said Tonnage Rate of One Farthing *per* Ton is applicable under this Act.

Works to be  
made ac-  
cording to  
deposited  
Plans.

XLII. And whereas Plans and Sections of the intended Piers, Approaches, and Works connected therewith, and of the said Docks, Basins, Locks, and other Works connected therewith, and Duplicates of such Plans and Sections respectively, together with Books of Reference to the said Plans, have been deposited at the Offices of the Clerks of the Peace respectively for the said County of *Northumberland* at *Newcastle-upon-Tyne*, and for the Borough and County of *Newcastle-upon-Tyne* at *Newcastle-upon-Tyne*, and at the Office of the Clerk of the Peace for the County of *Durham* at his Office at *Durham*: Be it enacted, That, subject to the Provisions in this Act and the Acts incorporated herewith contained, it shall be lawful for the Commissioners to make and maintain the Piers, Landing Places, Works, and all Conveniences connected therewith, and the said Docks, Basins, Locks, and other Works, and all Conveniences connected therewith, in the Situations, and upon the Lands, and within the Limits of Deviation delineated on the said Plans and described in the said Books of Reference, to be called "The *Northumberland* Docks," and to purchase, take, and use such of the said Lands as shall be necessary for such Purposes; and it shall be lawful for the Commissioners to make, construct, alter, and maintain all such Basins, Locks, Quays, Gates, Wharfs, Staiths, Warehouses, Entrances, Approaches, and other Works and Conveniences connected with the said Piers and Docks respectively, or to be used for the Purposes thereof respectively, as they shall think fit; and it shall be lawful for the Commissioners to cause the Waters of the River to flow and proceed to or be diverted into and to supply the Docks and Works which shall be constructed as aforesaid, and for the Purposes of and in furtherance of the Provisions of this Act, when and as often as the Commissioners shall deem it expedient, upon the Lands described in the said Plans and Books of Reference, to deepen the Beach and Bed of the said River and of the Sea, and to do all such Acts and erect all such Works as shall be necessary for preserving the Depth of Water which shall be required by deepening the River or the Sea, and otherwise improving the Harbour and Approaches thereto.

Price of  
Land re-  
quired for

XLIII. That the Price or Consideration to be paid to the Queen's most Excellent Majesty, or the Corporation, or the said Duke of *Northumber-*



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*Northumberland*, or other the Owner or Owners of so much of the Bed and Soil of the said River as shall be required for the said Dock and Works at or near the *Hayhole* aforesaid, and the Compensation to be made to the Lessees and Occupiers of any Part of such Bed and Soil, and the Owners, Lessees, and Occupiers of Easements, Rights, and Privileges (if any) in or on the said Bed or Soil which may be taken or injuriously affected by the Execution of the Works hereby authorized, shall, unless the Parties agree in respect of the same, be respectively ascertained and fixed in manner prescribed by the Lands Clauses Consolidation Act, 1845; and on Payment according to the Provisions of such Act of the Monies which shall be so agreed upon or fixed and ascertained, so much of the Bed and Soil of the said River as shall be required for the said Dock and Works at or near *Hayhole* aforesaid shall vest in and belong to the Commissioners for the Purposes of this Act.

Dock and Works to be ascertained as provided by 8 & 9 Vict. c. 18.

XLIV. That the Commissioners shall commence the Execution of the Works of the said Piers within Two Years next after the passing of this Act, and shall pursue such Works when commenced with all reasonable Despatch.

Works to be commenced within Two Years after passing of Act.

XLV. That the Piers and Docks by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said incorporated Acts granted to the Commissioners for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Period for completing Works.

XLVI. Provided always, That if the Docks, and the Works connected therewith, hereby authorized to be constructed, shall not be completed within the Period of Seven Years from the Time of the passing of this Act, the Commissioners shall forthwith repair and make good any Damage or Injury which shall have been done or occasioned to any Quays, Staiths, or Shipping Places at or near *Hayhole* aforesaid during the Progress of the said Works, and for that Purpose it shall be lawful for the Commissioners and they are hereby required to restore and reinstate the said Quays, Staiths, and Shipping Places, and the Channel and Soil of the said River leading to and from the same and adjoining thereto, in as good a Condition in all respects as the same were in previously to the passing of this Act.

If Docks not constructed in Seven Years, the Commissioners to restore Access to Staiths, &c.

XLVII. Provided always, That it shall not be lawful for the Commissioners, during the Construction of the Docks or the Works connected therewith, at any Time to hinder or obstruct the full and free Use and Passage to or from or lessen the Depth of Water at or leading to or from any of the Staiths, Quays, or Shipping Places at

During Works, Access to Wharfs not to be obstructed.

[*Local.*]

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or

*The Tyne Improvement Act, 1852.*

or near *Hayhole* aforesaid which they the said Commissioners are not authorized and empowered by this Act to take and use for the Purposes of the said Docks and the Works connected therewith; and that it shall not be lawful for the Commissioners to hinder or obstruct the full and free Use and Passage to or from, or lessen the Depth of Water at or leading to or from, or to take or use, any of the said Staiths, Quays, or Shipping Places which they are hereby authorized and empowered to take for the Purposes aforesaid, until they have provided other proper and convenient Shipping Places to the Satisfaction of the said *Algernon Duke of Northumberland*, his Heirs, Successors, or Assigns, or, in case of Dispute, to the Satisfaction of such Person or Persons as shall have been appointed to arbitrate and decide respecting the same, in the Manner provided by the "Lands Clauses Consolidation Act, 1845."

Power to substitute a perpetual Rent-charge in lieu of Payment of the Value of the Bed or Soil.

XLVIII. That it shall be lawful for the Commissioners, and for the Queen's most Excellent Majesty, the said Corporation, the said Duke of *Northumberland*, or other the Person or Persons who shall be Owners of so much of the Bed and Soil of the said River as shall be required for the said Dock and Works, if they shall respectively see fit, by mutual Agreement to substitute for the Payment of the Value of the said Bed and Soil in Money a perpetual annual Rentcharge to be payable out of the said Dock and Works, the Amount of which Rentcharge shall be ascertained in manner provided by the "Lands Clauses Consolidation Act, 1845."

For protection of Clifford's Fort.

XLIX. And whereas it is indispensably necessary that the Forts, Lands, and other public Property belonging to Her Majesty, and under the Charge of the Board of Ordnance, should be preserved from Injury or Obstruction arising from or in consequence of any of the Works intended to be made by virtue of this Act: Be it therefore enacted, That nothing in this Act contained shall authorize the said Commissioners to interfere with or in any ways prejudice the Defence of *Clifford's Fort* or *Spanish Fort*, or to enter upon or possess or occupy any Buildings or Land belonging to Her Majesty, for the Purposes of the said Works, or otherwise, without the Consent of the Principal Officers of Her Majesty's Ordnance under their Hands first obtained for that Purpose.

Dock not to project beyond a certain Line.

L. That, notwithstanding anything in this Act contained, no Part of the Work for the Construction of the Dock at *Hayhole* shall project beyond the Line of Shore laid down by the late Mr. *Rennie*, deceased, in the Year One thousand eight hundred and thirteen, as shown on the Plan at the Admiralty Office, unless with the Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being; and the Position of the

the

*The Tyne Improvement Act, 1852.*

the Entrance Gates to the said Dock shall only be so arranged and constructed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of.

LI. That previously to commencing the Piers or any Works under this Act, the Commissioners shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Piers and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Piers and Works shall be constructed only in accordance with such Approval.

Working Drawings to be submitted to Admiralty.

LII. That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Commissioners shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs, as a Penalty is or may be recoverable from the Commissioners.

If Admiralty think fit, they may order a local Survey, at the Expense of Commissioners.

LIII. That if any Work to be constructed by the Commissioners in or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River or Access thereto shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners; and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works across tidal Waters are abandoned, Admiralty may remove them, at Expense of the Company.

LIV. That it shall be lawful for the Commissioners at any Time or Times and from Time to Time to agree with the Owners of Lands, Tenements, or Hereditaments for the Purchase, Letting, or Use, and for such Owners to agree with the Commissioners for the Sale, Demise, Letting, or Grant of any Lands, Tenements, or Hereditaments, or any Easement, Right, or Interest on, in, over, or out of the same, which may be required by the Commissioners to be purchased or used for

Commissioners may agree with Owners of Lands for Purchases, &c.

*The Tyne Improvement Act, 1852.*

for the Purposes of any of the Works or other Conveniences to the Docks, or any Works connected therewith, and the Clauses in "The Lands Clauses Consolidation Act, 1845," contained, incorporated herewith, with respect to the Purchase of Lands by Agreement, shall be deemed to be incorporated with and applied to this Act in reference to the Purposes last aforesaid.

Power to borrow Money upon the Dock Rates.

LV. And whereas the estimated Expense of the said Docks and the Works connected therewith is One hundred and fifty thousand Pounds: Be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow on Mortgage of the Rates, Dues, and Monies to be levied under this Act in respect of the said Docks and the Works connected therewith any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds; and in the event of any Part of such Money being repaid the Commissioners may reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security last aforesaid at any One and the same Time a greater Sum than Two hundred thousand Pounds; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners may mortgage the said Rates, Dues, and Monies to be levied under this Act in respect of the said Docks and the Works connected therewith, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Repayment of the Money to be so borrowed, with Interest for the same.

Commissioners not to include River Dues in Securities for Docks.

LVI. That it shall not be lawful for the Commissioners to include in any Security for the Repayment of Monies to be borrowed in respect of the said Docks and the Works connected therewith, or otherwise to apply for the Purposes of the said Docks and Works, any of the Rates, Dues, Duties, or Monies to which the Commissioners are or shall or may be for the Time being entitled under the "River Tyne Improvement Act, 1850," or any Rates, Dues, Duties, or Monies, other than the Rates, Dues, and Monies to be levied under this Act in respect of the Use of the said Docks and the Works connected therewith, as such last-mentioned Rates, Dues, and Monies are set forth in Schedules (B.) and (C.) to this Act.

Power to borrow Money on the Rates for the Piers.

LVII. And whereas the estimated Expense of the said Piers and the Works connected therewith is One hundred and eighty thousand Pounds: Be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest on Mortgage of the Rates and Monies to be levied under this Act, and applied for the Purposes of the said Piers, any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds; and in the event of any Part of such Money being repaid, the Commissioners may  
reborrow

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reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security last aforesaid at any One Time and the same Time a greater Sum than Two hundred thousand Pounds; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners may mortgage the said Rates and Monies to be levied under this Act in respect of the said Piers and the Works connected therewith, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money to be so borrowed, with Interest for the same.

LVIII. That it shall be lawful for the Commissioners to include in any Security for the Repayment of any Monies to be borrowed in respect of the said Piers and the Works connected therewith the Remainder of the Rates, Dues, Duties, or Monies to which the Commissioners are or shall or may be entitled under the said second-recited Act, so always, nevertheless, that such last-mentioned additional Security shall be subject and without Prejudice to the Charge on the said Ship and Boat Due for the Purposes of the River Police, and to the said Sum of Sixty-seven thousand three hundred and forty-nine Pounds by the said second-recited Act required to be borne by the Commissioners, and the Interest for the same, and to the Provision in the said second-recited Act for Payment of such Debt within the Time and in the Manner therein mentioned, and to the Power of raising Thirty thousand Pounds, in the same Act contained, or to so much and such Part thereof respectively as shall for the Time being remain due and owing or shall remain to be raised.

Commis-  
sioners may  
give other  
Duties as  
collateral  
Security for  
Piers.

LIX. Provided also, That, notwithstanding the said Rates, Dues, and Duties to which the Commissioners are so entitled under the said second-recited Act may be included in any such Security as aforesaid, under the Authority herein-before contained, the said respective Rates, Dues, and Monies to be levied and raised in respect of the said Piers and the Works connected therewith, and hereby authorized to be mortgaged for the said Sum of Two hundred thousand Pounds, shall be the primary Security for the Payment of the Monies borrowed in respect thereof, and the Interest for the same, and the said Monies, Funds, and Premises of the Commissioners hereby authorized to be mortgaged as an additional Security shall only be resorted to by the Mortgagee in case and from Time to Time as and when a Deficiency shall occur in the Rates, Dues, and Monies constituting such primary Security for the Payment of the Sum so borrowed, or the Interest for the same.

Rates under  
this Act to  
be primary  
Security.

LX. That it shall be lawful for the Commissioners, if need be, to pay out of Capital the Interest of the Monies borrowed in respect of  
[Local.] 18 K

Power to  
pay Interest  
out of  
the Capital.

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the said Docks and Works connected therewith until the said Docks and Works connected therewith shall be completed.

Mortgagees may appoint Receivers to enforce Payment of Arrears.

LXI. That it shall be lawful for the Mortgagees of the Commissioners holding Securities for Sums amounting to Ten thousand Pounds to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of Receivers.

Sinking Fund.

LXII. That the Sum to be set apart and appropriated out of the Rates as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed or secured on Mortgage, shall, as respects the Rates to be received in respect of the Piers and Works connected therewith, in each Year, be not less than One Fortieth Part of the Monies from Time to Time so borrowed and secured and remaining due as aforesaid.

Pier Rates.

LXIII. That from and immediately after the passing of this Act it shall be lawful for the Commissioners, for the Purposes of the said Piers, to demand and receive, for every Vessel which shall enter within the Limits of the Port of *Newcastle-upon-Tyne* from any Port of the United Kingdom or the *Isle of Man*, the Sum of One Penny for every Ton Burden which such Vessel shall measure or contain, and for every Vessel that shall enter within the Limits of the Port of *Newcastle-upon-Tyne* from any other Port or Place, the Sum of Twopence for every Ton Burden which such Vessel shall measure or contain; provided that every Sailing Vessel in respect of which such Payment shall have been made Seven Times, and every Vessel propelled by Steam in respect of which such Payment shall have been made Fifteen Times in any One Year, commencing on the First Day of *January* and ending on the Thirty-first Day of *December*, shall be exempted from any further Payment for the Remainder of such Year.

As to Steam Tugs.

LXIV. That Vessels propelled by Steam, and used only as Tugs for Vessels, shall not be liable to the said Pier Rate.

When Money borrowed for Piers repaid, Pier Rates to cease.

LXV. That when the said Piers shall have been finished, and all Monies borrowed for the Purposes of such Piers, together with Interest for the same, shall have been paid off, the said Pier Rates shall cease to be levied, and the Expenses of maintaining and repairing the Piers and Works connected therewith shall be paid by the Commissioners out of the Rates, Dues, Duties, or Monies to which the Commissioners are or shall or may be entitled under the second-recited Act.

Dock Rates.

LXVI. That so soon as the Docks or Basins, or any Part thereof, shall be completed, and fit for the Reception of Vessels, it shall be lawful

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lawful for the Commissioners to demand and receive, from every Master or Owner of every Ship or Vessel entering or using the said Dock, any Rate or Duty, not exceeding the Rate or Duty specified in the Schedule (B.) to this Act, for every Ton Burden which such Ship shall measure or contain, for each and every Time she enters or uses the said Dock, and every such Rate shall be payable by the Master of such Vessel, and also to demand for all Goods mentioned in Schedule (C.) to this Act annexed, which shall be shipped or unshipped, received or delivered, at the said Dock and Works or any of them, any Sums not exceeding the several Rates in the said Schedule (C.) specified; and as to all such Goods as shall not be specified in the said Schedule, the Commissioners may demand a Rate equal to the Rate for the Time being payable in respect of Goods of a similar Nature, Package, and Quality; and every such Rate shall be payable by the Owner or Consignee of the Goods.

LXVII. That Accounts, separate and distinct from all other Accounts of the Commissioners, shall be kept by the Commissioners, of the Rates and Monies received by them in respect of the said Rates and Monies hereby authorized to be levied in respect of the Piers and Works connected therewith, and of all Outgoings and Expenses in respect of the said Piers and the Works connected therewith, and of the Rates, Dues, and Monies, hereby authorized to be levied in respect of the Docks and the Works connected therewith, and in respect of all Outgoings and Expenses in relation thereto.

Separate  
Accounts to  
be kept

LXVIII. That the Rates and Dues to be levied under the Provisions of this Act in respect of the said Docks and the Works connected therewith shall be applied by the Commissioners in the Manner hereinafter mentioned; (that is to say,) in the first place, in the Payment of the Expenses of or in any way incident to the working, Management, and Maintenance of the said Docks and the Works connected therewith; in the second place, in Payment of the annual Interest of the Monies borrowed and due and owing under the Authority of this Act on the Credit of the said Rates and Dues, in the Manner herein provided; and lastly, in appropriating and setting apart a Sum equal to Two Pounds Ten Shillings *per Cent. per Annum* upon the whole of the Sum borrowed, or such Part thereof as shall remain due and owing, upon the Credit of such Rates and Dues, and as a Sinking Fund to be applied in paying off the Principal Money: Provided always, that on and after the Expiration of Five Years after such Docks and the Works connected therewith, or any Part thereof, shall have been opened for the Reception of Vessels, if, after Payment of such Costs, Charges, and Expenses as aforesaid, and the Interest upon the Money borrowed or remaining due and owing, and the appropriating and setting apart such Sinking Fund as aforesaid, and before the complete Payment

Application  
of Rates.

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Payment of the Principal of the Sum borrowed, there shall at any Time remain any Surplus of the aforesaid Rates and Dues to be raised in respect of the said Docks and Works, the Commissioners shall from Time to Time lower the same Rates and Dues to the Extent of such Surplus.

Notice of lowering Rates to be given.

LXIX. Provided always, That at least One Month's previous Notice, by Advertisement in Two or more Newspapers published and circulating in *Newcastle-upon-Tyne*, shall before any such lowering takes effect be given thereof.

Reserve Fund to be set apart for Repairs of Docks.

LXX. Provided always, That after the Payment in the Manner aforesaid and Extinction of the Debt for Money so borrowed as aforesaid, and subject to the Payment of such Costs, Charges, and Expenses as aforesaid, the Commissioners shall yearly and every Year set apart and appropriate, with and out of the said Rates and Dues to arise in respect of the said Docks, such a Sum, not exceeding One thousand Pounds *per Annum*, as they shall think fit, and shall accumulate the same at Compound Interest until the Sums so set apart and appropriated, and the Accumulations thereof, shall amount to the Principal Sum of Ten thousand Pounds; and the Sums so set apart, appropriated, and accumulated shall be invested in the Purchase of Exchequer Bills or in other Government Securities in the Name of the Commissioners, and the same Sum, and the Accumulations thereof, and the Interest thereof, shall be held and applied by the Commissioners, as Circumstances may from Time to Time require, in and for the Purpose of extraordinary Repairs of the Docks and Works connected therewith, or other extraordinary Expenses incident to the Management, Improvement, or Enlargement of the said Docks and the Works connected therewith; and when and so soon as the whole of the Money so to be borrowed as aforesaid shall have been paid off and discharged, and the said Sum of Ten thousand Pounds shall have been accumulated in the Manner aforesaid, if there shall be any Surplus of the said Rates and Dues to be raised in respect of the said Docks and Works, after the Payment of such Expenses of working, Management, and Maintenance as aforesaid, it shall be lawful for the Commissioners to lower the said Rates and Dues to such an Extent as will reduce the Rates and Dues to be thereon levied and raised in respect of the said Docks and Works to the annual Amount (as near as may be) of the Expenses of the Management, Maintenance, and working the said Docks and Works connected therewith.

Salaries to be apportioned.

LXXI. That the Salaries of and other Payments to the Clerk and Treasurer of the said Commissioners, and to the other Officers of the Commissioners, and to the Persons who shall act under them in the Collection and Receipt of Tolls and Dues, or otherwise, and who shall be



*The Tyne Improvement Act, 1852.*

be employed in the Business of the said Docks, shall, so long as they shall be so employed, be apportioned by the Commissioners between the Rates or Duties to be received by the Commissioners by virtue of this Act in respect of the Docks and the Residue of the annual Income of the Commissioners, in proportion to the Amount of such Rates or Duties and of the Residue of such annual Income; provided that such of the said Salaries or other Payments as are made to Persons exclusively employed in reference to the said Docks shall be paid wholly out of the Monies to be raised by virtue of this Act in respect of the Docks.

LXXII. And whereas Access to the River *Tyne* to and from an existing Manufactory on the Shore of the said Bay or Inlet called the *Hayhole*, now in the Occupation of Messieurs *William Isaac Cookson* and Company, will be permanently obstructed by the Construction of the proposed Dock and Works, and it is reasonable to make Provision in reference thereto: Be it enacted, That the Tonnage Rate specified in Schedule (B.) to this Act annexed shall not be payable in respect of Vessels which shall be wholly laden with Goods or Materials for the Purposes of the said Manufactory to or from any Part of the United Kingdom or the *Isle of Man*, and Two Thirds only of such Tonnage Rate shall be payable in respect of Vessels which shall be wholly laden with Lead, Lead Ore, or other mineral Ores, for the Purposes of the said Manufactory, from any other Ports than Ports of the United Kingdom or the *Isle of Man*, and that the Rates or Duties specified in Schedule (C.) to this Act annexed shall not be payable in respect of Goods and Materials which shall be brought to the said Manufactory for the Purposes thereof, or in respect of Goods manufactured or to be manufactured therein.

For protect-  
ing Manu-  
factory in  
the Occupa-  
tion of  
Messrs.  
Cookson.

LXXIII. That the Rates and Dues to be levied under this Act in respect of the Piers and Works connected therewith shall be applied as follows; (that is to say,) in the first place, in paying the annual Interest of the Monies borrowed and due and owing under the Authority of this Act on the Credit of the said last-mentioned Rates and Dues in manner herein provided; in the next place, in the Formation and Repair of the said Piers and Works connected therewith; and lastly, in appropriating and setting apart Two Pounds Ten Shillings *per Centum per Annum* upon the whole of the Sums borrowed on the Credit of the said last-mentioned Rates and Dues as a Sinking Fund to be applied in paying off the Principal.

Application  
of Pier  
Rates.

LXXIV. That for the more effectual Prosecution of and dealing with Offences committed, and Matters in which Justices have or may hereafter have Jurisdiction and Authority, arising on such Part of the said River *Tyne* as extends between *Spar Hawke-in-the-Sea* and the

As to Of-  
fences com-  
mitted on  
the River  
*Tyne*.

[*Local.*]

18 L

East

*The Tyne Improvement Act, 1852.*

East Side of the ancient Bridge of *Newcastle-upon-Tyne* as now existing, and for the more effectual Preservation of the Peace thereof, it shall be lawful for Her Majesty's Justices of the Peace acting in and for the Counties of *Northumberland* and *Durham* respectively, and also for Her Majesty's Justices of the Peace acting in and for the Boroughs of *Tynemouth* in the County of *Northumberland* and *South Shields* and *Gateshead* in the County of *Durham* respectively, as well as Her Majesty's Justices of the Peace acting in and for the Borough and County of *Newcastle-upon-Tyne*, to inquire into and deal with all Felonies, Misdemeanors, and Offences committed and Matters arising on the said River within the Limits aforesaid, and to act in the Preservation of the Peace thereof, as fully and effectually as Her Majesty's Justices of the Peace for the Borough and County of *Newcastle-upon-Tyne* now have or may hereafter have Jurisdiction and Authority to inquire, deal, and act; and for the Purpose of such Inquiry, dealing, and acting, the River *Tyne* within the Limits aforesaid shall be deemed to be and shall be within the several Counties and Boroughs aforesaid respectively for which such Justices for any such County or Borough shall act; and every Felony, Misdemeanor, or Offence committed or Matter arising on the said River within the Limits aforesaid may be dealt with, inquired of, tried, determined, and punished in any of the said Counties or Boroughs; and in every Indictment or other Proceeding relative to such Felony, Misdemeanor, Offence, or Matter respectively, the same may be described as having been done, committed, or arisen within the County or Borough where the same shall be tried or dealt with.

Commissioners may provide Barges for Ballast.

LXXV. That it shall be lawful for the Commissioners, if they see fit, to provide, use, and employ, or cause to be used and employed, Hopper Barges and other Vessels in receiving Ballast brought into the said Port, and casting or unloading the same into the Sea beyond the Limits specified in the *Tyne Improvement Act, 1850*.

River Tyne Improvement Act not to be affected.

LXXVI. That, further or otherwise than is by this Act expressly enacted, nothing in this Act contained shall be construed to alter, amend, interpret, or affect the *River Tyne Improvement Act, 1850*, or any of the Powers or Authorities given by such Act.

Saving Rights of Corporation of Newcastle.

LXXVII. Provided always, That, subject to the Provisions in this Act expressly contained, and save and except as otherwise herein is expressly enacted, this Act shall not take away, lessen, prejudice, alter, or affect any Estate, Right, or Interest whatsoever of, in, or to the Soil of the Port and River, or lessen or prejudice any of the Estates, Lands, Property, and Effects of the Corporation, or any of the Tolls, Rates, Dues, Duties, Rents, Issues, Profits, or other Income whatsoever of or payable to the Corporation, or any of the Powers, Authorities, Franchises,

*The Tyne Improvement Act, 1852.*

Franchises, Customs, Usages, Immunities, Rights, or Privileges of the Corporation.

LXXVIII. Provided always, That, except as is by this Act expressly enacted, any Power created or given by this Act shall not be exercised so as in any Manner to defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the Consent of such Lord or Owner in Writing under his Hand for that Purpose first had and obtained; and, except as aforesaid, this Act, or anything therein contained, shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Lord or Owner.

Saving  
Rights of  
Lord of the  
Manor and  
Owners of  
Land.

LXXIX. That, except as is by this Act expressly provided and enacted, anything therein contained shall not take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property, or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, or Advantages whatsoever of or belonging to the Most Noble *Algernon* Duke of *Northumberland*, his Heirs, Assigns, or Successors, in the Barony of *Alnwick*, and the Manors of *Tynemouth*, *Warkworth*, and *Alnmouth*, or any of them, as Lord or Lords thereof respectively, or as Grantee or Grantees of the Crown, or otherwise, or of any future Lords or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers, in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said *Algernon* Duke of *Northumberland*, his Heirs or Assigns, as such Grantee or Grantees as aforesaid, or as the Assigns of such Grantee or Grantees as aforesaid, or otherwise, in or to the Bed and Soil, Banks, and Shores of the River *Tyne*, or any Part thereof, but that, save and except as aforesaid, all such Property, Royalties, Rights, Titles, Estates, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act had not passed.

Saving  
Rights of  
Duke of  
Northum-  
berland.

LXXX. Provided always, That this Act, or anything therein contained, shall not take away, lessen, prejudice, alter, or affect any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commission of Sewers, or the Commissioners appointed under any Local or Private Act of Parliament for Sewers or Drainage.

Saving  
Rights of  
Commis-  
sioners of  
Sewers.

LXXXI. That, except as is by this Act expressly provided and enacted, this Act or anything therein contained shall not prejudice or affect

Saving  
Rights of  
Corporation

*The Tyne Improvement Act, 1852.*

of Trinity  
House of  
Newcastle-  
upon-Tyne.

affect the Right or Title of the Corporation of the Master Pilots and Seamen of the *Trinity House of Newcastle-upon-Tyne*, or the Members thereof, to any Rights, Powers, Privileges, Immunities, Authorities, Tolls, Dues, Duties, or Sums of Money to which that Corporation or any Member or Members thereof are now entitled.

Saving  
Rights of  
the Crown.

LXXXII. That no Recital, Clause, Matter, or Thing in this Act contained shall, as against the Queen's Majesty, Her Heirs and Successors, be construed to recognise or confirm any Estate, Right, Title, or Interest in the said Corporation, or the said *Algernon Duke of Northumberland*, or any other Person, Corporation, or Commissioners whatsoever, or to vest in him or them any larger Estate or Interest than was possessed by him or them respectively immediately before the passing of this Act; and, except as by this Act is expressly provided, it shall not be lawful for the Commissioners to construct Docks, Piers, or other Works in or upon any Bay, Inlet, Strand, or Shore belonging to Her Majesty in right of Her Crown, or to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners, or any One of them, are and is hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Claims to Compensation, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of  
Act.

LXXXIII. That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory and incidental thereto, shall be advanced and paid by the Commissioners in the first instance out of the *Tyne Improvement Fund*, and the Monies so advanced and paid shall be returned to such Fund out of the Monies and in the Proportions following; that is to say, as to Two Fifth Parts of such Costs, Charges, and Expenses, out of the Monies raised by virtue of this Act in respect of the Piers; as to other Two Fifth Parts thereof, out of the Monies raised by virtue of this Act in respect of the Docks; and as to the remaining One Fifth Part thereof, out of the Monies raised by virtue of this Act in respect of Moorings.

*The Tyne Improvement Act, 1852.*

## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

Name of Creditor.	Date of Security.	Amount.	Rate of Interest.
		£	£
William Mather, Esq. - - - -	13 December 1848 -	5,000	5 per Cent.
Mr. Thomas Elder - - - -	7 February 1849 -	600	5 per Cent.
The Rev. Alexander Trotter - - - -	7 February 1849 -	500	5 per Cent.
John Abbot, Esq. - - - -	28 March 1849 -	10,000	5 per Cent.
John Abbot, Esq. - - - -	7 August 1850 -	1,000	4 per Cent.

## SCHEDULE (B.)

TONNAGE RATES.	RATES.
	s. d.
<b>OUTWARD CHARGES:—</b>	
For every Ship clearing for any Port in the United Kingdom or the Isle of Man - - - - - per Ton	0 2
For every Ship clearing for any Port in the White Sea, or any Port between the North Cape and Gibraltar, including the Baltic, and for the British Possessions in North America - - - - - per Ton	0 2
For every Ship clearing for any other Port or Place than above specified, per Ton	0 4
For every Ship entering the Dock for the sole and exclusive Purpose of delivering or unloading Ballast, Gravel, or Sand - - - - - per Ton	0 1½
For every Ship entering and leaving the Dock without delivering or loading a Cargo - - - - - per Ton	0 2
<b>INWARD CHARGES:—</b>	
For every Ship with a Cargo from any Port in the United Kingdom or in the Isle of Man - - - - - per Ton	0 2
For every Ship with a Cargo from any Port or Place in Europe between Ushant and the Naze in Norway, except the Ports in the Baltic Sea, or from any Port in the Islands of Guernsey and Jersey - - - - - per Ton	0 4
For every Ship with a Cargo from any other Port or Place - - - - -	0 6

For the above Rates any Ship may remain in the Docks for any Time not exceeding Four Weeks, and after the Expiration of that Time a further Sum of One Halfpenny per Ton per Week shall be payable in respect of such Vessel.

For Keels, Lighters, or other River Craft, not exceeding Fifty Tons Burden, entering and leaving the Docks for the Purpose of loading or discharging Minerals or Merchandise, One Shilling each Way.

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*The Tyne Improvement Act, 1852.*


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## SCHEDULE (C.)

*Schedule of Rates or Tolls on Goods.*

For every Ton of Coals put on board any Vessel in the Docks for Export, whether Coastwise or Foreign, from the River Tyne	- -	Twopence.
For every Ton of Coke, Culm, or Cinders put on board any Vessel in the Docks	- - - - -	Threepence.
For every Load of Timber, each Load containing Fifty Cubic Feet, received or delivered from any Vessel in the Docks	- - -	Threepence.
And in case such Timber shall continue in the Docks for a longer Period than One Month, then for each Week beyond such Month		One Halfpenny.
For every Ton Weight of Goods or Merchandise of every other Description received or delivered from any Vessel in the Docks	-	Fourpence.
Or, at the Option of the Commissioners, for every Ton Measurement of such Goods and Merchandise, each such Ton Measurement containing Forty Cubic Feet	- - - - -	Sixpence.
And for every Package or Parcel of Goods less than a Ton, either of Weight or Measurement, the same Sum as is payable in respect of a Ton.		

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 LONDON:

 Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
 Printers to the Queen's most Excellent Majesty. 1852.