



## CHAPTER cxlii.

An Act to enable the Local Board for the district of Hebburn in the county of Durham to make and maintain a Quay and Landing-place at Hebburn and for other purposes. A.D. 1885.

[31st July 1885.]

**W**HEREAS it is expedient to empower the Local Board for the district of Hebburn in the county of Durham to make and maintain the quay or wharf and landing-place sheds and other works herein-after described and to erect sheds and to execute the other purposes of this Act :

And whereas estimates have been prepared by the Local Board showing that the sum of eleven thousand pounds may be required to be expended for the construction and erection of the said quay or wharf and landing-place sheds and other works and such works are permanent works within the meaning of the 234th section of the Public Health Act 1875 and it is expedient that the Local Board be authorised to borrow moneys for the purposes of this Act :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas the Bill for this Act was originally promoted by the Local Board for the district of Hebburn and the local board for the district of Walker in the county of Northumberland for the purpose (amongst others) of empowering the two local boards to establish a steam ferry across the River Tyne between the said districts which was abandoned in Committee of the House of Lords to whom the said Bill was referred :

And whereas an absolute majority of the whole number of each of the local boards at meetings held respectively on the twelfth day of November one thousand eight hundred and eighty-four after ten clear days notice by public advertisement of such meetings respectively or of the purpose thereof in the "Newcastle Chronicle" a local newspaper published or circulating in the districts of the local boards such notices being in addition to the ordinary notices required for summoning such meetings resolved that the costs charges

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and expenses in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of their respective districts :

And whereas such resolutions were published twice in the said "Newcastle Chronicle" newspaper and in respect of matters within the jurisdiction of the Local Government Board have received the approval of such board and in respect of other matters the approval of one of Her Majesty's Principal Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of each of the local boards at a further special meeting of the Local Board for the district of Hebburn held on the seventh day of January one thousand eight hundred and eighty-five and at a further special meeting of the local board for the district of Walker held on the sixth day of January one thousand eight hundred and eighty-five in pursuance of similar notices being respectively not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the districts of the respective local boards by resolutions in the manner provided by the Third Schedule to the Public Health Act 1875 with respect to the passing of resolutions of owners and ratepayers under that Act consented to the promotion of the Bill for this Act :

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

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) :—

Short title.

1. This Act may be cited for all purposes as the Hebburn Quay and Landing-place Act 1885.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

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**3.** In this Act—

“The Local Board” means the Local Board for the district of Hebburn in the county of Durham ;

“Person” includes a corporation.

The expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpretation of terms.

**4.** Subject to the provisions of this Act the Local Board may make and maintain in the lines and according to the levels shown upon the deposited plans and sections

A quay or wharf and landing-stage on the right bank of the River Tyne at Hebburn in the parishes of Jarrow and Saint Nicholas or one of them commencing at or near the north-western corner of Messieurs Charles Tennant and Company’s Chemical Works Quay extending thence northwards for a distance of about 510 feet and thence eastwards for about 230 feet and terminating at or near the western side of James Street :

Power to Hebburn Local Board to make a quay and landing-place and to widen James Street.

And they may provide place and maintain in front of the said quay or wharf and within the limits of deviation laid down upon the said plans in connexion with the said quay or wharf a floating pontoon for the more convenient landing and embarking thereat of passengers animals vehicles and goods :

And they may also make erect provide and maintain all necessary landing-places stages gangways toll-gates toll-houses offices and other buildings approaches works and conveniences connected therewith respectively or for the purposes thereof including the widening and improvement of James Street aforesaid commencing from a point about 130 yards measured in a westerly direction from the dwelling-house numbered 37 in that street and terminating at or near the entrance to the said Chemical Works Quay as shown on the deposited plans and sections :

And they may enter upon take and use such of the lands delineated upon the said plans and described in the deposited book of reference as they may require for those purposes.

**5.** In constructing the works by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and three feet downwards: Provided

Power to deviate in construction of works.

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A.D. 1885. — always that no wall of any quay or wharf shall be constructed beyond the quay lines laid down by the Tyne Improvement Commissioners without their previous consent in writing: Provided also that no deviation from the lines of any of the said works marked on the deposited plans on in over through or across tidal lands or a tidal water shall be made without the previous consent in writing of the Board of Trade.

No works to be executed below high-water mark without approval of Tyne Improvement Commissioners.

6. Nothing in this Act shall authorise the Local Board to enter upon any part of the foreshore or bed of the River Tyne for the purpose of executing any works below the high-water mark of the River Tyne of spring tides unless plans and sections of the proposed works shall have been previously approved by the Tyne Improvement Commissioners in writing under their seal and the works so approved shall be executed in a manner reasonably satisfactory to the engineer for the time being of the commissioners.

Errors and omissions in deposited plans.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown or described in the deposited plans or book of reference the Local Board after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited (as regards both the county and the parish in which the lands to which any such certificate relates are situate) as if it had originally formed part of the deposited plans and book of reference (or as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to such certificate and the Local Board may take the lands and execute the works in accordance with such certificate.

Local Board not to take houses of labouring class without consent of Local Government Board.

8. The Local Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages

hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. A.D. 1885.

**9.** The Local Board for the purposes of the works by this Act authorised may with the consent of the Tyne Improvement Commissioners and of the Board of Trade in writing but not otherwise dredge and deepen the bed of the River Tyne at or near the works to be constructed by them and may with such consent dam and drive piles in the bed of the said river and erect or place such temporary or permanent staging and piling and such buoys and moorings in or upon the said river as they may deem necessary or convenient for any of the purposes of this Act. Power to dredge and interfere with River Tyne.

**10.** The Local Board shall from time to time and at all times hereafter (at their own costs and charges and without compensation) on being thereunto requested by the Tyne Improvement Commissioners by writing to be delivered to the clerk for the time being of the Local Board or left at the office of the Local Board set back or extend or elongate all or any of the gears stages platforms or other erections which may hereafter be fixed or set up in or upon the shore or bed of the said River Tyne under the authority of this Act beyond the line of the permanent quay or wharf authorised by this Act to such point or line in the said river as shall from time to time be fixed by the Commissioners or the Local Board shall on such request altogether remove any such gears stages platforms or other erections and shall on such request remove any piles staging and piling buoys moorings or floating pontoons which they may have driven erected or placed under the powers of the preceding sections and in case the Local Board fail to comply with any such request within six months after the delivery thereof as aforesaid the commissioners may execute the works required by such request and the expense thereof shall be repaid by the Local Board to the commissioners. Local Board to remove or alter gears platforms &c. upon request of Commissioners.

**11.** The Local Board shall at the outer extremity of their quay or wharf or landing-place exhibit and keep burning from sunset to sunrise such lights (if any) as the Tyne Improvement Commissioners shall from time to time direct. Local Board to exhibit lights.

**12.** The Local Board shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning Lights on works during construction.

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at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Local Board fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of  
works by  
Board of  
Trade.

**13.** If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Local Board on in over through or across tidal lands or a tidal water or of the intended site of any such work the Local Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Local Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Local Board.

Abatement  
of work  
abandoned  
or decayed.

**14.** If a work constructed by the Local Board on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Local Board and the amount of such expense shall be a debt due from the Local Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Local Board.

Power to  
make  
subsidiary  
works.

**15.** Subject to the provisions of this Act and within the limits defined on the deposited plans the Local Board in connexion with the works by this Act authorised to be executed by them and as part and for the purposes thereof may make junctions and communications with any existing street or road interfered with by or contiguous to any of the said works and may widen or alter the lines or levels of any existing streets or roads for the purpose of connecting the same with any of the said works or otherwise and may temporarily stop up or use all or any part of the carriageway or footway of any such streets or roads but so far only as may be necessary for and during the execution of any of the works by this Act authorised making compensation to all persons whose property may be injuriously affected thereby.

Alteration of  
position of  
water gas  
and other  
pipes.

**16.** The Local Board may for any purpose in connexion with the works by this Act authorised to be executed by them upon the lands acquired by them under the powers of this Act and also in any street or road within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the works by this Act

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authorised and also any main or other pipe laid down or used by any person for carrying a supply of water or gas and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any person affected thereby and making reasonable compensation to any person who suffers damage by any such alteration: Provided always that before the Local Board alter the position of any main or other pipe laid down or used by any person the Local Board shall except in cases of emergency give to the person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Local Board) of the person to whom such pipe belongs unless such person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Local Board shall execute such work to the reasonable satisfaction of the engineer of such person: Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section fifteen of that Act apply.

**17.** The powers granted by this Act for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

**18.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Local Board any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power for persons under disability to grant easements.

**19.** The works by this Act authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of works.

**20.** The Local Board may erect and provide sheds cranes weighing machines and other machinery on any lands acquired by them

Power to erect sheds &c

A.D. 1885. — under this Act and may from time to time appoint remunerate and remove such officers and servants including meters and weighers as they may require for the purposes of this Act.

Tolls for passengers landing and embarking at quay and landing-place.

**21.** The Local Board may demand and take of and from every passenger landing or embarking at their quay or wharf and landing-place such tolls and charges as the Local Board may from time to time appoint and as may be approved by the Board of Trade.

Tolls for use of quay sheds &c.

**22.** The Local Board may demand and take for the use of their quay or wharf and landing-place and their sheds cranes and weighing machines of and from the owner or person having the charge of any carriages animals goods articles matters and things landed or shipped at the said quay or wharf and landing-place or deposited in the said sheds such tolls and charges as the Local Board may from time to time appoint and as may be approved by the Board of Trade.

Certain provisions of the Harbours Docks and Piers Clauses Act 1847 applied to the Local Board.

**23.** The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the construction of warehouses wharves and other conveniences with respect to the rates to be taken by the undertakers except clauses twenty-five twenty-six and twenty-nine with respect to the collection and recovery of rates except clause thirty-five with respect to the discharging of vessels with respect to the appointment of weighers and meters and with respect to the by-laws to be made by the undertakers shall apply to the Local Board and to their quay or wharf and landing-place sheds cranes weighing machines and other conveniences and premises and for those purposes are hereby so far as applicable incorporated with and form part of this Act and for the purposes of such application the expressions "harbour dock or pier" and "limits of the harbour dock or pier" respectively in the said provisions shall be construed to mean the quay or wharf and landing-place of the Local Board and the expression "harbour master" shall be construed to mean any officer appointed by the Local Board to manage and regulate their quay or wharf and landing-place: Provided always that no byelaws made by the Local Board under this Act shall come into operation until the same be confirmed by the Board of Trade.

Local Board not to interfere with powers of harbour master appointed by Tyne Improvement Commissioners.

**24.** Nothing contained in this Act nor any powers conferred under or by virtue of this Act on the Local Board or on any officer appointed by the Local Board to manage and regulate their quay or wharf and landing-place shall in any manner interfere with the powers of the harbour master acting under the authority of the Tyne Improvement Commissioners or otherwise but such powers of such harbour master may be exercised over all vessels in the river in



the same manner and to the same extent as if this Act had not been passed. A.D. 1885.

**25.** The Local Board may from time to time borrow at interest for the purposes of this Act any sums of money not exceeding the sums herein-after mentioned (that is to say): Power to Local Board to borrow.

For the purpose of defraying the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act the Local Board may borrow such sum as shall not exceed the amount of such costs charges and expenses ;

For constructing the quay or wharf and landing-place and works connected therewith and the sheds cranes and other machinery at Hebburn aforesaid and for widening and improving James Street the Local Board may borrow any sum not exceeding eleven thousand pounds.

**26.** In addition to the said sums of money which the Local Board are under the last preceding section of this Act authorised to borrow the Local Board may with the sanction of the Local Government Board from time to time borrow at interest such further sums of money as they may require for the purposes of this Act subject to such terms as to repayment and otherwise as the Local Government Board may prescribe and the Local Board shall pay to the Local Government Board any expenses incurred by the Local Government Board in relation to any inquiry which that board may see fit to make before sanctioning such borrowing including the expenses of any witnesses summoned by the inspector holding such inquiry and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector. Local Board may borrow further sums with sanction of Local Government Board.

**27.** For securing the repayment of moneys borrowed under this Act the Local Board may from time to time mortgage the revenue of their quay or wharf and landing-place sheds cranes and other conveniences and also their district fund and general district rate and after paying off any moneys so secured otherwise than by means of the sinking fund which they are herein-after required to provide may re-borrow any amount so paid off: Provided that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be paid and any amounts from time to time borrowed and re-borrowed shall be deemed to form the same loan and the obligations of the Local Board with respect to the amounts to be paid into the sinking fund shall not be affected by reason of such re-borrowing. Power to mortgage revenue arising from quay &c. and district fund and general district rate.

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Provisions  
of Com-  
missioners  
Clauses Act  
1847 as to  
mortgages  
to apply to  
mortgages  
under this  
Act.

**28.** The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners shall apply to all mortgages granted by the Local Board under this Act and for the purposes of such application the term "commissioners" in the said provisions shall be construed to mean the Local Board and the term "clerk to the commissioners" shall be construed to mean the clerk to the Local Board and the prescribed part for the purposes of section eighty-four of that Act shall in respect of any moneys borrowed for defraying the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act be one twelfth part and in respect of any moneys borrowed for other purposes (not being moneys borrowed with the sanction of the Local Government Board the terms for the repayment whereof shall be in the discretion of the Local Government Board) shall be one fiftieth part: Provided that it shall not be obligatory on the Local Board to commence to pay off any moneys by means of the sinking fund before the expiration of five years from the passing of this Act.

Appoint-  
ment of a  
receiver.

**29.** The mortgagees of the Local Board under this Act may enforce the payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver of the undertaking funds and rates comprised in their mortgages. The amount of principal in arrear to authorise the appointment of a receiver shall be not less than five hundred pounds.

Local Board  
may apply  
sinking fund  
towards dis-  
charge of  
loans.

**30.** The Local Board may at any time apply the whole or any part of any sinking fund created by them under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created.

Whenever any of such principal moneys have been so paid off by the Local Board the Local Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the same a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied.

Whenever and so long as the yearly income arising from any sinking fund created by the Local Board shall be equal to the annual interest of the principal moneys then due and outstanding by the Local Board the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

- 31.** All mortgages granted by the Local Board prior to the passing of this Act and which shall be in force at the time of the passing of this Act shall during the continuance thereof and as to the funds rates or property comprised therein have priority over all mortgages to be granted under this Act and charged upon the same funds rates or property. A.D. 1885.  
Existing mortgages to have priority.
- 32.** A person lending money to the Local Board under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or any part thereof. Protection of lenders.
- 33.** No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Local Board in relation to any mortgage nor shall they be affected by express implied or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration. Local Board not to be affected by notice.
- 34.** If any money be payable under this Act to or for the benefit of a person being an infant idiot or lunatic the receipt of the guardian of such infant or of the committee of the estate of such idiot or lunatic shall be a sufficient discharge to the Local Board. Receipt in case of incapacitated persons.
- 35.** The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the Local Board for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Local Board has failed to set apart any sum required by this Act for the sinking fund or has applied any portion of the moneys set apart for that fund to

A.D. 1885. — any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board.

Application of borrowed moneys.

**36.** All moneys borrowed by the Local Board under this Act shall be applied only to purposes for which such moneys are authorised to be borrowed, and to which capital is properly applicable.

Power to Walker Local Board to borrow.

**37.** The local board for the district of Walker may borrow at interest such sum of money as may be necessary for defraying the proportion payable by them of the costs charges and expenses in relation to the promotion of the Bill for this Act as herein-after provided and for securing the repayment of the money so borrowed may mortgage their district fund and general district rate and for the purpose of such mortgages sections twenty-six to thirty-four (both inclusive) of this Act shall mutatis mutandis apply as if the said local board were named therein instead of the Local Board provided that the first payment into the sinking fund shall be made within one year from the time of borrowing.

Expenses of Local Board under this Act.

**38.** All expenses incurred by the Local Board in carrying into effect the provisions of this Act (except such expenses as are paid out of borrowed moneys) shall be paid out of the revenue arising under this Act and if in any year the revenue of the Local Board under this Act be insufficient for the purposes to which it is applicable the deficiency shall be made up from their district fund and general district rate.

Application of revenue.

**39.** All moneys received by the Local Board under this Act on revenue account after providing for payment of the current expenses chargeable to revenue and for payment of interest on borrowed moneys and making the necessary provision for repayment of borrowed moneys shall be from time to time carried to the credit of the district fund account of the Local Board.

Local Board to keep separate accounts under this Act.

**40.** The Local Board shall keep separate accounts of receipts and expenditure on capital and revenue account under this Act and such accounts shall be subject to the same provisions as to audit and otherwise as other accounts of the Local Board.

Saving rights of Tyne Improvement

**41.** Except as in this Act expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the

rights duties privileges powers or authorities vested in or enjoyed or exerciseable by the Tyne Improvement Commissioners.

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Com-  
 mis-  
 sioners.  
 Saving  
 rights of  
 Corporation  
 of Newcastle-  
 upon-Tyne.

42. Except as in this Act expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights titles privileges powers or authorities vested in or enjoyed or exerciseable by the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne.

43. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving  
 rights of the  
 Crown.

44. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving  
 rights of the  
 Crown in  
 the fore-  
 shore.

45. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Hebburn Local Board out of their district fund or general district rate or out of moneys to be borrowed for that purpose under the authority of this Act: Provided always that the local board for the district of Walker in the county of Northumberland as joint original promoters of the Bill for this Act shall pay out of their district fund or general district rate or out of moneys to be borrowed for the purpose under the authority of this Act such proportion of the said costs charges

Expenses of  
 Act.

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and expenses but only up to the decision of the Select Committee of the House of Lords to whom the said Bill was referred as shall be agreed upon by the said local boards or as in case of difference between the said local boards shall be determined by the Local Government Board on the application of the local boards or either of them and the Local Government Board are hereby authorised and required to hear such differences and their award shall be final and binding on both local boards and the costs of and attending such determination including any expenses incurred by the Local Government Board in relation thereto and the expenses of any witnesses shall be paid as the Local Government Board shall direct.

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