



## CHAPTER xci.

An Act to empower the Corporation of Hartlepool to construct a sea wall for protecting the Headland of Hartlepool in the county of Durham from the inroads of the sea and for other purposes. [16th July 1885.] A.D. 1885.

**W**HEREAS by virtue of an Act made and passed in the fourteenth year of the reign of Her present Majesty chapter sixteen intituled "An Act to provide for the alteration or extinguishment of the existing rights in the freemen's pastures in the township and borough of Hartlepool in the county of Durham and for the appropriation and management of such pastures for vesting in the body corporate of the borough the harbour dues receivable by them and for other purposes" certain pastures situate in the said township and borough and known by the name of the Farwell Field the Town Moor and the Chares and Stripes became vested in the mayor aldermen and burgesses of the borough of Hartlepool (herein-after called "the Corporation") freed and discharged from the rights of pasturage and other rights of the freemen and freemen's widows therein and the Corporation were authorised subject to the provisions of that Act to provide and set out for the purpose of pleasure grounds or places of public resort or recreation so much and such part and parts of the pastures as they might think proper and to sell lease or otherwise dispose of the other portions of the said pastures for building purposes sites of roads and ways and frontages to adjoining lands and houses and to apply any sum of money which might be paid to the credit of the Corporation or of the borough fund of the borough under the provisions of that Act in executing any works which the Corporation might have power to execute for the purpose of preserving the pastures or any part thereof respectively from the inroads of the sea or in contributing towards the expense of executing any works for the same purposes

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A.D. 1885. which might be undertaken by any other persons or body having  
power to execute or to contribute towards the expense of executing  
the same and to demand and take or cause to be demanded and  
taken the tolls in that Act specified and to apply the same to  
upholding repairing and maintaining the town walls of Hartlepool  
and the other works connected therewith necessary to be maintained  
for the protection of the town from the encroachments of the sea  
and to apply any surplus of such tolls which should remain after  
answering those purposes to the maintenance and protection of the  
heugh and headland of Hartlepool from the inroads of the sea :

18 & 19 Vict.  
c. cxxvi.

And whereas by the Hartlepool Port and Harbour Act 1855 the  
powers then vested in the Corporation to levy the tolls specified in  
the said recited Act and which tolls were applicable as herein-before  
mentioned were repealed and the Hartlepool Port and Harbour  
Commissioners (herein-after called "the Commissioners") were  
empowered to demand and take certain tolls and duties and apply  
the same as in the now reciting Act directed and were required  
to maintain so much of the town wall of Hartlepool as formed the  
north-eastern boundary of that part of the harbour which was  
before the passing of the Hartlepool Pier and Port Act 1851 the  
tidal harbour of the Commissioners and were authorised to make  
and maintain the works described in the seventy-fourth section of  
the now reciting Act which comprised an outer harbour of refuge  
in the bay of Hartlepool and certain piers or breakwaters called  
respectively the southern pier or breakwater and the northern pier  
or breakwater and sea walls or barriers with all requisite and  
proper works and conveniences for the protection of the headland  
of Hartlepool and the cliffs near or adjoining thereto from the  
inroads of the sea such sea walls or barriers to commence from a  
point on or near the sea shore at or near the Far Kiln in the town-  
ship of Throston and parish of Hart and thence along opposite or  
near to the course of the cliffs or sea shore up to and terminating  
at or near the point on the sea shore whence the said northern pier  
was to commence but it was provided by the said section that the  
Commissioners should not be bound to make such sea walls or  
barriers further northward than the northern extremity of the  
point of land on which the lighthouse of the Commissioners then  
stood until they had completed the other works by the now reciting  
Act authorised :

32 & 33 Vict.  
c. lxxxii.

And whereas by the Hartlepool Port and Harbour Act 1869 the  
Commissioners were empowered to relinquish and abandon the  
construction of the southern pier and northern pier authorised by  
the secondly herein-before recited Act and to make other works

instead thereof and were authorised to demand and receive certain additional tolls and duties therein specified: A.D. 1885.

And whereas the Commissioners have constructed the sea wall or barrier specified in the seventy-fourth section of the secondly herein-before recited Act as far northwards as the northern extremity of the point of land on which the present lighthouse of the Commissioners stands but no farther and are now proceeding with the construction of other works authorised by the secondly and thirdly herein-before recited Acts but not the said harbour of refuge:

And whereas no time was limited by either of the last-mentioned Acts for the completion of the works thereby respectively authorised:

And whereas differences having arisen between the Corporation and the Commissioners as to the execution of the works necessary for the protection of the headland and the cliffs near or adjoining thereto from the inroads of the sea it was agreed between them that the whole question of such differences should be referred to the arbitration and decision of the Right Honourable Joseph Chamberlain President of the Board of Trade:

And whereas by an award in writing under the hand of the said arbitrator and signed and published on the thirty-first day of May one thousand eight hundred and eighty-two after reciting amongst other things that protective works had already been constructed by the Commissioners for the protection of that part of the headland which extends from the new pier to the northern extremity of the point of land upon which the present lighthouse of the Commissioners now stands and that a further portion of the headland was being protected by and at the expense of other persons the said arbitrator awarded and decided that the said works should be undertaken by the Corporation and the Commissioners subject as therein-after mentioned and that the cost of such works should be borne and paid as to two-thirds thereof by the Corporation and as to the remaining one-third thereof by the Commissioners and further that any contribution towards the cost of constructing the said works paid by the owner or owners of the Victoria Dock at Hartlepool should be in relief of and be deemed to be a payment by the Commissioners on account of the said one-third part of the cost thereof payable by them and that any contribution paid by any other person or public body or received from any other source whatsoever should be in relief of and be deemed to be payment on account of the two-third parts payable by the Corporation under and pursuant to the said award And further that the Bill or Bills in Parliament necessary to effect the objects contemplated in the

A.D. 1885. reference to arbitration should be promoted by the Corporation  
And the said arbitrator further suggested and advised that the costs and expenses in relation to the said Bill or Bills should be borne as follows namely two-thirds thereof by the Corporation and the remaining one-third thereof by the Commissioners :

And whereas since the publication of the said award it has been agreed between the Corporation and the Commissioners that the Corporation may and shall construct the sea wall herein-after described and that the Commissioners shall contribute the sum of six thousand two hundred and fifty pounds towards the cost of the same and that such other provisions shall be made for carrying out the said work as are herein-after contained in that behalf :

And whereas the construction of proper works for the protection of the town and the headland of Hartlepool from the inroads of the sea is urgently needed and the sea wall herein-after described will effect that object and will be of public and local advantage and it is expedient that the Corporation be empowered to construct and maintain the same and to form a walk or promenade along the same or some part thereof and the cliffs adjoining thereto for the use and recreation of the inhabitants :

And whereas the Corporation have had an estimate prepared showing the estimated cost of the said sea wall and walk or promenade to be twenty-three thousand five hundred pounds and such works are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas it is just and expedient that the Commissioners should contribute the said sum of money to the cost of constructing the sea wall by this Act authorised and should also contribute to the cost of maintaining the same as herein-after provided and should bear and pay one-third of the costs and expenses of promoting the Bill for this Act :

And whereas the town of Hartlepool is extending and it would be beneficial to the inhabitants if further land were acquired for purposes of recreation and it is expedient that the Corporation be empowered to acquire a certain field called "Galley's Field" situate at the northern end of the Town Moor for purposes of recreation and to add the same or some part thereof to the Town Moor and to appropriate or dispose of the remainder for building purposes as they may think proper :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of December 1884 after

ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Northern Daily Mail a local paper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough :

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And whereas such resolution was published twice in the said Northern Daily Mail and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and eighty-five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the line situation and levels of the said sea wall with a book of reference to the 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 have been 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) :—

1. This Act may be cited for all purposes as the Hartlepool Headland Protection and Improvement Act 1885 and the said recited Act of the fourteenth year of the reign of Her present Majesty chapter sixteen may be cited for all purposes as the Hartlepool Freemen's Lands and Harbour Dues Act 1851.

Short title  
of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the provisions of the Railways Clauses Consolidation Act 1845 with

Incorporation  
of Acts.

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respect to the temporary occupation of lands near the railway during the construction thereof so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act Provided always that in construing the said provisions of the last-named Act the expressions "the railway" and "the centre of the railway" respectively shall be construed to mean the sea wall by this Act authorised to be made and maintained and the prescribed limits for the purposes of section thirty-two of that Act shall be one thousand and five hundred yards and the word "land" shall not include houses or other buildings: Provided always that nothing contained in the said provisions of the last-named Act shall extend to empower the Corporation to dig and take away any rock from the sea shore below high-water mark for constructing the sea wall and other works by this Act authorised nor to enter upon any lands or works of the North-eastern Railway Company without their consent in writing.

Interpre-  
tation of  
terms.

**3.** In this Act,

"The borough" means the borough of Hartlepool.

"The borough fund" and "the borough rate" mean respectively the borough fund and borough rate of the borough.

"The Act of 1851" means the Hartlepool Freemen's Lands and Harbour Dues Act 1851.

"The Act of 1855" means the Hartlepool Port and Harbour Act 1855.

"The Act of 1869" means the Hartlepool Port and Harbour Act 1869.

"The sea wall" means the sea wall by this Act authorised to be made and maintained.

Terms to which meanings are assigned in the Acts wholly or in part incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in the Acts wholly or in part incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Repeal of  
part of  
section 74 of  
Hartlepool

**4.** Section seventy-four of the Act of 1855 so far as the same relates to the construction of the works fourthly therein described northward of the lighthouse of the Commissioners therein mentioned

to the point of termination of the sea wall at Corporation Road but no further is hereby repealed.

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Port and  
Harbour  
Act 1855.  
Power to  
construct  
works.

5. Subject to the provisions of this Act the Corporation shall make and maintain in the line and situation and according to the levels shown on the deposited plans and sections a sea wall for protecting the headland of Hartlepool and the cliffs near or adjoining thereto from the inroads of the sea to commence at or from a point on or near the sea shore on the northern side of the point of land on which the lighthouse of the Commissioners stands thence along or near the line of the cliffs or sea shore and to terminate on or near the sea shore opposite or nearly opposite to the northern end of Corporation Road with all requisite and proper groynes buttresses barriers slopes steps approaches works and conveniences connected therewith: Provided always that no groynes shall be made to extend further seawards than one hundred feet from the face of the sea wall without the approval of the Commissioners' engineer:

And the Corporation may make or form and maintain a walk or promenade with all necessary banks slopes railings steps paths and conveniences upon and along the sea wall or such part or parts thereof as they may think fit and the cliffs adjoining thereto:

And for the purposes aforesaid the Corporation may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes.

6. The Corporation shall construct an access to the sea shore from the north-western corner of the Town Moor.

Corporation  
to provide  
access to  
sea shore.

7. If any omission mis-statement or erroneous description has been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or book of reference it shall be lawful for the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two justices for the correction thereof and if it appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission mis-statement or erroneous description and in what respect any such matter has been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Durham and shall be kept by the said clerk of the peace along with the documents to which it relates and thereupon the said plans and book of reference shall be deemed to be corrected according to

Errors and  
omissions in  
plans &c. to  
be corrected.

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such certificate and it shall be lawful for the Corporation to make the works by this Act authorised in accordance with such certificate.

Copies of plans &c. to be evidence.

8. Copies of the deposited plans and book of reference or of any alteration or correction thereof or extracts therefrom certified to be correct by the clerk of the peace for the county of Durham (which certificate such clerk of the peace shall give to all parties interested when required) shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents thereof.

Period for compulsory purchase of lands.

9. The powers of the Corporation 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 completion of works.

10. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the same and otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Power to deviate in constructing works.

11. In making the works by this Act authorised the Corporation may deviate from the lines thereof shown upon the deposited plans to any extent not exceeding one hundred feet and may deviate from the levels thereof shown upon the deposited sections to any extent not exceeding five feet upwards or two feet downwards Provided that no deviation from the lines and levels shown on the deposited plans shall be made below high-water mark without the consent in writing of the Board of Trade.

Works not to be constructed on sea shore without consent of Board of Trade.

12. The Corporation shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a



debt due from the Corporation to the Crown and shall be recoverable accordingly with costs. A.D. 1885.

**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 Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation. Survey of works by Board of Trade.

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

**15.** The said walk or promenade and the banks slopes railings steps paths and conveniences connected therewith when formed and completed and all land gained or reclaimed by the sea wall shall be vested in and held by the Corporation under and subject to the provisions of the Act of 1851 and this Act and the powers granted to the Corporation by the Act of 1851 for making enforcing repealing and altering byelaws for regulating the use of the promenades formed by the Corporation upon the pastures and Town Moor and otherwise in relation thereto shall extend to the said walk or promenade and the slopes steps paths and conveniences connected therewith and to any land so gained or reclaimed as aforesaid but the Corporation shall not sell or dispose of any land so gained or reclaimed in front of Galley's Field nor erect any building thereon. Walk or promenade vested in Corporation.

**16.** And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction: Be it therefore enacted that nothing in this Act contained shall authorise the Corporation to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the The Corporation not to interfere with property of the War Department without consent of Secretary for War.

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time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Corporation and the sea wall and other works by this Act authorised so far as the same affect any of the lands hereditaments and works belonging to Her Majesty or vested in the said Principal Secretary for the public service as aforesaid shall be constructed in accordance with plans and drawings to be previously submitted by the Corporation to and approved of by the said Principal Secretary for the time being.

For regul-  
ating use of  
promenade  
during gun  
practice at  
Heugh  
Battery, &c.

17. Her Majesty's Principal Secretary of State for the War Department may from time to time for the purpose of preventing injury to persons using the said walk or promenade during the firing of the guns of the Heugh Battery or other works of defence now or hereafter to be constructed by the said department make such bye-laws and regulations for regulating and prohibiting the use of any portion of the said walk or promenade and the banks slopes steps paths and conveniences connected therewith situate in front of or near to the said battery and other works of defence during the firing of the guns as he may think fit and any person committing an offence against any such byelaw shall be liable on summary conviction to a fine not exceeding five pounds and may be removed by any constable from any land subject to such prohibition as aforesaid and taken into custody without warrant and brought before a court of summary jurisdiction to be dealt with according to law.

Power to  
remove loose  
stones &c.  
from sea  
shore for  
constructing  
works.

18. The Corporation their agents and workmen may for the purpose of obtaining materials for constructing and maintaining the sea wall and other works by this Act authorised enter upon the sea shore between high and low water mark in the township of Hartlepool or within a distance of three hundred yards from the boundary of the said township and dig remove and carry away any loose stones sand and gravel without making compensation or satisfaction to any person provided that in so doing they shall not injure or endanger any work or property of the Commissioners or of any other body or person Provided always that the Corporation their agents and workmen shall not enter upon or dig remove or carry away any loose stones sand or gravel or in any manner interfere with any such sea shore belonging to the Queen's most Excellent Majesty in right of Her Crown without the consent in writing of the Commissioners of Her Majesty's Woods Forests and Land Revenues 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) and nothing in this section contained shall 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 Provided further that the Corporation shall not enter upon or dig remove or carry away any loose stones sand or gravel on or in any manner interfere with any portion of the sea shore lying to the westward of the termination of the sea wall by this Act authorised without in each case the consent in writing of the lord of the manor of Hart for the time being.

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19. The Corporation may agree with the owners of and all other persons interested in the field known as Galley's Field situate at the northern end of the Town Moor in the borough for the purchase of the fee simple of the said field for such price and on such terms and conditions as they may think proper and the Corporation may add the said field when purchased by them or such portion thereof as they may think proper to the Town Moor for the purposes of a pleasure ground or place of public resort or recreation to be used for such purposes and in such manner as they may think fit and they may from time to time level drain fence plant and otherwise lay out and improve the same or any part or parts thereof for the better or more convenient use and enjoyment thereof by the inhabitants And they may appropriate any part or parts of the said field not retained or required to be retained for purposes of a pleasure ground or place of public resort or recreation as aforesaid for building purposes or such other purposes as the Corporation may deem most advantageous and the provisions of sections thirty-one to thirty-four (both inclusive) thirty-seven thirty-nine and forty-five of the Act of 1851 shall as far as applicable apply to the said field when vested in the Corporation as if the same had formed originally part of the pastures and Town Moor.

Corporation may purchase Galley's Field.

20. The Corporation 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.

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

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

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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.

Power to borrow.

**21.** The Corporation may from time to time borrow at interest so much money as they may deem necessary for executing the purposes of this Act not exceeding the following sums:—

For the payment of the proportion payable by them of 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 such sum as may be required for that purpose.

For the construction of the sea wall and the walk or promenade along the same and the works and conveniences connected therewith respectively including the purchase of land for the same any sums not exceeding twenty-two thousand pounds in the whole.

For the purchase of Galley's Field and for laying out levelling draining fencing planting and improving the same for the purposes of a pleasure ground or place of public resort or recreation such sum of money as may with the approval of the Local Government Board be required for the same.

Power to mortgage borough fund and borough rate.

**22.** For securing repayment of any moneys which they are authorised to borrow or re-borrow under the authority of this Act and interest the Corporation may from time to time mortgage the borough fund and borough rate and for the purpose of such mortgages sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 shall apply as if they were with any necessary modifications re-enacted in this Act.

Period for discharge of borrowed moneys.

**23.** The Corporation shall out of the borough fund and borough rate discharge or make provision for the discharge of all moneys secured by mortgages granted by them under the authority of this Act by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within any period the Corporation may think fit but not exceeding as regards money 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 a period of twenty years and as regards money borrowed for other purposes a period of sixty years from the time or respective times of borrowing the same and the first instalment shall be paid or the first payment into the sinking

fund made as the case may be within one year from the time of borrowing. A.D. 1885.

24. If the Corporation determine to pay off by means of a sinking fund any moneys borrowed by them on mortgage under the authority of this Act the following regulations shall be observed:—

Regulations  
as to sink-  
ing fund.

1. Such equal yearly or half-yearly sums shall be paid by the Corporation out of the borough fund and borough rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds ten shillings per centum per annum would be sufficient to pay off the moneys borrowed within such period not exceeding as regards money 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 a period of twenty years and as regards money borrowed for other purposes a period of sixty years from the time or respective times of borrowing the same as the Corporation may in each case determine with power for the Corporation from time to time to increase such payments into the sinking fund so as to accelerate the payment off of such moneys.
2. All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities duly created and issued by any local authority as defined by the Local Loans Act 1875 and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Corporation in like manner.
3. The Corporation may at any time apply the whole or any part of any sinking fund created 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.
4. Whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of such principal moneys has been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the sinking fund a sum equivalent to the interest which would have been

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produced by the sinking fund or part of the sinking fund so applied.

5. Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Corporation 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.

Application of moneys derived from sale of surplus lands.

25. The proceeds of the sale of any surplus lands under the powers of this Act shall be applied towards the extinguishment of any loan borrowed by the Corporation under the powers or for the purposes of this Act and shall be in addition to and not in substitution for any other mode of repayment by this Act provided.

Protection of lenders.

26. A person lending money to the Corporation under this Act on the security of a mortgage under this Act shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application or misapplication of the money lent or any part thereof.

Power to borrow under Local Loans Act 1875.

27. (1) The Corporation if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or debenture stock or partly in one way and partly in the other.

(2) Any moneys borrowed in manner by this section authorised shall be a charge on the borough fund and borough rate and such fund and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3) Every such loan shall be discharged as regards money 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 within a period of twenty years and as regards money borrowed for other purposes within a period of sixty years from the time of borrowing the same and such discharge or any part thereof may be effected by means of a sinking fund if the Corporation so think fit.

(4) For the purpose of reckoning the period within which and determining the manner in which any sum re-borrowed is to be

repaid and for the purposes of sections fourteen and fifteen of the Local Loans Act 1875 the original loan and the sums re-borrowed shall be deemed to form the same loan.

A.D. 1885.

(5) The first instalment shall be paid or the first payment into the sinking fund made as the case may be within one year from the time of borrowing.

**28.** If the Corporation pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-yearly instalments appropriations or annual repayments or out of a sinking fund they may subject to the provisions of this Act re-borrow the same and so from time to time Provided that for the purpose of reckoning the period within which and the manner in which any sum re-borrowed is to be repaid and for the purpose of sections fourteen and fifteen of the Local Loans Act 1875 the sum re-borrowed and the original loan shall be deemed to form the same loan.

Power to re-borrow.

**29.** The town clerk shall on or before the thirty-first day of August of each year during which any sum is required by this Act to be appropriated or paid as an instalment or annual repayment or set apart for a sinking fund in respect of moneys borrowed by the Corporation 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 appropriated or paid as an instalment or annual repayment or invested or applied for the purpose of such sinking fund during the year next preceding the twenty-fifth day of March then last past and the description of the securities on which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty 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 Corporation have failed to pay any instalment or to make any appropriation or annual repayment or set apart any sum required for any sinking fund or have applied any portion of the moneys so set apart or of the sums accumulated by way of interest to any purposes other than those authorised by this Act the

Annual return to Local Government Board.

A.D. 1885. Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Priority of existing mortgages.

**30.** All mortgages and other securities granted by the Corporation and subsisting at the commencement of this Act shall during their continuance have priority of charge over any securities therein comprised over all mortgages or other securities granted or issued by the Corporation under this Act.

Application of borrowed moneys.

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

Certain expenses of Corporation payable out of borough fund and borough rate.

**32.** All expenses incurred by the Corporation in carrying out the provisions of this Act payment whereof is not otherwise provided for in this Act shall be paid out of any money paid to the credit of the Corporation or of the borough fund under the provisions of the Act of 1851 and of this Act and any deficiency shall be made up out of the borough fund and borough rate.

Hartlepool Port and Harbour Commissioners to contribute.

**33.** The Commissioners shall contribute and pay to the Corporation the sum of six thousand two hundred and fifty pounds to be applied by the Corporation in or towards the cost of constructing the sea wall by this Act authorised and such sum shall be paid in monthly instalments of one-third of the amounts which shall appear from the joint certificates of the engineers of the Corporation and the Commissioners to have been expended upon the sea-wall in each month during the construction of the same until the whole of the said sum shall have been paid and the Commissioners shall pay to the Corporation any balance of the said sum which may remain unpaid upon the completion of the same and such amounts respectively shall be paid by the Commissioners within such period as the Corporation may by notice to them in writing under the hand of the town clerk from time to time appoint.

The Commissioners shall also contribute and pay to the Corporation one-third of the amounts expended by the Corporation from time to time in maintaining and repairing the sea wall by this Act authorised and the same shall be paid within such periods as the Corporation may by notice to them in writing under the hand of the town clerk appoint.



**34.** If the Commissioners fail to pay any sum which they are by this Act required to pay to the Corporation at the time appointed by the Corporation for payment thereof they shall be liable to pay for the same while in arrear interest at the rate of five pounds per centum per annum.

A.D. 1885.

Interest on instalments in arrear.

**35.** If the Commissioners fail to pay any such sum to the Corporation at the time appointed by the Corporation for payment of the same the Corporation may sue the Commissioners for the amount thereof and may recover the same and the interest thereon from the day on which such sum was payable at the option of the Corporation by action in any court of competent jurisdiction or summarily as a civil debt in any court of summary jurisdiction.

Recovery of instalments in arrear.

**36.** For the purpose of providing the contributions payable by them to the Corporation under this Act towards the cost of constructing maintaining and repairing the sea wall by this Act authorised and for paying the one-third part of the costs charges and expenses payable by them of and incident to the preparing and applying for and obtaining and passing of this Act as herein-after provided the Commissioners may apply any tolls rates and duties receivable by them and any other moneys in their hands or under their control or for the time being standing to the credit of the Hartlepool Port and Harbour Account and they may also borrow and apply to those purposes any moneys which they are by the Act of 1855 and the Act of 1869 authorised to borrow as if the purposes aforesaid had been purposes of those Acts or either of them.

Power to Commissioners to raise and apply moneys.

**37.** Any sum contributed by the North-eastern Railway Company as owners of the Victoria Dock at Hartlepool shall be in relief of and be deemed to be a payment by the Commissioners on account of the contribution payable by them towards the cost of the construction of the sea wall and other works by this Act authorised and any contribution towards the said cost paid by any other person or public body or received from any other source whatsoever shall be in relief of and be deemed to be a payment on account of the Corporation towards the cost of constructing the sea wall and other works by this Act authorised.

Contributions how to be applied.

**38.** The Corporation on the one hand and the Commissioners on the other hand may from time to time enter into any agreement or arrangement with respect to the construction maintenance and repair of the sea wall and other works by this Act authorised and the payment of the contributions of the Commissioners towards the cost of such construction maintenance and repair or any of these

Agreements between the Corporation and Commissioners

[Ch. xci.] *Hartlepool Headland Protection and [48 & 49 VICT.]  
Improvement Act, 1885.*

A.D. 1885. — purposes and otherwise in relation to the carrying out of the purposes of this Act.

As to rating  
of railways  
docks &c.

**39.** As regards any rates which may be assessed and levied under the authority or for any of the purposes of this Act or to raise or pay any moneys which by or by virtue of this Act may be charged on the borough fund or borough rate the North-eastern Railway Company as the occupier of any land covered with water or used as a public railway and the occupier of any land belonging to Sir Frederick Acclom Milbank or William Harry Vane Milbank used as arable meadow or pasture ground only or as market gardens or nursery grounds shall be assessed to the borough rate in respect of such land in the proportion of one-fourth part only of the net annual value thereof.

Saving for  
Commis-  
sioners.

**40.** Except as by this Act expressly provided nothing in this Act shall take away lessen or prejudice any of the rights powers liabilities and obligations of the Commissioners.

Costs of  
Act.

**41.** 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 paid as to one-third part thereof by the Commissioners and as to the remaining two-third parts thereof by the Corporation.