



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act to amend and enlarge the Provisions of the Acts relating to the River *Tyne*, and to enable the *Tyne* Improvement Commissioners to construct Docks at *Coble Dean*, and certain Works for the Improvement of such River; and for other Purposes. [27th July 1857.]

WHEREAS by "The River *Tyne* Improvement Act, 1850," (in this Act called the Act of 1850,) a Body of Commissioners, to be called the *Tyne* Improvement Commissioners (in this Act called the Commissioners), was constituted for exercising the Powers by that Act conferred on the Commissioners for the Improvement of the Port of *Newcastle-upon-Tyne* and the River *Tyne*, and the Regulation of the Navigation thereof, and Provision was thereby made for the carrying into execution of some of the Provisions thereof by the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne* (in this Act called the Corporation), and of other Provisions thereof by the Commissioners: And whereas by the Act of 1850 Provision was made for the Formation of a Fund for the Execution of that Act by the Commissioners, to be called the *Tyne* Improvement Fund: And whereas by the Act of 1850 the Corporation,

13 & 14 Vict.
c. lxxvii.

. [Local.]

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tion, who, previous to the passing of such Act for the Purpose of the Execution by them of Works for the Improvement of the River, had contracted with Sir *William Alexander Maxwell* Baronet for the Purchase of certain Lands at *Howdon* in the Parish of *Wallsend* in the County of *Northumberland*, were authorized to complete such Contract, the Expense of such Completion to be defrayed out of the *Tyne* Improvement Fund; and it was provided that the Corporation should hold the same Lands for the Purposes of the River *Tyne* Improvement Act, 1850, and should, when required by the Commissioners, sell such Lands or any Part thereof not wanted for the Purposes of the same Act, and that the Purchase Money and the Rents and annual Profits thereof, until sold, should be carried to the Credit of the *Tyne* Improvement Fund: And whereas the Lands so contracted to be purchased of the said Sir *William Alexander Maxwell* consist partly of Lands of which the said Sir *William Alexander Maxwell* was seised in Fee Simple, partly of Lands held by Lease under the Dean and Chapter of *Durham*, and partly of Lands held by Lease under the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne*: And whereas that Purchase has not yet been completed, and the Commissioners, in order to the Execution by them of Works for the Improvement of the River, have lately entered into Provisional Contracts with the said Dean and Chapter for the Purchase of the Reversion in Fee of such of the before-mentioned Lands as are held under the said Dean and Chapter, and with the said Mayor, Aldermen, and Burgesses for the Purchase of the Reversion in Fee of such of the before-mentioned Lands as are held under the said Mayor, Aldermen, and Burgesses: And whereas by the *Tyne* Improvement Act, 1852 (in this Act called the Act of 1852), further Powers were conferred on the Commissioners for the Improvement of the Port and of the River, and for the Regulation of the Navigation thereof; and the Commissioners were authorized, amongst other things, to make Docks, to be called the *Northumberland* Docks, at a Place called *Hay Hole*, on the Northern Side of the River, and to levy Rates, Dues, and Duties for the Purposes thereof, and to borrow on Mortgage of such Rates and Dues any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds: And whereas the Commissioners have proceeded with the Construction of the *Northumberland* Docks: And whereas the Commissioners have borrowed on Mortgage of the Rates, Dues, and Moneys by the Act of 1852 authorized to be levied in respect of the *Northumberland* Docks, and the Works connected therewith, the Sum of One hundred and fifty thousand Pounds, and that Sum, with the Interest thereon, is now charged on those Rates, Dues, and Moneys: And whereas the Commissioners are not incorporated, and it is expedient that they be incorporated: And whereas it is expedient that the Commissioners be authorized to complete the several Contracts for the Purchase of the several Interests of the said Sir *William Alexander Maxwell*, of the said Dean and Chapter of *Durham*, and the said Mayor, Aldermen,

15 & 16 Vict.
c. cx.

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men, and Burgesses in the said Lands at *Howdon*, and to raise Money for that Purpose: And whereas by reason of the great Resort of Shipping to the Port the River is frequently much crowded with Vessels, and for the better Accommodation of such Vessels it is expedient that the Commissioners be authorized to make a Dock at a Place on the Northern Side of the River, called *Coble Dean*, to be called the *Coble Dean* Dock, and a Channel of Communication between the same and the *Northumberland* Docks: And whereas there are on the Northern Side of the River, between *Hayhole Point* and the Docks of Messrs. *Smith*, certain Shoals or Sandbanks which injuriously interfere with the Current of the Water in the River, and with the Navigation thereof: And whereas it would much lessen the crowding of the River with Vessels, and would greatly improve the Navigation thereof, if those Shoals or Sandbanks were removed, and a River Wall were built there, so as to direct and improve the Course of the River, and for the further Improvement of the Port and River and the Navigation thereof it is expedient that the Commissioners be authorized to execute those several Works: And whereas it is expedient that the Commissioners should be authorized to levy Rates, Dues, and Duties for the Purposes aforesaid, and to borrow Money on Mortgage thereof: And whereas it is expedient that the Commissioners be authorized to levy further Rates, Dues, and Duties, and to borrow further Moneys for the Purposes of this Act: And whereas it is expedient that further Provision be made for preventing the casting into the River of Ashes, Refuse, and Rubbish: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. This Act may be cited for all Purposes as "*Tyne Improvement Act, 1857.*" Short Title.

II. The following Provisions of "The Commissioners Clauses Act, 1847," are incorporated with this Act; (to wit,)

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners:

With respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners:

With respect to the Appointment and Accountability of the Officers of the Commissioners:

With respect to the Mortgages to be executed by the Commissioners:

With respect to the Accounts to be kept by the Commissioners:

With respect to the making of Byelaws:

With respect to giving Notices and Orders:

With

Certain
Parts of
10 & 11 Vict.
c. 16. incor-
porated.

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With respect to the Recovery of Damages not otherwise provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriffs :

With respect to Access to the Special Act.

8 & 9 Vict.
c. 18. ;

III. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act.

10 & 11 Vict.
c. 27. ;

IV. "The Harbours, Docks, and Piers Clauses Act, 1847," is incorporated with this Act.

and Parts of
8 & 9 Vict.
c. 20. incor-
porated.

V. The Provisions "with respect to the temporary Occupation of Lands near the Railway during the Construction thereof" of "The Railways Clauses Consolidation Act, 1845," are incorporated with this Act; and the Expression "the Railway" in those Provisions means, for the Purposes of this Act, the several Works by this Act authorized to be executed.

Same Mean-
ings to
Words, &c.
in incorpo-
rated Acts
and this Act.

VI. The several Words and Expressions to which by the Acts wholly or partly incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Interpre-
tation of
Terms.

VII. In this Act and in any Act, the whole or any Part whereof is incorporated with this Act, the following Words and Expressions have for the Purposes of this Act the following Meanings, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Port" means, for the Purposes of this Act, the Port of *Newcastle-upon-Tyne*, as defined by the Act of 1850, 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 continues for such Purposes a separate Port :

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

The Expression "the Lord High Admiral," and the Expression "the Admiralty," respectively mean and include the Lord High Admiral of the United Kingdom, and the Commissioners from Time to Time for executing the Office of Lord High Admiral :

The Expression "*Coble Dean Docks*" means the Docks by this Act authorized to be made, and the Basins, Locks, Channels, Entrances, and other Works and Conveniences thereof :

The Expression "Junction Channel" means the Channel or Communication by this Act authorized to be made between the *Northumberland Docks* and the *Coble Dean Docks*, and the Works and Conveniences thereof :

The

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The Expression "River Works" means the several Works by this Act authorized to be executed, and not included in the Expressions *Coble Dean Docks* and *Junction Channel* respectively.

VIII. The several Persons who from Time to Time are or shall be, according to the Provisions of the Acts of 1850 and 1852 and this Act respectively, the Commissioners, are and shall be, by the Name of "The *Tyne Improvement Commissioners*," One Body Corporate, with perpetual Succession and a Common Seal, and by that Name may sue and be sued, and shall have Power to take, hold, and dispose of Lands and other Property for the Purposes of the said recited Acts and of this Act; and to put the Acts of 1850 and 1852 and this Act respectively into execution, so far as they respectively are to be executed by the Commissioners.

The Tyne Improvement Commissioners incorporated.

IX. The Commissioners shall, for the Purposes of the Acts of 1850 and 1852 and this Act respectively, be and continue seised and possessed of and entitled to all Lands, Buildings, Docks, Basins, Works, Property, Effects, Choses in Action, Claims, and Demands whatsoever of or to which the Commissioners immediately before the passing of this Act were, by virtue of the Acts of 1850 and 1852 respectively, or otherwise howsoever, seised, possessed, or entitled.

Commissioners to remain entitled to their Property.

X. The Commissioners shall carry the Purposes of this Act into execution.

Powers of Commissioners for executing Act.

XI. Notwithstanding the Incorporation of the Commissioners, all the Provisions of any and every Act of Parliament relating to the Commissioners and their Officers and Servants respectively, and on the passing of this Act in force, shall be of as full Force and Effect as if such Incorporation had not happened, and may be exercised, enforced, and enjoyed by and against the Commissioners in their Corporate Capacity, and their Officers and Servants respectively, to all Intents.

Provisions of other Acts continued.

XII. Notwithstanding the Incorporation of the Commissioners, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Acts; or any of them, shall be as valid as if this Act were not passed; and such Incorporation and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Incorporation had not happened; and this Act were not passed, would be incident to or consequent on any, and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

General Saving of Rights under recited Acts.

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Contracts,
&c. pre-
served.

XIII. Notwithstanding the Incorporation of the Commissioners, all Purchases, Sales, Securities, and Contracts before the Commencement of this Act made under the Acts of 1850 and 1852 respectively, or with reference to the Purposes thereof, shall be as effectual to all Intents, for, against, and with respect to the Commissioners as if they had remained unincorporated.

Actions not
to abate, &c.

XIV. Notwithstanding the Incorporation of the Commissioners, any Action, Suit, Prosecution, or other Proceeding commenced before the passing of this Act, either by or against them, or any Person representing them, shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Commissioners in their Capacity of a Body Corporate, in like Manner to all Intents as if they remained unincorporated, save only that the Commissioners in their Corporate Capacity may and, if requisite, shall be substituted therein for any Person so representing them.

Officers con-
tinued.

XV. Notwithstanding the Incorporation of the Commissioners, every Officer and Servant appointed by virtue of or acting under the Acts of 1850 and 1852 respectively shall hold and enjoy his Office and Employment, with the Salary and Emoluments thereunto annexed, and be deemed an Officer and Servant of the Commissioners until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, as if he were appointed under this Act.

Commis-
sioners
authorized
to complete
the Purchase
of Lands at
Howdon.

XVI. The Commissioners are authorized to complete the Purchase of the several Interests of the said Sir *William Alexander Maxwell*, the said Dean and Chapter, and the said Mayor, Aldermen, and Burgesses, and to take Conveyances unto and to the Use of the *Tyne Improvement Commissioners*, their Successors and Assigns, of all the said Lands at or near *Howdon* in the Parish of *Wallsend* in the County of *Northumberland* so contracted to be purchased as hereinbefore mentioned.

Commission-
ers to pay
Purchase
Moneys out
of *Tyne Im-
provement
Fund*, or to
raise the
same by
Mortgage.

XVII. The Commissioners are authorized to pay the several Purchase Moneys and other Expenses attending the Completion of the said Purchases out of the *Tyne Improvement Fund*, and for that Purpose to borrow on Mortgage of the said purchased Lands, or of the said *Tyne Improvement Fund*, any Sum or Sums of Money not exceeding Twelve thousand Pounds for the Purpose of completing such Purchase.

Commis-
sioners
authorized
to sell.

XVIII. The Commissioners shall from Time to Time sell and dispose of such Parts of the said purchased Lands as shall be unnecessary to be retained for the Purposes of the said recited Acts or this Act.

XIX. And

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XIX. And whereas a Plan of the Parts of the River in or near to which the Works by this Act authorized are to be extended, showing the proposed new Works and the proposed Docks, Channels, and other Works connected therewith, and the Lands to be taken for the Purposes thereof, and also the other Lands to be taken compulsorily under this Act, and a Section showing the Levels of the Banks of the River, and the intended Levels of such new Works and proposed Docks, Channels, and other Works, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lesses, and Occupiers of the Lands by this Act authorized to be taken or used, have been deposited with the respective Clerks of the Peace for the Borough and County of *Newcastle-upon-Tyne* and the County of *Northumberland*: Therefore, subject to the Provisions of this Act, the Commissioners may enter upon, take, and use such of those Lands as they think requisite for the Purposes of this Act, and in and upon those Lands respectively may make, maintain, and execute the several Works by this Act authorized to be executed, and respectively within the Limits of Deviation, and according to the Levels shown on those Plans and Sections.

Power to take Lands shown on deposited Plans for Works.

XX. The Commissioners from Time to Time may agree with the Owners of Lands for the Purchase, and such Owners may agree with the Commissioners for the Sale, of any Lands, or any Easement, Right, or Interest in or affecting any Lands which the Commissioners require to purchase for the Purposes of any of the Works by this Act authorized, or any other River Works of the Commissioners; and the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement shall apply to such Purchases and Sales.

Commissioners may, by Agreement, purchase, &c. other Lands.

XXI. The Quantity of Land which the Commissioners may purchase by Agreement for extraordinary Purposes, as expressed in "The Harbours, Docks, and Piers Clauses Act, 1847," shall not exceed Fifty Acres.

Lands for extraordinary Purposes.

XXII. The Works which the Commissioners are by this Act authorized to execute comprise the following Works to be respectively executed within or adjoining to the several Parishes, Townships, and Extra-parochial Places following; (that is to say,) the Parish of *Saint Nicholas* in the Borough and County of *Newcastle-upon-Tyne*, and *Tynemouth* Parish, and *Chirton* Township, and *North Shields* Township, all in the County of *Northumberland*, or some or One of them; (that is to say,)

Works authorized by Act.

First. The improving of the Navigation of the River from a Place at or near to the *Hay Hole Point* in the Township of *Chirton* to a Place at or near to the *Coble Dean* in that Township, and in the several Parishes of *Tynemouth* and *Saint Nicholas*, or One of

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of them, and within those Limits, and for such improving, the making and maintaining of Jetties, Quays, Groynes, Walls, and other Works and Conveniences in connexion therewith, and the diverting, straightening, widening, and contracting of the River in Parts thereof, and the Removal of Shoals and Obstructions in the River, and otherwise improving the same, and the removing of Points of Land projecting into the River, and the altering of the Shores in Parts of the River :

Second. The making and maintaining of Docks, to be called the *Coble Dean* Docks in that Township and those Parishes, or some or one of them, at or near to the *Coble Dean*, with Approaches and all proper Works and Conveniences connected therewith, and Basins, Locks, Channels, and Entrances into or from the River, or connected with the *Coble Dean* Docks, which Docks, Basins, and other Works will be situate at or near to *Coble Dean*, and extend from and between *Whitehill Point* on the one Side to or near to *Smith's Quay* on the other Side of *Coble Dean*, and up to or near to *Flatworth Mills* :

Third. The making and maintaining in that Township and those Parishes, or some or one of them, of a Channel or Communication, to be called the Junction Channel, between the *Coble Dean* Docks and the *Northumberland* Docks, the Junction Channel to extend from the *Coble Dean* Docks to the *Northumberland* Docks, at or near to *Sadler's Tile Yard*, and of all proper Works and Conveniences connected therewith :

Fourth. The taking of Water from the River at or near to *Coble Dean* and from the *Northumberland* Docks.

Period for completing Works.

XXIII. The River Wall, *Coble Dean* Docks, and the Junction Channel, by this Act respectively authorized, shall be completed within Seven Years after the passing of this Act; and on the Expiration of that Period the Powers by this Act granted to the Commissioners for executing those Works shall cease to be exercised, except as to so much thereof as is then completed.

Junction Channel not to be commenced till Docks completed.

XXIV. The Works of the Junction Channel shall not be commenced until the *Coble Dean* Docks shall have been completed and opened for Use.

Before commencing Junction Channel, the Approval of the Admiralty to be obtained.

XXV. The Commissioners shall, previously to commencing the Junction Channel, obtain the Approval of the Admiralty to the River Line between the *Northumberland* Docks and the *Coble Dean* Docks, and to the Works to be executed in connexion with that River Line, in removing Banks of Sand and other Obstructions to the free Course of the River; and such Works shall be executed accordingly by the Commissioners, and they shall complete such Works before they open the Junction Channel for Use.

XXVI. Before

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XXVI. Before commencing any Works under this Act affecting the River, the Commissioners shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the proposed Works for the Approval of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, and those Works shall be executed only in accordance with such Approval.

Working Drawings to be submitted to Admiralty before commencing.

XXVII. If after Working Drawings of the Works are so deposited the Admiralty deem it expedient to order a local Survey and Examination of the 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 from the Commissioners to the Crown, and recoverable with Costs of Suit accordingly, or as a Penalty.

Admiralty may order local Survey at Expense of Commissioners.

XXVIII. If any Work to be executed 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, be abandoned or suffered to fall into Disuse or Decay, the Admiralty may abate and remove the same, or such Part thereof as the Admiralty at any Time or Times deem fit, and restore the Site thereof to its former Condition at the Expense of the Commissioners; and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and recoverable with Costs of Suit accordingly, or as a Penalty.

Works abandoned affecting tidal Waters may be removed by Admiralty at Expense of Commissioners.

XXIX. All Officers of Her Majesty's Customs, when in the Execution of their Duty, shall have free Ingress and Egress into and out of the said Docks and Premises, and through the Gates and Entrances of the same, and may freely pass with their Vessels and Boats through the Locks and Water Communications of the said Docks and Premises at all Times (provided the State of the Tide and Water Communications of the said Docks and Premises will admit of such passing) without Payment of any Toll or Sum for so doing.

Officers of Customs to have free Access to the Docks without Payment of Toll.

XXX. The Harbour-masters of the Commissioners from Time to Time may respectively appoint Inspectors or Messengers to superintend the Reception of any Ashes, Refuse, or Rubbish into any Vessels, and the Discharge of the same from the Vessel into the Sea or into any Part of the River within the Port licensed or authorized by the Commissioners for the Reception of the same.

Inspectors for superintending Reception and Discharge of Ashes, &c.

XXXI. The Master or Person having Charge of every Vessel into which any Ashes, Refuse, or Rubbish may be put for the Purpose of being cast into the Sea or elsewhere, shall permit any Inspector or Messenger appointed by any of the Harbour-masters to be on board the Vessel for the Purpose of seeing the Ashes, Refuse, or Rubbish

Inspector to go on board.

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properly

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properly received and properly discharged, and in order thereto to go and remain on board the Vessel and depart therefrom when and as the Inspector or Messenger thinks fit.

Penalty on
hindering
Inspector.

XXXII. If the Master or any other Person having Charge of any Vessel, or any other Person, prevent, hinder, or interfere with any such Inspector or Messenger in or about the Execution of any of his Duties or Authorities under this Act, every such Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Penalty for
throwing
Ashes, &c.
into River,
&c.

XXXIII. If any Officer of the Commissioners, or the Master or other Person having Charge of any Vessel, or any other Person whatsoever, under any Pretence whatsoever, save in the due Execution of Works properly authorized, or in Places licensed or appointed by the Commissioners, cast or let fall, or cause or order or knowingly permit to be cast or let fall, from any Vessel, or from any Stage or Apparatus whatsoever connected or used with any Vessel, any Ashes, Refuse, or Rubbish whatsoever into the River within the Port or into the Sea within Two Miles of the Bar at the Mouth of the River, or into the Sea at any Part thereof whereof the Depth is less than Ten Fathoms at Low Water, or if any Person aid or abet any other Person so acting, every Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Penalty on
putting
Ashes &c.
on board
Vessels to be
discharged
into the
River, &c.

XXXIV. If any Person put or cause or order or knowingly permit to be put on board any Vessel any Ashes, Refuse, or Rubbish for the Purpose of its being cast into the River within the Port, or into the Sea within Two Miles of the Bar at the Mouth of the River, or into the Sea at any Part thereof where the Depth is less than Ten Fathoms at Low Water, or if any Person aid or abet any other Person so acting, every Person so offending shall for every such Offence forfeit not exceeding Ten Pounds.

Liability of
Masters of
Vessels for
Offences as
to Ashes, &c.

XXXV. Where any Offence against any of the Provisions of this Act touching Ashes, Refuse, or Rubbish is committed by any Person being on board of any Vessel, it shall be deemed that the Offence was committed by the Order of the Master or other Person having Charge of the Vessel, unless the Master or other Person having Charge of the Vessel show the contrary.

Byelaws for
preventing
Discharge of
Ashes, &c
into River,
&c.

XXXVI. The Commissioners from Time to Time may make such Byelaws as they think requisite for all or any of the following Purposes :

First. For regulating the discharging of Ashes, Refuse, or Rubbish into the Sea, or into any Part of the River within the Port licensed or authorized by the Commissioners for the Reception of the same :

Second.

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Second. For regulating the Places, Times, and Manner at and in which any Ashes, Refuse, or Rubbish may be put on board any Vessel for the Purpose of being so discharged :

Third. For regulating the Construction of Steam Boats navigating the River within the Port, as regards the Means of casting out Ashes :

Fourth. For determining the Terms and Conditions on which, and the Superintendence under which, any Ashes, Refuse, or Rubbish shall be put on board any Vessels for the Purpose of being so discharged or shall be so discharged :

Fifth. For regulating the Duties of the Harbour-masters and the Inspectors and Messengers appointed by the Harbour-masters with respect to the Reception into any Vessels, or the Discharge into the Sea or elsewhere from any Vessels, of Ashes, Refuse, and Rubbish :

Sixth. For otherwise providing for the due Execution and Observance of the Provisions of this Act with respect to such Ashes, Refuse, and Rubbish :

Provided always, that such Byelaws shall not be repugnant to the Laws of *England*, and shall be confirmed and published as provided by the "Harbours, Docks, and Piers Clauses Act, 1847."

XXXVII. The Commissioners shall publish the several Provisions of this Act with respect to Ashes, Refuse, and Rubbish, in like Manner as their Byelaws are to be published. Publication of Provisions of Act as to Ashes, &c.

XXXVIII. With respect to the Application of any Penalties recovered under this Act for any Offence touching Ashes, Refuse, or Rubbish, the Justices by whom the Penalty is imposed shall award the same to be paid to the Commissioners, to be carried, as they see fit, to any of their Funds. Application of Penalties.

XXXIX. The Commissioners shall keep proper Accounts of all their Receipts, Credits, Payments, and Liabilities with respect to the Execution of this Act; and in order the better to show the State of the Commissioners Affairs, those Accounts shall be kept separate and distinct, as by this Act provided. Commissioners to keep distinct Accounts of Receipts and Payments under Act.

XL. The Accounts of all the Receipts, Credits, Payments, and Liabilities of the Commissioners with respect to the *Coble Dean* Docks, the Junction Channel, and River Works hereby authorized, to be called the *Coble Dean* Docks Accounts, shall, except as herein otherwise provided, be kept by them separate and distinct from all their other Accounts. Accounts of Coble Dean Docks to be kept.

XLI. The Salaries of and other Payments to the Clerk and Treasurer of the Commissioners, and to the other Officers of the Commissioners, and to the Persons who act under them in the Collection and Receipt of Rates and Dues or otherwise, and who are employed for Salaries to be apportioned between Accounts.

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for any of the Purposes of this Act, shall so long as they are so employed be justly apportioned by the Commissioners between the *Coble Dean Docks Fund* and the other Funds of the Commissioners; provided that such Salaries or other Payments as are made to Persons exclusively employed with respect to the *Coble Dean Docks*, the *Junction Channel*, and *River Works* hereby authorized, shall be paid wholly out of the *Coble Dean Docks Fund*.

Power to demand Rates on Vessels entering *Coble Dean Docks* as in Sch. (B.) of 15 & 16 Vict. c. ex. ;

XLII. When and so soon as the *Coble Dean Docks* and *Junction Channel*, or either of them, or any of the Works thereof respectively, are completed so far as to be fit for the Reception of Vessels, the Commissioners may demand and take from the Master of every Vessel entering or using the *Coble Dean Docks* or the *Junction Channel*, or any of the Works thereof, any Rate not exceeding the Sum specified in the Schedule (B.) to the Act of 1852, for every Ton Register which the Vessel measures for every Time she enters or uses the *Coble Dean Docks* or *Junction Channel*, or any of the Works thereof, and every such Rate shall be payable by the Master of the Vessel: Provided always, that the Commissioners may demand and take from the Master of every Vessel making Use of the *Coble Dean Docks* and *Junction Channel* as a Passage to or from the *Northumberland Dock*, without remaining in or loading or discharging any of its Cargo in the *Coble Dean Docks* and *Junction Channel*, any Rate not exceeding One Penny for every Ton Register which the Vessel measures for every Time she so passes through the said *Coble Dean Docks* and *Junction Channel*, and such Vessel shall not be subject to any of the other Rates imposed by this Act.

and on Goods, as in Sched. (C.) of said Act.

XLIII. When and so soon as the *Coble Dean Docks* or *Junction Channel*, or any of the Works thereof, are completed so far as to be fit for the Reception of Vessels, the Commissioners may demand and take for all Goods specified in Schedule (C.) to the Act of 1852, which are shipped or unshipped, received or delivered, at the *Coble Dean Docks* or *Junction Channel*, or any of the Works thereof, any Dues not exceeding the several Sums specified in that Schedule; and as to all Goods not specified in that Schedule, the Commissioners may demand and take Dues equal to the Dues from Time to Time payable in respect of Goods of a similar Nature, Package, and Quality, and every such Due shall be payable by the Owner or Consignee of the Goods; but in the Case of Timber having continued in the *Coble Dean Docks* or *Junction Channel* for Fourteen Days, the Commissioners may demand and take Threepence for every Load of such Timber, each Load containing Fifty Cubic Feet, for every Week the same shall remain in the said Dock or *Junction Channel*: Provided always, that the Rates or Tolls on Coke, Culm, and Cinders put on board any Vessel in the Docks shall not be payable unless such Coke, Culm, and Cinders shall be put on board such Vessel for Export, whether coastwise or foreign, from the River *Tyne*.

XLIV. The

Tyne Improvement Act, 1857.

XLIV. The *Coble Dean* Docks and Junction Channel Rates on Vessels, and the *Coble Dean* Docks and Junction Channel Dues on Goods, by this Act respectively authorized, and all other Moneys from Time to Time received by or payable to the Commissioners with respect to the *Coble Dean* Docks and Junction Channel, shall be carried to the Credit of the *Coble Dean* Docks Account, and shall form the *Coble Dean* Docks Fund; and, subject to the Provisions of this Act, the *Coble Dean* Docks Fund shall be the Fund for defraying the Expenditure of the Commissioners in and about the Execution by them of this Act with respect to the *Coble Dean* Docks, the Junction Channel, and River Works hereby authorized.

Moneys received on account of *Coble Dean* Docks, to form the *Docks* Fund.

XLV. The Commissioners from Time to Time may borrow on Mortgage of the *Coble Dean* Docks Fund any Sums not exceeding in the whole Three hundred and twenty thousand Pounds, and in the event of any such Money being repaid or for repaying it, except such Moneys as shall have been repaid out of the Sinking Fund herein-after mentioned, the Commissioners may reborrow the same, and so *toties quoties*, but so that there shall not be owing on such Security of the *Coble Dean* Docks Fund at any one and the same Time more than Three hundred and twenty thousand Pounds.

Power to borrow Money on Mortgage of *Coble Dean* Docks Fund

XLVI. For the Repayment of the Moneys so borrowed, with Interest, the Commissioners may mortgage the *Coble Dean* Docks Fund to the Persons who advance the Moneys, or their respective Nominees, as a Security for the Repayment of the Money so borrowed, with Interest thereon, and the Mortgages so granted shall be distinguished as *Coble Dean* Docks Mortgages.

and to grant Mortgages accordingly, to be called *Coble Dean* Docks Mortgages.

XLVII. All Money borrowed upon Mortgage under the Authority of this Act shall be applied in constructing the *Coble Dean* Docks, the Junction Channel, and River Works hereby authorized.

Application of Money borrowed.

XLVIII. The Commissioners may pay out of Capital the Interest of the Moneys borrowed with respect to any of the Works by this Act authorized, until the respective Works be completed: Provided always, that no Part of the Money borrowed, and not required for the Purposes to which it is by this Act made applicable, shall be applied in Payment of Interest upon Money borrowed for any other Works of the Commissioners.

Power to pay Interest out of Capital.

XLIX. The Sum to be set apart and appropriated out of the *Coble Dean* Docks Fund as a Sinking Fund, to be applied in paying off the Principal Moneys secured by the *Coble Dean* Docks Mortgages, shall in every Year in which the same Fund shall be of sufficient Amount to admit thereof, be not less than One Fortieth Part of the respective Principal Moneys so secured, and from Time to Time remaining due.

Sinking Funds.

Tyne Improvement Act, 1857.

Arrears may be enforced by Appointment of a Receiver.

L. The respective Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Ten thousand Pounds.

Application of Coble Dean Docks Fund.

LI. The *Coble Dean Docks* Fund shall be applied by the Commissioners as follows; (that is to say,)

First, in Payment of the Expenses of maintaining and managing the *Coble Dean Docks*, Junction Channel, and other River Works:

Secondly, in Payment of the Interest on the Moneys borrowed and from Time to Time remaining on the Security of the *Coble Dean Docks* Mortgages under this Act:

Thirdly, in providing the Sinking Fund under this Act for the Repayment of the Moneys so borrowed.

Coble Dean Docks Rates, &c. to be lowered to the Extent of Surplus of Coble Dean Docks Fund.

LII. On and after the Expiration of Five Years after the *Coble Dean Docks* or any of the Works thereof are opened for the Reception of Vessels, if, after paying and providing out of the *Coble Dean Docks* Fund the Expenses and Interest on Money borrowed, and the Sinking Fund to be respectively paid and provided thereout, and before full Repayment of all Principal Moneys to be repaid thereout, there at any Time remain any Surplus of the *Coble Dean Docks* Fund, the Commissioners shall from Time to Time lower the *Coble Dean Docks* Rates on Vessels and Dues on Goods to such Extent as will in the Judgment of the Commissioners make a Reduction in the Amount received from such Rates and Dues to the Extent of such Surplus.

Coble Dean Docks Reserved Fund.

LIII. Provided always, That after Repayment, as by this Act provided, and Extinction of the Debt for the Moneys borrowed on the *Coble Dean Docks* Mortgages, and subject to the Payment of the Expenses to be paid out of the *Coble Dean Docks* Fund, the Commissioners shall in every Year set apart and appropriate out of the *Coble Dean Docks* Fund such a Sum as they think fit, and shall accumulate the same at Compound Interest until the Sums so set apart and appropriated, and the Accumulations thereof, amount to Ten thousand Pounds, and the Fund so formed shall be called "the *Coble Dean Docks* Reserved Fund."

Application of Coble Dean Docks Reserved Fund.

LIV. The *Coble Dean Docks* Reserved Fund shall be held and applied by the Commissioners as Circumstances from Time to Time require for extraordinary Repairs of the *Coble Dean Docks*, Junction Channel, and River Works, or other extraordinary Expenses incident to the Management, Extension, and Improvement of the *Coble Dean Docks*, Junction Channel, and River Works.

Eventual Reduction of

LV. After such Repayment and Extinction of Debt, and the Formation of the *Coble Dean Docks* Reserved Fund, if at any Time there

Tyne Improvement Act, 1857.

there be any Surplus of the *Coble Dean* Docks Fund, after Payment of all the Expenses to be paid thereout, the Commissioners shall lower the *Coble Dean* Docks Rates on Vessels and Dues on Goods to such an Extent as will reduce those Rates and Dues to (as near as may be) the yearly Amount of the Expenses to be so paid.

Coble Dean
Docks Rates
and Dues.

LVI. The Moneys from Time to Time forming the *Coble Dean* Docks Reserved Fund shall from Time to Time be invested by the Commissioners, in their Name, in the Purchase of Exchequer Bills, or in other Government or Parliamentary Securities.

Investment
of the Re-
served Fund.

LVII. Before any lowering or Cesser of Rates or Dues takes effect under this Act, the Commissioners shall give by Advertisement at least One Month's public Notice thereof.

Notice of
lowering or
Cesser of
Rates and
Dues.

LVIII. When the *Coble Dean* Docks Reserved Fund and the Reserved Fund for the *Northumberland* Docks, required to be formed by the Act of 1852, shall each of them amount to the Sum of Ten thousand Pounds, such Reserved Funds shall be consolidated into One Fund, and the Accounts of both such Docks, and of the Works connected therewith, shall thenceforth form One Account, and all Moneys received and expended in respect of those Docks and Works shall be carried to the Credit and Debit of that Account.

When Re-
served Funds
to be con-
solidated.

LIX. Except as is by this Act expressly provided, nothing in this Act shall alter, amend, interpret, or affect the Acts of 1850 and 1852, or either of them, or any of the Powers or Authorities thereof.

Recited Acts
not affected
except as
hereby
altered.

LX. Except as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, alter, or prejudice any of the Estates, Rights, Interests, Powers, Privileges, Authorities, or Immunities of the Commissioners.

Saving
Rights of
Commis-
sioners:

LXI. Except as is by this Act expressly provided, no Power created by this Act shall 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 of the Owner of any Land adjoining the River or lying between High and Low Water Mark, without the previous Consent of such Lord or Owner in Writing under his Hand; and, except as aforesaid, this Act shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Lord or Owner.

Saving
Rights of
Lords of
Manors and
Owners of
Land.

LXII. Except as is by this Act expressly provided, nothing in this Act contained shall prejudice or 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, is or are now entitled.

Saving
Rights of
Corporation
of Trinity
House of
*Newcastle-
upon-Tyne.*

LXIII. Except

Tyne Improvement Act, 1857.

Saving
Rights of
Commis-
sioners of
Sewers.

LXIII. Except as by this Act expressly provided, 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 Commissioners of Sewers, or the Commissioners appointed under any Local Act of Parliament for Sewers or Drainage.

Saving
Rights of
Corporation.

LXIV. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the Estates, Lands, Property, and Effects of the Corporation, or any of the Tolls, Rates, Dues, Duties, Issues, Profits, or other Income whatsoever of or payable to the Corporation, or any of the Powers, Authorities, Franchises, Customs, Usages, Immunities, Rights, or Privileges of the Corporation.

Saving
Rights of
Duke of
Northum-
berland.

LXV. Except as is by this Act expressly provided, nothing in this Act contained shall 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 his Grace, his Heirs and Assigns, as 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, except as aforesaid, all such Property, Royalties, Rights, Titles, Estates, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act were not passed.

Expenses of
Act.

LXVI. All 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 Moneys so advanced and paid shall be repaid to that Fund out of the *Coble Dean* Docks Fund.

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