



CHAPTER xxvii.

An Act for conferring further powers on the Tees Conservancy Commissioners with respect to the improvement and regulation of the River Tees for enabling the Commissioners to raise further moneys for amending the Tees Conservancy Acts and for other purposes.

A.D. 1892 .

[20th May 1892.]

WHEREAS by the Tees Conservancy Acts 1852 to 1887 and the Tees Conservancy Act 1889 (all which Acts are herein-after referred to collectively as "the Tees Conservancy Acts") the Tees Conservancy Commissioners (herein-after referred to as "the Commissioners") are constituted and incorporated and invested with powers for the conservancy improvement and regulation of the River Tees and for the construction of works and the reclamation of land and other purposes :

And whereas it is expedient that further powers be conferred upon the Commissioners for the execution of works and for the acquiring of land for the improvement of the River Tees and the navigation thereof and for the reclamation of land on the bed or shores thereof :

And whereas it is expedient that the Commissioners the Commissioners of Woods and other persons herein-after in that behalf specified be authorised to enter into agreements with respect to the execution of works the sale and disposal of any lands which may be reclaimed by means of the said works and otherwise in relation thereto as herein-after provided :

And whereas it is expedient that the Commissioners be authorised to close remove and discontinue the Seaton High and Low Lighthouses in the parish of Stranton in the county of Durham which are no longer required for the guidance of vessels entering the River Tees and to sell and dispose of the sites thereof and of certain property in the parish of Stockton-upon-Tees belonging to the Commissioners and no longer required by them for the purposes of their undertaking :

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And whereas it is expedient that the Commissioners be empowered to acquire a site for and to erect offices for the conduct of their business:

And whereas it is expedient that some of the provisions of the Tees Conservancy Acts be amended extended or repealed as herein-after provided:

And whereas it is expedient that the Commissioners be empowered to borrow further moneys for the purposes of this Act and of the Tees Conservancy Acts and that such further powers be conferred upon the Commissioners and such further provisions be made as are herein-after enacted:

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and the lands which may be taken under the powers or for the purposes of this Act and books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Durham and the clerk of the peace for the north riding of the county of York respectively and are in this Act respectively referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 titles of Acts.

1. This Act may for all purposes be cited as the Tees Conservancy Act 1892 and the Tees Conservancy Acts and this Act together may be cited for all purposes as the Tees Conservancy Acts 1852 to 1892.

Incorporation of Acts.

2. The Lands Clauses Acts and the provisions of the Commissioners Clauses Act 1847 with respect to mortgages (except sections eighty-four and eighty-five thereof) are hereby (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act and for the purposes of this Act in construing the Lands Clauses Acts the Commissioners shall be deemed to be a company.

Interpretation.

3. Words and expressions to which meanings are assigned by any Act wholly or partially incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context inconsistent with such meaning And in and for the purposes of this Act the expression "superior courts" or

“court of competent jurisdiction” or any other like expression in this Act or in any Act wholly or partially incorporated with this Act 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. A.D. 1892.

4. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the works next herein-after described (that is to say) :— Power to execute works.

Firstly—An improvement of the navigation of the River Tees by excavating and removing a portion of the high ground at Blue House Point on the north bank of the river in the parish of Stockton-upon-Tees in the county of Durham between points situate on or near the said north bank two hundred and seventy yards or thereabouts and one hundred and seventeen yards or thereabouts respectively measured in a westerly direction from the south-western corner of the Commissioners Buildings at or near Blue House Point.

Secondly—A high-water training wall on the north bank of the River Tees in the parish of Billingham in the county of Durham commencing at the existing high-water training wall at a point one hundred and fifty yards or thereabouts measured in an easterly direction from the eastern end of Bell Brothers Limited Wharf at Ichaboe Point and terminating at the existing high-water training wall at or near Bell Brothers Limited existing salt borings in that parish.

Thirdly—A high-water training wall on the south bank of the Tees in the parish of Eston in the north riding of the county of York commencing on or near the eastern side of the Cargo Fleet Iron Company's Limited Jetty at the existing high-water training wall and terminating at the existing high-water training wall at or near the end of the boundary line dividing the reclaimed lands belonging respectively to Bolckow Vaughan and Company Limited and Henry Myles Stapylton.

5. In making the works authorised by this Act the Commissioners may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of lateral deviation shown on the said plans and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards or downwards provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Power to deviate in construction of works.

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Power to
make inci-
dental
works.

6. Subject to the provisions of this Act and for the purposes of their undertaking the Commissioners may make and maintain all convenient walls banks fences drains sewers watercourses culverts roads ways bridges and other works in upon through over or in connexion with any of the said works herein-before described or any of the lands which may be reclaimed by the Commissioners from the tidal waters of the River Tees under the powers contained in this Act.

Power to
take lands
for executing
works
shown on
deposited
plans.

7. Subject to the provisions of this Act the Commissioners may enter upon take and use such of the lands delineated on the deposited plans of the said works herein-before described and authorised to be made and described in the deposited books of reference relating thereto as may be requisite for the purposes of those works and in and upon those lands respectively may make maintain and execute the said several works by this Act authorised to be made.

Errors and
omissions on
deposited
plans.

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

Copies of
deposited
plans &c. to
be evidence.

9. Copies of the deposited plans and books of reference or of any alteration or correction thereof or extract therefrom certified to be true by the clerk of the peace for the county of Durham or the clerk of the peace for the north riding of the county of York as the case may be (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 *primâ facie* evidence of the contents thereof.

10. The Commissioners may for the purpose of improving the River Tees enter upon take and use the piece of land delineated on the deposited plans and described in the deposited books of reference belonging or reputed to belong to Bell Brothers Limited in the parish of Billingham in the county of Durham and situate about 80 yards below the eastern end of Bell Brothers Limited Wharf at Ichaboe Point.

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Power to take land at Ichaboe Point for improving channel of river.

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

Powers for compulsory purchases limited.

12. The Commissioners may from time to time for any purpose of this Act purchase by agreement any lands in addition to lands which they are authorised to take by compulsion and may hold the same not exceeding in the whole at one time twenty acres but nothing in this Act shall exempt the Commissioners from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land purchased by them under the powers of this section.

Power to take additional lands by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands authorised to be purchased under this Act may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement term right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting those lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements terms rights and privileges as aforesaid.

Power to take easements &c. by agreement.

14. If the work herein-before firstly described and authorised to be made shall not be completed within five years from the passing of this Act and if the other works by this Act authorised to be made shall not be completed within twenty-one years from the passing of this Act the powers by this Act granted to the Commissioners for executing those works respectively shall cease except as to so much thereof as shall then be completed.

Period for the completion of the works.

15. Notwithstanding anything herein-before contained it shall not be lawful for the Commissioners to commence the construction of either of the works herein-before secondly and thirdly described without the consent in writing of the Commissioners of Woods first had and obtained for that purpose (which consent the Commissioners of Woods or either of them are hereby respectively authorised to give) nor without the consent in writing of the owners of such of the lands reclaimed by the Commissioners before the passing of

Commissioners not to execute certain works without consent.

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this Act as abut upon any part of the existing high-water training wall between the points of commencement and termination of such work such lands being herein-after referred to as "the former reclaimed lands."

Power to enter into agreements with respect to execution of works and reclamation of land.

16. The Commissioners may from time to time make and carry into effect agreements with the Commissioners of Woods and the owners of the former reclaimed lands for or with respect to the following matters or any of them (that is to say):—

The execution of the whole or any part of the works herein-before secondly and thirdly described :

The deposit of slag or other materials upon and the filling up and raising to such level as may be approved by the Commissioners from time to time of the lands between the former reclaimed lands and the intended lines of the said works and the terms (pecuniary or other) and conditions on and subject to which any such deposit is to be from time to time permitted or made Provided always that it shall be lawful for the Commissioners and the Commissioners of Woods for the purpose aforesaid to permit other persons (with the consent of the owners of the former reclaimed lands) to deposit slag or other materials on the said lands on such terms and conditions as may be so approved :

The appropriation of any moneys apportionable under this Act and payable under any such agreement or permission :

The retaining and appropriation of any portion of any lands reclaimed under the powers granted by this Act for the formation of roads railways tramways or other ways :

The user of any lands so reclaimed :

The transfer to or vesting in the owners of the former reclaimed lands or any of them or other persons of any lands so reclaimed or the sale or disposal of such lands :

The purchase or acquisition of lands or rights of way or easements from the owners of lands adjacent or near to any lands so gained or reclaimed and the execution of works upon or connected with lands so reclaimed :

The Commissioners of Woods are hereby authorised to enter into agreements for the purposes of this section.

Power to Commissioners to acquire lands and easements for approaches to reclaimed lands.

17. The Commissioners may from time to time with the consent in writing of the Commissioners of Woods make agreements with the owners of any former reclaimed lands or of any lands near or adjacent thereto for the purchase of lands or the acquisition of easements rights and other privileges over or in connexion with such lands for the formation and maintenance of roads railways

tramways and other ways and approaches to any lands reclaimed or to be reclaimed under the powers granted by this Act and may carry into effect any agreements so made. A.D. 1892.

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 this Act grant to the Commissioners and their assigns any land or any easement right or privilege not being an easement of water which may be required for the purpose of any such roads railways tramways or other ways or approaches and the provisions of the said Acts with respect to lands and rentcharges so far as applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

18. All moneys arising from the deposit of slag and other materials upon any lands so reclaimed and from the sale or disposal of any such lands after deducting any expenses incurred by the Commissioners with the consent in writing of the Commissioners of Woods in and about the purchase or acquisition of lands rights or easements under the powers of this Act or in the fencing draining or execution of any other works of improvement (other than the works authorised by section four of this Act) in upon through over or in connexion with any such lands shall from time to time be apportioned as follows:—

Apportionment of moneys arising from sale of reclaimed lands &c.

Two equal fourth parts to the Commissioners ;

One equal fourth part to the Commissioners of Woods on behalf of the Crown ; and

The remaining equal fourth part as to moneys arising in respect of lands on the north bank of the River Tees to the owners of the former reclaimed lands situate on the north bank thereof and as to moneys arising in respect of lands on the south bank of the River Tees to the owners of the former reclaimed lands situate on the south bank thereof such owners in each case to take as between themselves according to the proportions which the lengths of the frontages of their said respective lands towards the River Tees bear to each other.

19. Upon payment of such purchase money as aforesaid the Commissioners of Woods with the consent of the Commissioners in writing under the hand of their chief clerk shall convey any lands so reclaimed to the purchaser or purchasers thereof subject to all such rights and easements over the same as may then have been granted or may thereafter be granted for the purpose of searching for working raising and carrying away the minerals under the same or any adjoining lands pursuant to the provisions of this Act in that behalf.

Commissioners of Woods to convey reclaimed lands.

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Certain provisions of Tees Conservancy Acts respecting reclaimed lands not to apply.

Reservation of minerals under reclaimed lands.

As to moneys paid to the Commissioners of Woods.

Public rights over lands taken to be extinguished.

20. The provisions of the Tees Conservancy Acts relating to reclaimed lands shall not apply to any lands which may be reclaimed under the powers of this Act and any lands so reclaimed shall not be deemed to be included in the definition of the expression "reclaimed lands" which is contained in section four of the Tees Conservancy Act 1858.

21. Nothing contained in this Act shall prejudice or defeat the right or interest of Her Majesty Her heirs or successors in and to all minerals of what nature or kind soever in or under any lands so reclaimed but all such minerals shall notwithstanding the sale or disposition of any lands so reclaimed remain vested in Her Majesty Her heirs successors and assigns and Her Majesty Her heirs successors and assigns and Her and their lessees agents servants and workmen may at all times enter upon any lands by this Act authorised to be reclaimed as well after as before the same shall have been so reclaimed and search for work raise and carry away all such minerals and also any other minerals from outside such lands in as full ample and beneficial a manner to all intents as could or might have been done before the passing of this Act and as if this Act had never been made save only that the persons entering upon such lands for the purposes aforesaid or searching for working raising and carrying away the said minerals or any of them shall make reasonable compensation and satisfaction from time to time to the owners and occupiers of any such lands for all damage occasioned by the exercise of any of the said powers the amount of which compensation in case the parties differ about the same being in every case settled and determined by arbitration in the manner provided by the Arbitration Act 1889 or any then subsisting statutory modification or alteration thereof.

22. All moneys received by the Commissioners of Woods in respect of the share to which they on behalf of the Crown may be entitled in any moneys arising as well from the deposit of slag and other materials upon the lands to be reclaimed as from the transfer or sale of such lands shall be treated by them as capital moneys and be dealt with and applied in such manner as moneys arising from the sale of parts of the land revenues of the Crown are or may be for the time being by law required or authorised to be dealt with or applied.

23. All public rights of way over or upon any lands entered upon taken and used for the purposes of the high-water training walls by this Act authorised or reclaimed from the tidal waters of the River Tees under the powers granted by this Act shall be and are hereby extinguished from the time when the same lands shall be first entered upon taken or used for such purposes or shall be so reclaimed respectively.

24. If any person shall wilfully injure or damage any of the works of the Commissioners authorised by this Act or shall trespass upon any such works he and every person aiding or assisting therein shall upon conviction therefor forfeit and pay any sum not exceeding five pounds for every such offence in addition to the amount of any actual damage which may be thereby sustained by the Commissioners or by the owners or occupiers for the time being of the said reclaimed lands. Every such sum may be recovered summarily in any court of summary jurisdiction and the court before whom the offender is convicted may order the amount of the damage sustained by the Commissioners or other persons aforesaid with costs to be paid to them by the party or parties by whom such penalty is incurred.

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Penalty on persons trespassing or injuring works &c.

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

Survey of works by Board of Trade.

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

Abatement of work abandoned or decayed.

27. The Commissioners may purchase take on lease or otherwise acquire by agreement a suitable site for the purpose of erecting thereon and may erect and maintain thereon offices for the conduct of their business and the limitation as to place of meeting contained in section thirty of the Tees Conservancy Act 1852 is hereby repealed.

Site for offices.

28. The Commissioners may subject to the sanction of the Corporation of Trinity House London as the general lighthouse authority close discontinue and remove the Seaton High and Low Lighthouses in the parish of Stranton in the county of Durham and sell or lease the lands and buildings and all roads rights easements and appurtenances held or used in connexion therewith for such

Power to discontinue Seaton Lights.

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price or at such rent and on such terms and conditions as the Commissioners may deem expedient.

Power to
sell lands at
Blue House
Point.

29. The Commissioners may sell or lease the land and premises at or near Blue House Point in the parish of Stockton-upon-Tees in the county of Durham now vested in them and formerly used by them as and for workshops and warehouses or any part thereof together with all roads rights easements and appurtenances belonging thereto for such price or at such rent and on such terms and conditions as the Commissioners may deem expedient.

Application
of purchase
and other
moneys.

30. Subject to the provisions of this Act all moneys received by the Commissioners in respect of the deposit of slag and other materials upon the lands so reclaimed and in respect of the sale of any lands and premises under the provisions of this Act or any part thereof as aforesaid shall be carried to and applied as part of the Tees Conservancy Capital Account and all rents received from any lease of such lands and premises shall be carried to and applied as part of the Tees Conservancy Revenue Account.

Further
power to
deal with
wrecks &c.
and recover
expenses.

31. In addition to the powers conferred on the Commissioners and their harbour masters by the Tees Conservancy Acts and to the powers conferred on the Commissioners by the Removal of Wrecks Act 1877 the Commissioners may on giving notice of their intention by advertisement inserted three times in each of two local newspapers circulated in Stockton or Middlesbrough sell break up or otherwise dispose of or may cause to be sold broken up or otherwise disposed of any wreck or any vessel or thing sunk stranded or abandoned or any unauthorised obstruction within the limits of the jurisdiction of the Commissioners and may recover and receive the moneys (if any) arising therefrom and may retain out of such moneys any expenses incurred by them in lighting watching advertising buoying raising removing breaking up or selling such wreck vessel thing or obstruction or any part thereof or otherwise in any manner or for any purpose whatsoever in respect or on account of such wreck vessel thing or obstruction or any part thereof and also any charges or expenses incurred by the Commissioners or their harbour masters under the Tees Conservancy Acts or the Removal of Wrecks Act 1877 rendering the balance (if any) to the person who was the owner of such wreck vessel thing or obstruction immediately before it became a wreck or obstruction or was sunk stranded or abandoned and if there be no such moneys or if any such moneys be insufficient to cover all of such expenses and charges the Commissioners may recover such expenses and charges or the unsatisfied balance thereof from such person or from any person who was the owner of such wreck vessel thing or obstruction at any time after it became a

wreck or obstruction or was sunk stranded or abandoned and before it was sold by the Commissioners by proceeding or action in any court of summary or competent jurisdiction Provided always that for the purpose of this clause the word "vessel" shall include and extend to everything included in the same word in the Removal of Wrecks Act 1877 under or by virtue of section six of that Act.

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32. If any ship shall clear or leave the Tees (as defined by the Tees Conservancy Act 1858) destined for more than one port or place with solid or liquid fuel for use on board such ship or with cargo intended to be carried partly to one port or place and partly to another port or place the Commissioners may charge demand and receive rates or dues on the ship as if she had cleared or left the Tees (as so defined) for such one of those ports or places as the Commissioners may select.

Provisions as to Tees dues in certain cases.

33. The master or owner of any ship who in reply to inquiries by an officer of the Commissioners knowingly gives false or incorrect or incomplete information as to the destination of any cargo or solid or liquid fuel on board of such ship shall be liable to a penalty not exceeding one hundred pounds recoverable before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts or any of them and notwithstanding anything contained in the Statute 11 and 12 Victoria chapter 43 section 31 or in any public general Act such penalty shall belong and shall when received by the clerk of such court be paid by him to the Commissioners and shall be by them carried to the credit of the Tees Conservancy Revenue Account.

Penalty for giving false information as to destination of ship.

34. Any person using without the previous consent of the Commissioners or of any of their harbour masters or assistant harbour masters any wharf jetty dolphin or buoy or other mooring work or accommodation constructed or provided by the Commissioners for their own use shall be liable to a penalty not exceeding forty shillings.

Penalty for using Commissioners moorings &c.

35. Section twenty-two of the Tees Conservancy Act 1878 is hereby repealed and from and after the passing of this Act the outward and inward charges which the Commissioners may demand and receive in respect of steam tugs (being steam tugs not ordinarily engaged in towing in the Tees) leaving or entering the Tees shall be such sum as the Commissioners think fit not exceeding four pence per horse-power of such vessels as per Admiralty Standard and Schedule A to the Tees Conservancy Act 1867 shall be deemed to be altered accordingly.

River toll for steam tugs.

36. Notwithstanding anything in the Tees Conservancy Acts or in any Act incorporated with those Acts a person shall not be

Certain contracts not to disqualify

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Tees Com-
missioners.

disqualified for being a Commissioner or be deemed to be concerned or participate in any manner in any contract or in the profit thereof or of any work to be done under the authority of the Tees Conservancy Acts and this Act or any of those Acts or of any Act incorporated therewith by reason only of his having any share or interest in—

- (a) Any lease sale or purchase of land or any agreement for the same or for compensation for damage to land ; or
- (b) Any agreement for the loan of money or any security for the payment of money only ; or
- (c) Any newspaper in which any advertisement relating to the affairs of the Commissioners or their undertaking is inserted ; or
- (d) Any Company incorporated by Act of Parliament or Royal Charter or under the Companies Acts 1862 to 1890 ; or
- (e) Any agreement for the use in the ordinary course of business or trade as a customer of the Commissioners of any of the premises or property of the Commissioners or for the employment in the ordinary course of business or trade as a customer of the Commissioners of any of the officers or servants of the Commissioners :

Provided that no Commissioner shall vote on any question relating to any contract or work in which he is concerned by reason of his having any share or interest as aforesaid and if he shall so vote his vote shall not be counted and he shall in addition to any other penalty or forfeiture be liable to a penalty not exceeding one hundred pounds.

Grants &c.
to persons
who have
been in the
Commis-
sioners em-
ploy.

37. The Commissioners may from time to time pay such reasonable sums of money as they think fit (not exceeding pensions on the Civil Service scale) to persons who have been officers or servants of the Commissioners and who have become unfit for further employment by the Commissioners by reason of old age accident or illness Provided that in ascertaining the sums which the Commissioners may so pay they may have regard to employment by the Commissioners before as well as after the passing of this Act The Commissioners may also if they think fit grant a gratuity of any sum (not exceeding one year's pay) to the widow family or relatives of any such officer or servant who may die in their service.

Publication
of accounts.

38. Section one hundred and three of the Tees Conservancy Act 1852 shall be read and construed as though in lieu of the words—

“ And a full abstract of such accounts shall within one month after the audit thereof be published by advertisement in two newspapers one printed in the county of Durham and

the other in the county of York and respectively circulating in Stockton” A.D. 1892.

The following words had been substituted in the said section (that is to say) :—

“ And a full abstract of such accounts shall within one month after the audit thereof be printed and copies thereof shall be supplied to the public thereafter on application at a price not exceeding eighteenpence per copy and notice to that effect shall be published by advertisement as soon as may be once in two newspapers one published in the county of Durham and the other published in the county of York and respectively circulating in Stockton and Middlesbrough.”

39. From and after the passing of this Act so much of section one hundred and fourteen of the Tees Conservancy Act 1852 as provides that mortgages shall not be for sums other than twenty pounds or a multiple thereof shall be and the same is hereby repealed. Mortgages.

40. In all deeds conveyances mortgages leases contracts and agreements and other instruments in which it may be necessary to recite or refer to the Tees Conservancy Acts the same shall be deemed to be fully and sufficiently recited or referred to collectively as the Tees Conservancy Acts 1852 to 1892. Recitals of Acts in deeds and other instruments.

41. Where by the Tees Conservancy Acts and this Act or any of those Acts— How time to be computed.

(a) Any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event and as commencing at the beginning of the next following day and the act or proceeding shall be done or taken at the latest on the last day of the limited time as so computed unless the last day is a Sunday Christmas Day Good Friday or a Bank Holiday under and within the meaning of the Bank Holiday Act 1871 or any Act amending that Act or a day appointed for public fast humiliation or thanksgiving in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of the days in this section specified; and

(b) Any act or proceeding is directed or allowed to be done or taken on a certain day then if that day happens to be one of the days in this section specified the act or proceeding shall be considered as done or taken in due time if it is done or taken

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on the next day afterwards not being one of the days in this section specified.

Power to borrow further moneys.

42. The Commissioners may from time to time by virtue of this Act and independently of any other borrowing power borrow at interest on the security of the Tees Conservancy Revenue Account such sums of money as they from time to time think necessary not exceeding in the whole the sum of one hundred and fifty thousand pounds and may raise such moneys or any part thereof either by the creation and issue of debenture stock under the Tees Conservancy (No. 2) Act 1887 or by mortgage in manner provided by the Tees Conservancy Act 1884 or partly by one and partly by the other of the said methods and in the event of the Commissioners deciding to borrow by mortgage they may mortgage that account and the revenue for the time being carried to the credit thereon for securing repayment of the moneys borrowed on mortgage with interest accordingly.

Commissioners not bound by trusts affecting mortgages.

43. The Commissioners shall not be bound to see to the execution of any trust whatever expressed implied or constructive to which a mortgage may be subject and the receipt of the party in whose name a mortgage stands in the register of mortgages or if it stands in the names of more parties than one the receipt of one of the parties named in that register shall from time to time be a sufficient discharge to the Commissioners for any interest or other sum payable in respect of such mortgage notwithstanding any trusts to which such mortgage may then be subject and whether or not the Commissioners have had notice of such trusts and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Priority of existing mortgages.

44. All mortgages granted by the Commissioners before and subsisting at the passing of this Act shall during the continuance thereof have priority of charge on the respective securities therein comprised over all mortgages thereon granted under this Act.

Ranking of mortgages granted after passing of Act.

45. All mortgages at any time after the passing of this Act granted by the Commissioners under any of the Tees Conservancy Acts or under this Act shall rank *pari passu* and have equality of charge with any debenture stock at any time issued by the Commissioners under this Act and all such mortgages shall be endorsed by the Commissioners with notice of this enactment.

For repayment of moneys borrowed and redemption of stock.

46.—(1) The Commissioners shall appropriate out of the Tees Conservancy Revenue Account and carry to the sinking fund established by the Tees Conservancy (No. 2) Act 1887 such equal yearly or half-yearly sums as shall together with accumulations at

the rate of three pounds per centum per annum be calculated to be sufficient to discharge the moneys borrowed under this Act within sixty years from the date of the commencement of such borrowing Provided that it shall not be obligatory on the Commissioners to commence making payments into the said sinking fund before the expiration of five years from the passing of this Act.

(2) The Commissioners shall from time to time apply the moneys standing to the credit of the sinking fund in the discharge of moneys borrowed on mortgage or in purchasing debenture stock for redemption (subject to the terms of issue thereof) as and when they see fit And they shall pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys is discharged a sum equal to the interest which would have been produced by the securities taken out of the sinking fund and applied in discharge of borrowed moneys Provided that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Commissioners 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 into such sinking fund of the yearly sums required to be so paid thereto.

(3) All debenture stock purchased for redemption shall be cancelled and extinguished.

47. If the Commissioners pay off any money otherwise than by means of the sinking fund or out of the proceeds of the sale of land or fines or premiums on leases or other moneys (not being borrowed moneys) in the nature of capital they may re-borrow the same and so from time to time provided that for the purposes of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed to form the same loan.

48.—(1) The clerk to the Commissioners shall within sixty days after the expiration of each year during which any sum is required to be set apart for the sinking fund under this Act transmit to the Board of Trade 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 and any interest thereof has been applied during the same period and the total amount remaining

Power to re-borrow.
Annual return to Board of Trade with respect to sinking fund.

A.D. 1892. — invested at the end of the year In the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary manner by the Board of Trade.

(2) If it appears to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart any sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Board of Trade 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 Board of Trade out of Her Majesty's High Court.

As to borrowing from Public Works Loan Commissioners.

49. Nothing in this Act shall operate to empower the Commissioners to borrow from the Public Works Loan Commissioners Provided that if the Public Works Loan Commissioners advance any loan to the Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same—

- (1) The loan and the security therefor shall not have priority over any loan previously borrowed under this Act or the Tees Conservancy Acts or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed in pursuance of this Act or the Tees Conservancy Acts and the security therefor; and
- (2) The amount which the Commissioners are authorised by this Act or the Tees Conservancy Acts to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Application of money borrowed.

50. All money borrowed by the Commissioners under this Act shall be applied for purposes of the Tees Conservancy Acts 1852 to 1892 for which capital is properly applicable and not otherwise.

Land disposed of to be freed from charges.

51. Where the Commissioners sell lease or otherwise dispose of to any person any lands or property the revenues of which are charged under the provisions of this Act as security for any debenture stock or mortgages such lands and property shall in the hands of such person be absolutely freed from every such charge and such person shall not be bound to see to or inquire into the application of the money arising from such sale lease or other disposition or be in any way responsible for the non-application or misapplication thereof.

52. The Commissioners shall not under the powers of this or any previous Act without the sanction 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 partly 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. 1892.

Restriction
on taking
houses of
labouring
class.

53. The Commissioners 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 reflows 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 Commissioners 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 Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Works on
foreshore not
to be con-
structed
without
consent of
Board of
Trade.

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

Costs of Act.

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