



ANNO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxviii.*

An Act for amending an Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, and for granting further Rates and Powers for improving the Port of *Hartlepool* in the County of *Durham*. [30th June 1837.]

**W**HEREAS an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Pier and Port of Hartlepool in the County of Durham*: And whereas another Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and rendering more effectual an Act of King George the Third, for improving the Pier and Port of Hartlepool in the County of Durham*: And whereas, under the Powers of the said last-recited Act, the Pier and Harbour of *Hartlepool* aforesaid have been much improved, and great Expence hath been thereby incurred, and it is expedient that more effectual Provision should be made and that further and additional Powers should be granted for the Improvement and Preservation of the said Pier and Harbour, and for the Construction of additional Works, and that the Powers and Provisions of the said Acts should be amended, extended, and enlarged; for effecting which beneficial Purposes, 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

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Powers of recited Acts extended to this Act, except as hereby altered.

liament assembled, and by the Authority of the same, That the said recited Acts of the Fifty-third Year of the Reign of His late Majesty King *George* the Third and the Second Year of the Reign of His late Majesty King *William* the Fourth, and all the Powers and Provisions therein contained, except such as are hereby repealed or varied, and all the Powers and Provisions herein contained, shall extend to and be put in execution for effecting the Purposes of the said recited Acts and this Act.

Additional Commissioners appointed.

II. And be it further enacted, That *Robert Henry Allan, Robert Burrell, Robert Waugh, Edward Wylam, Hedworth Lambton* Esquire, Member of Parliament, *Joseph Pease* Esquire, Member of Parliament, *John Bowes* Esquire, Member of Parliament, *Cuthbert Rippon* Esquire, Member of Parliament, *George Hutton Wilkinson* Esquire, *William Mills, Charles Barrett, John Botcherby, William Luke Prattman junior, Joseph Radcliffe Wilson*, together with Four such Persons (being duly qualified according to the said first-recited Act) as shall from Time to Time be respectively appointed by the Shipowners Societies of *North Shields, South Shields, Sunderland, and Stockton on Tees*, acting on behalf of the Shipowners of the said Ports, shall be and they are hereby added to and joined with the existing Commissioners of the said recited Acts; and they, together with the existing Commissioners, shall be and they are hereby declared to be Commissioners for executing the said recited Acts and this Act.

Admiralty empowered to appoint Five Commissioners.

III. Provided always, and be it further enacted, That it shall be lawful for the Lord High Admiral or for the Commissioners for the Time being for executing the Office of Lord High Admiral aforesaid, from Time to Time, by Writing under the Hand of the Secretary to the Admiralty, to nominate and appoint any Person or Persons not exceeding Five, (being duly qualified according to the said first-recited Act,) as a Commissioner or Commissioners under the said recited Acts and this Act.

Former Duties repealed.

IV. And be it further enacted, That the several Rates and Duties granted by the said last-recited Act on Ships or other Vessels entering into or using the said Port of *Hartlepool* shall be and the same are hereby repealed and made void.

Tonnage Duty on Ships using the Port.

V. And be it further enacted, That it shall be lawful for the said Commissioners, and such Person or Persons as they shall appoint in that Behalf, to demand and take or cause to be demanded and taken the several Rates or Duties following; (that is to say,)

For every Ship or Vessel entering into or using the said Port of *Hartlepool* the Rate and Duty of One Penny for every Ton of the Burden of such Ship or Vessel, to be paid by the Master or Owner thereof, on every Voyage on which such Ship or Vessel shall enter or use the said Port; the Amount of the Number of Tons of each and every such Ship or Vessel to be ascertained according to the Law or Laws in force for the Time being for that Purpose:

And for every decked Ship or Vessel which shall enter the said Port of *Hartlepool*, in addition to the Tolls hereby granted, the further Sum of One Shilling and Four-pence *per* Ship or Vessel:

And

And for any Ship or Vessel as aforesaid entering the said Port and Harbour other than for the Purpose of loading or unloading, or driven within the same through Danger of the Seas, Stress of Weather, or Pressure of the Enemy, any Sum not exceeding One Half of the before-mentioned Tolls.

VI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Rates or Duties aforesaid shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Rates or Duties as aforesaid to seize and distrain any of the Goods or Chattels of, belonging to, or in the Possession of the Person or Persons liable to pay the same; and if such Rates and Duties or any Part thereof, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days next after such Distress made, the Person or Persons so distraining shall and may sell the Goods and Chattels so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner thereof, after such Rates and Duties and the reasonable Charges of such Distress and Sale shall be deducted. For recovering Rates.

VII. And be it further enacted, That it shall be lawful for the Commissioners for the Time being authorized to carry the said recited Acts and this Act into execution to borrow and take up at Interest, in addition to the Sum of Eight thousand Pounds by the said Acts authorized, any further Sum or Sums of Money, not exceeding Eight thousand Pounds, for the Purposes of the said recited Acts and this Act; and the said Commissioners are hereby authorized and empowered from Time to Time, by Writing under their Hands and Seals, to assign the Duties by this Act granted or made payable, or any Part or Parts thereof (the Costs and Charges of making which Assignments shall be paid by the said Commissioners), as a Security for any Sum or Sums of Money to be borrowed as aforesaid, with lawful Interest for the same, to such Person or Persons, Body or Bodies Politic or Corporate, as shall advance or lend the same, or to such other Person or Persons as he, she, or they shall direct or appoint, his, her, or their respective Executors, Administrators, Successors, or Assigns, which Assignments may be made in the Manner and Form authorized by the said first-recited Act; and all Persons, Bodies Politic or Corporate, to whom any such Assignment shall be made by the said Commissioners, shall be Creditors on the said Rates or Duties in equal Degree, without any Priority by reason of the Dates of their respective Securities: Provided nevertheless, that all Persons to whom any Mortgage or Security has been made under the Authority of the said recited Acts or either of them, their respective Executors, Administrators, and Assigns, shall have Priority over all Persons who may advance any Money under the Authority of this Act. Power to borrow Money.

VIII. And be it further enacted, That all the Monies to be borrowed on Security as aforesaid, and all the Rates and Duties hereby granted or made payable, and all the Fines, Penalties, and Forfeitures by the said recited Acts and this Act severally imposed or authorized to be imposed, and all other Monies which shall arise or be received by virtue of the said recited Application of Money.

recited Acts and this Act, or any of them, and not herein otherwise appropriated or directed to be applied, shall be paid to such Person or Persons as the said Commissioners shall authorize to receive the same, and shall be applied in the Manner following ; (that is to say,) in the first place, in paying all the Costs, Charges, and Expences incurred in and about the preparing and passing of this Act ; in the second place, in paying all the Interest which shall become due upon the Money already borrowed in pursuance of the said recited Acts ; in the third place, in paying the Interest which shall become due upon Money to be borrowed in pursuance of this Act ; in the fourth place, in defraying the Expences of improving the said Port, keeping the Town Walls in repair, and executing the several other Works by the said recited Acts and this Act authorized to be done, and all other the Costs, Charges, and Expences in and about the putting of the said recited Acts and this Act into execution ; in the fifth place, in reducing, paying off, and discharging all the Principal Monies which have been borrowed in pursuance of the said recited Acts ; and lastly, in reducing, paying off, and discharging all the Principal Monies which shall be borrowed in pursuance of this Act.

Commis-  
sioners em-  
powered to  
improve the  
Harbour, &c.

IX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to repair and maintain, or to remove, reconstruct, deepen, enlarge, and extend, all or any of the present Works belonging to or connected with the said Pier and Port of *Hartlepool*, or the Harbour or Haven of the said Port, and to construct and maintain all such additional Works as they shall think expedient for the Improvement or Preservation of the said Pier, Port, and Harbour or Haven, or Walls thereof, and for the Safety or Convenience of Vessels resorting to or using the same.

Boundary  
between the  
Outer and  
Inner Har-  
bours.

X. And be it further enacted, That an imaginary Line drawn across the Channel from the Town's Wall of *Hartlepool* to the opposite Shore, in the Direction of the South Edge of the existing Portion of the Coffer Dam, shall hereafter be the Boundary between the Outer Harbour subject to the Jurisdiction and Powers of the said Commissioners, and the Inner Harbour subject to the Jurisdiction and Powers of the *Hartlepool* Dock and Railway Company.

No Jetties,  
&c. to be  
built but by  
the Commis-  
sioners.

XI. And be it further enacted, That it shall not be lawful for any Person other than the said Commissioners to erect any Groins, Jetties, Buildings, or other Works within the said Harbour or the Boundaries thereof, or of the said Port, which may in any way reduce the superficial Area thereof, or impede or obstruct the free Navigation or Entrance of such Harbour, or interfere in anywise with the free Flux and Reflux of the Tide, or diminish the Quantity of tidal Water flowing into or out of the said Harbour, or make any other Encroachments whatsoever which may impede or obstruct the free Navigation or Passage of such Harbour, without the Consent of the said Commissioners, or to do any Act whereby the said Harbour or the free Use and Entrance or Navigation of the same respectively may in anywise be prejudiced ; and it shall be lawful for the said Commissioners from Time to Time, as Occasion shall require, to take away and remove any Obstruction which may in any Manner impede the Navigation of the said Harbour.

XII. And

XII. And be it further enacted, That a Conviction in the Form or to Form of Con-  
the Effect following shall be good, without alleging more than the Sub- viction.  
stance of the Offence ; (that is to say,)

‘ to wit. } **BE** it remembered, That on the Day of  
‘ *A. B.* is convicted before me *C. D.*, one of His Majesty’s Justices of the  
‘ Peace for the County of [or City, Borough, Town, or  
‘ Place, as the Case may be,] of having [specifying the Offence, and the  
‘ Time and Place when and where committed], contrary to an Act passed  
‘ in the Year of the Reign of Her Majesty Queen *Victoria*,  
‘ intituled [*here set forth the Title of this Act*]. Given under my Hand  
‘ and Seal the Day and Year first above written.’

XIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Commissioners, personal Service thereof respectively upon any one of the said Commissioners resident within Five Miles of *Hartlepool* aforesaid, or leaving the same at his last or usual Place of Abode, or personal Service thereof upon the Clerk or Treasurer of the said Commissioners, or leaving the same at the Office or usual Place of Abode of such Clerk or Treasurer, shall be deemed good and sufficient Service of the same respectively on the said Commissioners. Declaring what shall be good Service of Notice on the Commissioners.

XIV. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons, Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon any Person, Corporation, or Commissioners, under the Provisions of this Act or the said recited Acts, personal Service thereof respectively upon such Person, or upon any one Member of the Body Corporate, or upon any one Commissioner, or leaving the same at his last or usual Place of Abode, or personal Service thereof upon the Clerk or Treasurer of such Corporation or Commissioners, or leaving the same at the Office or usual Place of Abode of such Clerk or Treasurer, shall be deemed good and sufficient Service of the same respectively upon such Person, Corporation, or Commissioners (as the Case may be): Provided always, that every Summons, Demand, or Notice, or other Documents requiring Authentication by the said Commissioners, may be signed by the Clerk or Treasurer for the Time being of the said Commissioners on behalf of the said Commissioners, and may be in Writing or in Print or partly in Writing and partly in Print. Declaring what shall be good Service by the Commissioners.

XV. And whereas the Conservation of the several Ports, Harbours, Creeks, Estuaries, and navigable Rivers of this United Kingdom is by Law vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral of the said Kingdom for the Time being ; be it enacted and provided, That nothing in this Act contained shall extend or be construed to extend to authorize the making, constructing, or erecting any Work below the ordinary High-water Mark at Spring Tides without the Assent of the said Lord High Admiral, or of the Commissioners for the Time being for executing the Office of Lord High Restricting the Works to be done without the Consent of the Admiralty.

High Admiral aforesaid having been first obtained for that Purpose ; such Assent to be signified in Writing under the Hand of the Secretary of the Admiralty.

Saving the Rights of the Trinity House of Deptford Strond ;

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges or the Jurisdiction or Authority of the Corporation of *Trinity House of Deptford Strond*.

of the Trinity House of Newcastle-upon-Tyne ;

XVII. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the Master, Pilots, and Seamen of the Corporation of the *Trinity House of Newcastle upon Tyne*.

of the Bishop of Durham and the Duke of Cleveland ;

XVIII. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, Dues, Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, Pre-eminences, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham* or his Successors, or of or belonging to the Most Noble *William Harry* Duke of *Cleveland*, his Heirs or Assigns, or any Person or Persons claiming under them, any or either of them ; but saving and reserving to the several Persons herein-before mentioned all such Rights, Titles, Interests, and Advantages as they or any of them had, exercised, received, or enjoyed before the passing of this Act, or as they could or might have had, exercised, received, or enjoyed if this Act had not been passed, otherwise than as the same are by this Act taken away, varied, altered, or restrained.

and of the Fishermen of Hartlepool.

XIX. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall be deemed or construed to authorize any Interference with the Rights and Privileges now enjoyed by Fishermen belonging to or frequenting the said Port of *Hartlepool*, or in anywise to diminish, take away, injure, or destroy all or any of the said Rights and Privileges, or any such other Rights and Privileges as they the said Fishermen have heretofore had, possessed, or enjoyed within the said Port and Harbour.

Rules for the Interpretation of certain Terms in this Act.

XX. And be it further enacted, That where in the said recited Acts or in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males ; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments ; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole ; and where the Word "Vessel" shall be used, the same shall be understood to mean any Ship, Lighter, Keel, Barge, Boat, or Craft, or any other Kind of Vessel whatsoever, or any Raft ; and where the Word "Master" (in relation to any Vessel) shall be used, the same shall be understood to mean any Person, whether

the Owner or Master or other Person lawfully or wrongfully having or taking the Command, Charge, or Management of the Vessel at the Time.

XXI. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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