



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. Ixiii.

An Act for the Improvement and Regulation of the River *Tyne* and the Navigation thereof, and for other Purposes. [15th July 1850.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning Newcastle-upon-Tyne and the Port and Haven thereunto belonging*: And whereas an Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for extending and enlarging the Powers and increasing the Rates and Duties of the Corporation of the Trinity House of Newcastle-upon-Tyne, and for better regulating the Port of Newcastle*: And whereas an Act was passed in the First Year of the Reign of the Queen's most Gracious Majesty, intituled *An Act for regulating and improving the Borough of Newcastle-upon-Tyne*: And whereas an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of the Queen's most Gracious Majesty, intituled *An Act to alter and extend an Act passed in the First Year of the Reign of Her present Majesty, intituled "An Act for regulating and improving the Borough of Newcastle-upon-Tyne."* And whereas the *Newcastle-upon-Tyne Port Act, 1845*, was passed in the Ninth Year

21 H. 8. c. 18.
41 G. 3. c. 86.
7 W. 4. & 1 Vict. c. 72.
4 & 5 Vict. c. 71.
8 & 9 Vict. c. 59.

[Local.] 10 H

The River Tyne Improvement Act, 1850.

Year of the Reign of the Queen's most Gracious Majesty: And whereas the Port of *Newcastle-upon-Tyne* extends from *Hedwin Streams* above the Borough of *Newcastle-upon-Tyne* to *Spar Hawke* in the Sea: And whereas the Mayor, Aldermen, and Burgesses of the Borough are the Conservators of the Port, and hold the Town of *Newcastle-upon-Tyne*, together with the said Port, in Fee Farm under the Crown: And whereas by virtue of Prescription and various Charters, and the recited Acts or some of them, the Mayor, Aldermen, and Burgesses demand, take, and receive certain Dues called "Town and Quay Dues" for and in respect of Goods, Wares, Merchandize, Cattle, and Things imported into the Port within the Limits aforesaid, in whatever Part of the Port the same are landed or discharged, and whether the same be landed or discharged at any Quay or Landing Place of the Mayor, Aldermen, and Burgesses, or at any Quay, Pier, or Landing Place at *Newcastle-upon-Tyne*, or whether the same be discharged in the Stream of the River, or landed at any Part of the Shore of the River within the Port, and such Dues are in this Act referred to as "The Import Dues:" And whereas the Mayor, Aldermen, and Burgesses, by virtue of Prescription and various Charters, demand, take, and receive certain Dues called "Town Dues" on Coals, Cinders, Grindstones, and Salt exported from the said Port, and which Dues are in this Act referred to as "The Coal Dues," and certain Dues payable in respect of Ballast brought into and delivered in the Port, and other Dues, called "Ballast Office Dues," and which Dues are respectively in this Act referred to as "The Ballast Dues," and certain other Dues called respectively "Groundage and Plankage" and "Ship and Boat Dues:" And whereas it is expedient that further Provision should be made for the Improvement of the Port and of the River, and for the Regulation of the Navigation thereof: And whereas the Mayor, Aldermen, and Burgesses are willing, on the Terms herein expressed, that Commissioners be appointed for carrying into execution some of the Provisions and Purposes of this Act, and that the Authorities, Duties, and Obligations of the Mayor, Aldermen, and Burgesses, as the Conservators of the Port, so far as in this Act expressed, be transferred to and imposed on such Commissioners, and that for the Purpose of providing a Fund expressly for the Improvement and Conservancy of the Port and of the River a certain Portion of the Dues received by and belonging to the said Mayor, Aldermen, and Burgesses, subject as herein-after mentioned, should be placed at the Disposal of such Commissioners for the Purposes of such Improvement and Conservancy: And whereas it is expedient that some of the Provisions of the recited Acts be repealed, altered, or amended: And whereas such several Purposes 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,

The River Tyne Improvement Act, 1850.

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, That this Act shall commence and have effect on and from the Ninth Day of *November* next after the passing thereof. Commence-
ment of Act.

II. And be it enacted, That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The River *Tyne Improvement Act, 1850.*" Short Title.

III. And be it enacted, That this Act shall be put in force within the Limits of the Port which extend from *Hedwin Streams* above the Borough of *Newcastle-upon-Tyne* to *Spar Hawke* in the Sea, and comprise all Streams, Havens, Creeks, Bays, and Inlets between *Hedwin Streams* and *Spar Hawke* within the Flow and Reflow of the Tide, and situate within or bounded by the several Parishes, Townships, and Places following; (that is to say,) *Saint Nicholas, All Saints, and Saint John* Parishes, and *Saint Nicholas, All Saints, Elswick, Westgate, and Byker* Townships, or some of them, in the Borough and County of *Newcastle-upon-Tyne*, *Ryton, Winlaton, Whickham, Gateshead, Heworth* otherwise *Nether Heworth, Jarrow, and Saint Hilda* or *South Shields* Parishes, and *Ryton, Blaydon, Stella, Winlaton, Whickham, Whickham Low Quarter* otherwise *Whickham Low Hand, Swalwell, Gateshead, Hebburn, Heworth* otherwise *Nether Heworth, Jarrow, Westoe* otherwise *Wivestoe*, and *Saint Hilda* or *South Shields* Townships, or some of them, in the County of *Durham*, and *Heddon-on-the-Wall, Newburn, Saint Nicholas, Saint John, Long Benton, Wallsend, and Tynemouth* Parishes, and *Heddon-on-the-Wall, Newburn, Newburn Hall, Sugley, East Denton, West Denton, Benwell, Walker, Wallsend, Willington, Howdon* otherwise *Howdon Pans, Chirton, North Shields, and Tyne-mouth* Townships, or some of them, in the County of *Northumberland*. Limits of
Act.

IV. And be it enacted, That the following Words and Expressions in this Act have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpre-
tation of
Terms.

The Expression "the Port" means the Port of *Newcastle-upon-Tyne*:

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

The Expression "the Borough" means the Borough of *Newcastle-upon-Tyne*:

The Expression "the Lord High Admiral" includes the Commissioners for the Time being for executing the Office of Lord High Admiral:

The

The River Tyne Improvement Act, 1850.

The Expression "the Corporation" means the Mayor, Aldermen, and Burgesses of the Borough of *Newcastle-upon-Tyne* :

The Expression "the Commissioners" means the *Tyne Improvement Commissioners* for carrying this Act into execution :

The Expression "the *Newcastle Council*" means the Council of the Borough of *Newcastle-upon-Tyne* :

The Expression "the *Gateshead Council*" means the Council of the Borough of *Gateshead* :

The Expression "the *Tynemouth Council*" means the Council of the Borough of *Tynemouth* :

The Expression "the Improvement Commissioners" means the Commissioners for the Improvement of the Town of *South Shields* in the County of *Durham* :

The Expression "the Town Clerk" means the present Town Clerk of the Borough of *Newcastle-upon-Tyne* :

The Expression "the Treasurer" means the present Treasurer of the Borough of *Newcastle-upon-Tyne* :

The Expression "the Borough Fund" means the Borough Fund of the Borough of *Newcastle-upon-Tyne* :

The Expression "the Import Dues" means the Dues payable to the Corporation of *Newcastle-upon-Tyne* on Goods, Wares, and Merchandizes imported into the Port, as specified in the Second Schedule to the recited Act of the Fourth and Fifth Years of the Reign of the Queen's most Excellent Majesty, but exclusive of the Package Duties and Dues for the Use of the Sheds on the Quay respectively specified in the same Schedule :

The Expression "the Coal Dues" means the Dues payable to the Corporation on Coals, Cinders, Grindstones, and Salt exported from the Port :

The Expression "Ballast Lighter" means any Lighter, Keel, Barge, Boat, or other Vessel used for receiving or conveying Ballast :

The Word "Ballast" includes Stone, Gravel, Sand, Clay, Earth, Soil, and other Materials and Substances used as Ballast :

The Word "Rubbish" includes Ballast, Wreck, Ashes, Filth, and other waste Materials and Substances :

The several Words and Expressions in this Act to which Meanings are assigned by the Acts wholly or partly incorporated with this Act, and to which Meanings are not otherwise assigned by this Act, have in this Act the same Meanings as are so assigned to them respectively.

Certain
Provisions of
10 & 11 Vict.
c. 16. incor-

V. And be it enacted, That "The Commissioners Clauses Act, 1847," except the Clauses thereof "with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected

The River Tyne Improvement Act, 1850.

elected by the Rate-payers or other like Class of Electors," and except so far as the same Act is repugnant to or inconsistent with any of the Provisions or Purposes of this Act, is incorporated with this Act.

VI. And be it enacted, That the several Clauses of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to the Collection and Recovery of Rates," and "with respect to the Appointment of Meters and Weighers and their Duties," except so far as the same respectively are repugnant to or inconsistent with any of the Provisions or Purposes of this Act, are respectively incorporated with this Act; and, subject to the Provisions of this Act, the Corporation shall and may carry into execution such several Clauses respectively, and the same and the several Provisions thereof respectively apply to the Corporation accordingly.

Provisions of 10 & 11 Vict. c. 27. with respect to Collection of Rates, &c. incorporated with this Act.

VII. And be it enacted, That the several Clauses of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to keeping a Tide and Weather Gauge," and "with respect to the Appointment of Harbour Masters, Dock Masters, and Pier Masters, and their Duties," and "with respect to the Protection of the Harbour, Dock, and Pier, and the Vessels therein, from Fire or other Injury," and "with respect to the Police of the Harbour, Dock, and Pier," and "with respect to the Bye Laws to be made by the Undertakers," except so far as the same respectively are repugnant to or inconsistent with any of the Provisions or Purposes of this Act, or of the recited Act of the Forty-first Year of the Reign of King *George the Third*, so far as regards the Rights of the Corporation of the Master, Pilots, and Seamen of the *Trinity House of Newcastle-upon-Tyne*, or the Members thereof, are respectively incorporated with this Act; and, subject to the Provisions of this Act, the Commissioners shall and may carry into execution such several Clauses respectively, and the same and the several Provisions thereof respectively apply to the Commissioners accordingly.

Provisions of 10 & 11 Vict. c. 27. with respect to keeping a Tide and Weather Gauge, &c. incorporated with this Act.

VIII. And be it enacted, That for the Purposes of this Act the Expression "the Harbour, Dock, or Pier" in the Clauses incorporated with this Act of "The Harbours, Docks, and Piers Clauses Act, 1847," means the Port and the River, and all present and future Harbours, Streams, Havens, Creeks, Bays, and Inlets within the Limits of the Port and of the River respectively; and the Expression "the Undertakers" in such Clauses as regards such of the Provisions and Purposes of this Act as are to be carried into execution by or relate to the Corporation means the Corporation, and as regards such of the Provisions and Purposes of this Act as are to be carried into execution by or relate to the Commissioners means the Commissioners.

Interpretation of certain Expressions in 10 & 11 Vict. c. 27.

[Local.]

10 I

IX. And

The River Tyne Improvement Act, 1850.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

IX. And be it enacted, That the Clauses of the Companies Clauses Consolidation Act, 1845, "with respect to the borrowing of Money by the Company on Mortgage or Bond," except so far as the same are repugnant to or inconsistent with any of the Purposes or Provisions of this Act, are incorporated with this Act; and the Expression "the Company" in those Clauses as regards the borrowing of Money under the Authority of this Act by the Commissioners means the Commissioners, and as regards the borrowing of Money under the Authority of this Act by the Corporation means the Corporation.

Appointment of Tyne Improvement Commissioners.

X. And be it enacted, That the Four Persons herein-after named, (that is to say,) *William Rutherford Hunter* and *Joseph Cowen*, *William Purdo* and *James Cochran Stevenson*, and the Successors of Two of them as by this Act provided, and Six Persons appointed by the *Newcastle Council*, and Two Persons appointed by the *Gateshead Council*, and Three Persons appointed by the *Tynemouth Council*, and Three Persons elected by the Commissioners for the Improvement of the Town of *South Shields* in the County of *Durham*, to be respectively from Time to Time appointed and elected as by this Act provided, shall be Commissioners for executing this Act, and such Commissioners shall be called "The *Tyne Improvement Commissioners*," and may and shall exercise the several Powers by this Act conferred on the Commissioners.

Qualification of Towns Commissioners.

XI. And be it enacted, That every Commissioner appointed under any of the Provisions of this Act by the *Newcastle Council* and the *Gateshead Council* and the *Tynemouth Council* respectively shall either be a Member of the same respective Council, or possessed of the Qualification requisite for a Member of the same respective Council.

Qualification of South Shields Commissioners.

XII. And be it enacted, That every Commissioner elected or appointed under any of the Provisions of this Act by the Improvement Commissioners shall be one of the Improvement Commissioners.

Certain Vacancies in the Number of Commissioners to be filled up by the Admiralty.

XIII. And be it enacted, That upon the first Death or Resignation which shall happen amongst the said *William Rutherford Hunter* and *Joseph Cowen*, nominated as Commissioners in this Act, it shall be lawful for the Lord High Admiral to appoint some Person to be a Commissioner in the Stead of the Commissioner so dying or resigning; and upon the Death or Resignation of the other of them the said *William Rutherford Hunter* and *Joseph Cowen*, the Vacancy so occasioned shall not be supplied; and upon the first Death or Resignation which shall happen amongst the said *William Purdo* and *James Cochran Stevenson*, nominated as Commissioners in this Act, it shall be lawful for the Lord High Admiral to appoint some Person to be a Commissioner in the Stead of the Commissioner so dying or resigning; and

The River Tyne Improvement Act, 1850.

and upon the Death or Resignation of the other of them the said *William Purdo* and *James Cochran Stevenson*, the Vacancy so occasioned shall not be supplied; and the said Lord High Admiral may from Time to Time appoint Successors to the Two Persons who shall have been previously appointed by him as Commissioners in the Place of such of them as shall die, resign, refuse, or decline to act, or become incapable of acting as Commissioners; and all such Appointments shall be made in Writing under the Hand of the Secretary of the Admiralty; and if the said Lord High Admiral or the Commissioners for the Time being for executing the Office of Lord High Admiral neglect for Six Months, after Notice from the Clerk to the Commissioners, to make such Appointments as are herein authorized to be made by them, the *Newcastle* Council shall supply the first Vacancy in which Default shall be made as aforesaid, and the *Tynemouth* Council, the *Gateshead* Council, the Improvement Commissioners, and the *Newcastle* Council shall in succession supply every subsequent Vacancy in which Default shall be made, and so in rotation whenever any such Default shall be made.

XIV. And be it enacted, That at the Meetings of the *Newcastle* Council, the *Gateshead* Council, and the *Tynemouth* Council, respectively held on the Ninth Day of *November* One thousand eight hundred and fifty, and on the Ninth Day of *November* in every succeeding Year, the Number of Persons herein-before authorized to be appointed by the respective Councils shall be appointed by the same respective Councils Commissioners; and each of the Persons so from Time to Time appointed Commissioners shall continue in Office for One Year, if he respectively so long live and continue qualified; and every such Person on the Expiration of his respective Year of Office shall, if qualified, be eligible for Re-appointment.

Appointment of Commissioners for Newcastle, Gateshead, and Tynemouth.

XV. Provided always, and be it enacted, That in every Case of the Failure of the *Newcastle* Council, the *Gateshead* Council, and the *Tynemouth* Council respectively to appoint on the Ninth Day of *November* in any Year the Number of Persons herein-before directed to be appointed Commissioners by the respective Councils, the same respective Councils may make or complete such Appointment on any Day within Seven Days next after that Day.

Remedy on Failure in punctual Appointment.

XVI. And be it enacted, That for the First Election of Commissioners a Meeting of the Improvement Commissioners shall be held on the Ninth Day of *November* One thousand eight hundred and fifty, and on such Day and on the Ninth Day of *November* in every succeeding Year Three Persons qualified in that Behalf as in this Act provided shall be elected by the Improvement Commissioners; and each of the Three Persons so from Time to Time elected Commissioners

Election of Commissioners for South Shields.

The River Tyne Improvement Act, 1850.

missioners shall continue in Office One Year, if he respectively so long live and continue qualified; and every such Person on the Expiration of his respective Year of Office shall, if qualified, be eligible for Re-election.

Remedy on Failure in punctual Election.

XVII. Provided always, and be it enacted, That in case of the Failure of any such Meeting of the Improvement Commissioners to elect on the Ninth Day of *November* in any Year Three Persons to be Commissioners, any adjourned Meeting of the Improvement Commissioners holden within Seven Days after that Day may make or complete such Election.

If South Shields be constituted a Municipal Corporation Commissioners to be appointed by the Council.

XVIII. Provided always, and be it enacted, That if at any Time hereafter *South Shields* be constituted a Municipal Corporation, and whatever be the Limits of the Borough so constituted, then on and for ever after such Constitution thereof the Right under this Act of the Improvement Commissioners to elect Commissioners for the Purposes of this Act shall cease, and thenceforth the Commissioners for *South Shields* shall be from Time to Time appointed by the Council of the Borough so constituted; and the Provisions of this Act relating to the *Gateshead* Council and the *Tynemouth* Council respectively, and the Commissioners for the Boroughs of *Gateshead* and *Tynemouth* respectively, shall extend and apply accordingly to the Council of the Borough so constituted, and the Appointment and Qualification of the Commissioners for such Borough respectively.

If 9th Nov. fall on a Sunday, Fast or Thanksgiving Day, Election, &c. to take place the next Day.

XIX. Provided always, and be it enacted, That whenever the Ninth Day of *November* in any Year is a *Sunday*, or a Day appointed for a public Fast or Thanksgiving, the Tenth Day of *November* in that Year shall, for the Purposes of the Appointment and Election respectively of Commissioners for the Purposes of this Act, be substituted for the Ninth Day of *November* in that Year, as if the Tenth instead of the Ninth Day of *November* were in every Case expressed in this Act.

For supplying Vacancies in Commission.

XX. And be it enacted, That whenever any Commissioner, except the Four Commissioners in this Act named and their Successors, dies, resigns, becomes disqualified, or from any other Cause ceases to be a Commissioner, the Council or the Improvement Commissioners by whom he was appointed or elected shall with all convenient Speed appoint or elect another qualified Person to be a Commissioner in his Place; and every Person so appointed or elected shall, if he so long live and continue qualified, continue in Office as long as his Predecessor in Office would if he had not ceased to be a Commissioner have continued in Office.

XXI. And

The River Tyne Improvement Act, 1850.

XXI. And be it enacted, That the Commissioners shall hold their First Meeting at the Guildhall in the Borough, at the Hour of Ten of the Clock in the Forenoon, on the First *Thursday* after the Commencement of this Act, and shall hold their subsequent Meetings at such Times and Places as they from Time to Time think fit; but, except for any Cause deemed by the Commissioners urgent, the Time appointed for the Commencement of any such Meeting shall not be later than the Hour of One of the Clock in the Afternoon.

First and other Meetings of Commissioners.

XXII. And be it enacted, That in every Year on the Ninth Day of *November*, or the Day of the annual Election or Appointment of Commissioners, pursuant to this Act, the *Newcastle* Council, the *Gateshead* Council, the *Tynemouth* Council, and the Improvement Commissioners, and, after *South Shields* shall be constituted a Municipal Corporation, the Council of the Borough so constituted instead of the Improvement Commissioners, shall respectively appoint One Person, not being a Commissioner under this Act, to be an Auditor of the Accounts of the Commissioners; and the Persons so to be appointed Auditors shall respectively have the like Qualification, and shall be subject to the like Disqualification or Disability, as the Commissioners of the respective Boroughs from or for which the said Auditors shall be appointed are hereby respectively required to possess, or are made subject to.

Auditors to be elected annually.

XXIII. And be it enacted, That the Accounts of the Commissioners after having been so audited shall be open to the Inspection of all and every the Members of the said several Councils, and a full Abstract of such Accounts shall, within One Calendar Month after such Audit, be printed and delivered to each Member of the said several Councils, or be sent by Post to their respective Residences or last known Places of Abode.

Accounts to be published.

XXIV. And be it enacted, That the present Town Clerk shall be Clerk to the Commissioners, and the present Treasurer shall be the Treasurer to the Commissioners.

Clerk and Treasurer to continue.

XXV. And be it enacted, That all Officers heretofore appointed by the Corporation for the Discharge of and actually engaged in the Execution of the Duties, Powers, and Authorities by this Act transferred to or vested in the Commissioners, and also the Town Clerk as Clerk to the Commissioners, and the Treasurer as Treasurer to the Commissioners, shall hold and continue in their respective Offices and Employments in the same Manner as previous to the passing of this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and shall be liable to the same Penalties, Obligations, Restrictions,

Officers to continue.

[*Local.*]

10 K

and

The River Tyne Improvement Act, 1850.

and Regulations in every respect, as if they had been respectively appointed under or by virtue of this Act: Provided always, that such Officers and Persons shall be subject to such Powers of Removal only as the Corporation possessed previous to the passing of this Act, and such Officers and Persons shall have and be entitled to such Compensation from the Commissioners as they would have been entitled to from the Corporation in case of Removal if this Act had not been passed.

For ap-
portioning
Salaries of
Officers.

XXVI. And be it enacted, That the Salaries of and other Payments to Persons who shall be and continue Officers of the Corporation, and also of the Commissioners, or who shall act in the Collection and Receipt of Tolls and Dues or otherwise for the Benefit of the Corporation and Commissioners, shall be justly apportioned between the Corporation and the Commissioners, and shall be payable as so apportioned out of the Funds of the Corporation and the *Tyne* Improvement Fund; and in case of any Disputes or Differences in respect of such Apportionment, the same shall be settled by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, for settling Cases of disputed Compensation, wherein the Amount claimed or offered exceeds Fifty Pounds, and that for such Purpose the Corporation shall be deemed and considered the Party claiming Compensation.

Commis-
sioners to be
Conservators
of the Port
and the
River.

XXVII. And be it enacted, That, after the Commencement and subject to the Provisions of this Act, the Commissioners shall be the Conservators of the Port and of the River, and the Conservancy of the Port and of the River is by this Act vested in the Commissioners, and all the Rights, Powers, Privileges, Authorities, Immunities, Duties, and Responsibilities whatsoever at the Time of the Commencement of this Act vested, had, claimed, exercised, enjoyed, performed, imposed, and obligatory, and which ought to be or might be exercised, enjoyed, and performed respectively, in, by, and on the Corporation by, under, and by virtue of the recited Acts or any of them, and any Grant and Prescription and otherwise howsoever with respect to the Conservancy of the Port and the River, and the Improvement, Maintenance, and Repair of the Port and the River, and the Quays, Banks, and Shores thereof, save so far as regards Rates, Tolls, and Dues, are by this Act and shall and may for ever after the Commencement thereof be vested, had, claimed, exercised, enjoyed, performed, imposed, and obligatory respectively in, by, and on the Commissioners, in like Manner, and as fully and effectually to all Intents and Purposes whatsoever, as the same respectively would or might be vested, had, claimed, exercised, enjoyed, performed, imposed, and obligatory respectively in, by, and on the Corporation if this Act had not passed; and such Acts, Grants, and Prescriptions respectively
accordingly

The River Tyne Improvement Act, 1850.

accordingly apply to the Commissioners instead of to the Corporation as if the same respectively had originally so applied, and also as if the Commissioners instead of the Corporation had from Time whereof the Memory of Man runneth not to the contrary been the lawful Conservators of the Port and of the River.

XXVIII. And be it enacted, That, except as is by this Act expressly enacted, the Corporation, and their Estates, Property, Effects, and Income whatsoever, shall, from and for ever after the Commencement of this Act, be wholly and absolutely freed and discharged from all the Duties, Responsibilities, Charges, and Incumbrances whatsoever which, under or by virtue of any Act or Acts of Parliament, or any Grant or Prescription, or by reason of any Act done by the Corporation as Conservators, or otherwise howsoever, were at the Time of the Commencement of this Act, or at any Time or Times theretofore, imposed, obligatory, or charged on the Corporation, or their Estates, Property, Effects, or Income, or any Part thereof, in respect of the Conservancy of the Port and River, and the Duties and Obligations by this Act transferred from the Corporation to the Commissioners: Provided always, that the Commissioners shall not be liable to repair and maintain the Town Quay at *Newcastle-upon-Tyne*.

Corporation freed from Responsibility in respect of the River.

XXIX. Provided always, and be it enacted, That this Act, or anything therein contained, shall not annul or in anywise prejudicially affect any Lease, Mortgage, Bond, Security, Contract, Covenant, Agreement, Licence, Act, Deed, Matter, or Thing whatsoever lawfully made, done, entered into, executed, or instituted by the Corporation before the Commencement of this Act, but (this Act or anything therein contained to the contrary notwithstanding) all such Leases, Mortgages, Bonds, Securities, Contracts, Covenants, Agreements, Licences, Acts, Deeds, Matters, and Things respectively shall be as good, valid, and effectual to all Intents and Purposes whatsoever for, against, and with reference to the Corporation, or, as the Case requires, the Commissioners, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes whatsoever, as if this Act had not passed, or, as the Case requires, the Commissioners, instead of the Corporation, had been party or privy thereto, or had executed the same, or had been named or referred to therein.

Contracts, &c. by Corporation to remain valid.

XXX. Provided always, and be it enacted, That the Authority of the Corporation or of the Commissioners to carry into execution this Act, or any of the Provisions thereof, is not dependent on the erecting or maintaining of any Watch-house, Boat-house, Hut, or Weighing Machine, or the providing or maintaining of any Tide-gauge or Barometer, or the Completion or Fitness of any Harbour, Dock, or Pier.

Authority of Corporation, &c. not dependent on Performance of certain Acts.

XXXI. Pro-

The River Tyne Improvement Act, 1850.

Commissioners not to appoint Constables without Consent, &c.

XXXI. Provided always, and be it enacted, That this Act, or anything therein contained, shall not authorize the Commissioners, without the previous Consent in every Instance of the River Watch Committee acting under the Authority of "The *Newcastle-upon-Tyne* Port Act, 1845," to appoint any Person to be a Special Constable.

Constables appointed by Commissioners not to interfere with Officers appointed by River Watch Committee.

XXXII. Provided always, and be it enacted, That any Person appointed by the Commissioners to be a Special Constable shall not exercise his Authority as a Special Constable so as in any Manner to prevent, obstruct, or interfere with the Execution by any Person appointed by the River Watch Committee a Superintendent or Police Constable for the Purposes of "The *Newcastle-upon-Tyne* Port Act, 1845," of any of his respective Duties under that Act; and every such Person who shall so prevent, obstruct, or interfere with the Execution of such Duty shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Commissioners to cause a Map of the Port to be made.

XXXIII. And be it enacted, That the Commissioners shall with all convenient Speed cause to be made a Map of the Area within the Limits of this Act, and of any adjoining Parts which they think it expedient for any of the Purposes of this Act to include in such Map, on a Scale of not less than Six Inches to a Mile, and with such Indications of Shoals, Banks, Levels of High and Low Water, Quays, Wharfs, Works, and other Particulars as they think expedient for any of those Purposes, or for the general Advantage of Persons resorting to the Port, or contributing to the Income of the Commissioners, and shall cause such Map to be from Time to Time copied, engraved, and published as they think proper, and shall from Time to Time cause such Map to be revised, and such Additions and Alterations to be made in and to the same as may be requisite, and the Date of every such Revision shall be expressed thereon; and every Map so made shall be kept in the chief Office for the Time being in *Newcastle-upon-Tyne* of the Commissioners, and the same or a Copy thereof shall at all seasonable Times be open to the Inspection of all Persons interested in the Navigation of the Port, and the Owners and Occupiers of all Lands fronting the Tidal Waters within the Port: Provided always, that the Charge for any One published Copy of the Map shall not exceed One Shilling.

Map to be deposited, and open to Inspection.

Vessels to be supplied for dredging and other Purposes of this Act.

XXXIV. And be it enacted, That the Commissioners from Time to Time, if and when they deem it necessary or expedient, may build, purchase, hire, and employ such Vessels to be worked by Steam or otherwise, at their Discretion, for dredging, scouring, cleansing, and deepening the Bed of the River, so far as they lawfully can or may, and such other Vessels and Machinery to be used for any other of the Purposes of this Act, as they think fit, and may use such Vessels accordingly.

XXXV. And

The River Tyne Improvement Act, 1850.

XXXV. And be it enacted, That the Commissioners may from Time to Time make such Bye Laws as they think fit for regulating the Removal and Disposal of all Ballast brought by Vessels entering the Port, and for regulating the Supply of all such Stone, Gravel, or other Materials as may be necessary or useful for supplying Ballast to Vessels frequenting the Port.

Bye Laws as to Removal and Disposal of Ballast.

XXXVI. And be it enacted, That all Ballast supplied to any Vessel in the Port, if such Vessel be lying at any Ballast Wharf, shall be brought in Carts, Waggon, Trucks, or other Apparatus to such Ballast Wharf, and thence immediately thrown into such Vessel by the Crew or other Persons employed by the Master of such Vessel, or, if such Vessel be not lying at any Ballast Wharf, shall be brought in a proper and sufficient Ballast Lighter to the Side of such Vessel, and thence immediately thrown into such Vessel by such Crew or other Persons.

Ballast to be brought to Sides of Vessels, and thrown in immediately.

XXXVII. And be it enacted, That if the Master of any Ballast Lighter employed to receive or take Ballast from any Vessel, or to remove or discharge any Ballast, or to take up or dredge for Ballast in the Port, discharge or deposit the Ballast at, or take up any Ballast in or from, any other Part of the Port than such Part thereof as the Commissioners or the Officer by them authorized for that Purpose from Time to Time lawfully direct, such Master shall for every such Offence, and over and besides any other Penalty hereby imposed for such Offence, forfeit any Sum not exceeding Ten Pounds.

Penalty on Masters of Lighters improperly discharging or taking up Ballast.

XXXVIII. And be it enacted, That if any Person cast or unload into or out of any Vessel in the Port, or if any Person having the Command of any Vessel in the Port knowingly permit to be cast or unloaded into or out of the same, any Ballast or Rubbish, and such respective Person have not a Wooden Stage or Portsail sufficiently large, properly fastened during the whole Time of such casting or unloading from the Vessel into or out of which such Ballast or Rubbish is to be cast or unloaded to the upper Edge or highest Part of the Wharf, Staith, or Quay; or to the other Vessel, into, from, or upon which such Ballast or Rubbish is to be cast or unloaded, and so as to prevent any such Ballast or Rubbish from falling into the River, every such Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings for the first Offence, and any Sum not exceeding Five Pounds for every like subsequent Offence.

Penalty for casting Ballast or Rubbish without a Portsail.

XXXIX. And be it enacted, That if any Tenant or Occupier of any Wharf, Staith, or Quay adjoining the River permit any Ballast or Rubbish cast or placed thereon after the same is cast or placed thereon, and the Apparatus used in casting or placing the same is

Occupiers of Wharfs not to allow Ballast to remain near

[Local.]

10 L

removed,

The River Tyne Improvement Act, 1850.

the Edge of
the Wharf.

removed, to be or remain on and within Three Feet of the Edge of such Wharf, Staith, or Quay, or cause or suffer any such Ballast or Rubbish to be cast or placed in or so near to any Runner or Water-course upon or adjoining such Wharf, Staith, or Quay as that such Ballast or Rubbish, or any Part thereof, is or may be washed into the River to the Prejudice thereof, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on
placing Bal-
last too near
the River.

XL. And be it enacted, That if any Tenant or Occupier of any Ballast Quay adjoining the River, without the Consent of the Commissioners, lay or place any Heap of Ballast or Rubbish upon such Quay within Ten Yards of the Edge or Front thereof, or if any Tenant or Occupier of any other Wharf, Staith, or Quay, or any Land adjoining the River, without such Consent, lay or place any Heap of Ballast or Rubbish upon such Wharf, Staith, Quay, or Land within Twenty Yards of the High-water Mark, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commission-
ers Officers
may remove
Ballast.

XLI. And be it enacted, That in case the Tenant or Occupier of any Wharf, Staith, Quay, or Land adjoining the River whereon any Ballast or Rubbish is cast or placed refuse or neglect to remove the same from such Wharf, Staith, Quay, or Land within One Week after the casting or placing of the same thereon, the Engineer of the Commissioners and such other Persons as they or he appoint may remove all or any Part of such Ballast or Rubbish to such Places as the Commissioners or such Engineer think fit, and may dispose of the same as the Commissioners think fit, and the Charges of removing and disposing of the same shall be paid by such respective Tenant or Occupier, and in case of Refusal or Neglect to pay the same, on Demand, shall be recoverable as Penalties may by this Act be recovered.

Ballast, &c.
not to be
cast into the
Tyne or the
Sea within
specified
Limits.

XLII. And be it enacted, That if any Officer of the Commissioners or any other Person whosoever, under any Pretence whatever, save in the Execution of Works properly authorized, cast or unload any Ballast or Rubbish into the River *Tyne*, or into *Shields* Harbour within the Port, or into the Sea within Two Miles of the Bar at the Mouth of the River *Tyne*, or into the Sea in any Part thereof where the Depth is less than Ten Fathoms at Low Water, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Power for
Commis-
sioners to
dispose of
Ballast, &c.

XLIII. And be it enacted, That the Commissioners may use and dispose of in such Manner as they think proper the Stones, Gravel, Sand, Soil, and other Materials dug or dredged by them from the
River,

The River Tyne Improvement Act, 1850.

River, and all Ballast and Rubbish removed by them under the Authority of this Act.

XLIV. And to the end that such Carts, Waggon, Trucks, or other Apparatus and Ballast Lighters as are employed in receiving or supplying Ballast or Rubbish be not employed or detained longer than is necessary, be it enacted, That in case the Master or Crew of any Vessel refuse or neglect to take in or cast out the Ballast or Rubbish of or for such Vessel so as to occasion any unreasonable or unnecessary Delay therein to any Cart, Waggon, Truck, or other Apparatus or Ballast Lighter employed to receive or supply Ballast or Rubbish from or to such Vessel, the Master of such Vessel shall for every such Offence forfeit any Sum not exceeding Five Shillings for every Hour during which such Cart, Waggon, Truck, or other Apparatus or Ballast Lighter is by or in consequence of such Neglect or Default so detained.

Penalty for
delaying
Ballast
Lighters,
Carts, &c.

XLV. And be it enacted, That after the Commencement of this Act the Corporation, or any Person acting under their Authority, shall not demand for or in respect of the conveying or receiving of Ballast within the Port any Dues exceeding One Shilling and Fourpence *per* Ton, exclusive of a reasonable Charge for filling the Ballast Tubs, and for Cranage where a Crane is used for delivering Ballast.

Maximum
Ballast Dues.

XLVI. And be it enacted, That the Corporation shall from Time to Time, upon the Request of the Commissioners, change the Dues to be demanded for or in respect of the conveying or receiving of Ballast within the Port; provided always, that those Dues shall not in any Case exceed the Amount authorized by this Act: Provided also, that at least One Month's Notice by Advertisement in Two or more Newspapers published and circulating in *Newcastle-upon-Tyne*, and otherwise as the Corporation and the Commissioners think fit, shall before any such Change takes effect be given thereof.

Power to
vary Ballast
Dues.

XLVII. And be it enacted, That the Corporation, with the Consent of the Commissioners, may from Time to Time lower all or any of the Import Dues, and the Dues called respectively Groundage, Plankage, and the Ship and Boat Dues, and after any such Dues have been lowered the same shall not be raised again, and after the Debt of Sixty-seven thousand three hundred and forty-nine Pounds by this Act charged upon the *Tyne* Improvement Fund is discharged the Commissioners may from Time to Time require the Corporation to lower those Dues or any of them as the Commissioners think proper, and the Corporation shall lower the same accordingly: Provided always, that at least One Month's Notice by Advertisement in Two or more Newspapers published and circulating in *Newcastle-*

Power to
lower Import
Dues, and
Groundage,
Plankage,
and Ship and
Boat Dues.

upon-

The River Tyne Improvement Act, 1850.

upon-Tyne, and otherwise as the Corporation and the Commissioners think fit, shall before any such lowering takes effect be given thereof.

Tyne Im-
provement
Fund.

XLVIII. And be it enacted, That from and after the Commencement of this Act, first, all the Dues from Time to Time paid to the Corporation in respect of Ballast brought into or delivered in the Port, and all the Ballast Office Dues from Time to Time paid to the Corporation, but after paying, deducting, allowing, or satisfying out of such Dues respectively all the Costs, Charges, Losses, Damages, and Expenses of and incident to the recovering, collecting, and receiving of the same respectively, and all Charges, Claims, and Demands thereon respectively, or on or against the Corporation under or by virtue of any Leases, Contracts, and Agreements made by or with the Corporation before the First Day of *January* One thousand eight hundred and fifty of or in any way affecting or relating to the same Dues respectively, or concerning the conveying, Delivery, or receiving of any Ballast in the Port; and, secondly, all the Import Dues, after paying, deducting, allowing, or satisfying out of the same all the Costs, Charges, Losses, Damages, and Expenses of and incident to the recovering, collecting, and receiving of the same; and, thirdly, all the Dues called respectively Groundage, Plankage, and the Ship and Boat Dues from Time to Time paid to the Corporation, but after paying, deducting, allowing, or satisfying thereout all the Costs, Charges, Losses, Damages, and Expenses of and incident to the recovering, collecting, and receiving of the same, and the several Payments made in pursuance of "*The Newcastle-upon-Tyne Port Act, 1845*;" and, fourthly, Three Eighth Parts of all the Coal Dues from Time to Time paid to the Corporation, after paying, deducting, allowing, or satisfying out of the aggregate Amount of such Dues all the Costs, Charges, Losses, Damages, and Expenses of and incident to the recovering, collecting, and receiving of the same, shall from Time to Time be carried by the Treasurer for the Time being of the Borough of *Newcastle-upon-Tyne* to the Credit of a separate and distinct Account, to be called "*The Tyne Improvement Fund Account*;" and the Monies from Time to Time carried and to be carried, as directed by this Act, to such Account shall, subject to the Provisions of this Act, be the Fund for the Payment of the Expenses of carrying this Act into execution by the Commissioners, and shall be called "*The Tyne Improvement Fund*."

Apportion-
ment of
92,000*l.* due
from the
Corporation
between the
Corporation
and the Com-
missioners.

XLIX. And whereas the Corporation have from Time to Time borrowed at Interest, under the Authority of the recited Acts of the First and the Fourth and Fifth Years of the Reign of Her present Majesty, various Sums of Money, and the aggregate Principal Debt or Sum of Ninety-two thousand Pounds which has been so borrowed, bearing Interest, now remains unpaid: And whereas the Monies so borrowed were

The River Tyne Improvement Act, 1850.

were expended by the Corporation in the Extension of the public Quay, and the Improvement of the River, and partly for other Purposes authorized by the recited Acts or some of them: And whereas the Corporation are willing that such aggregate Principal Sum or Debt, and the Interest thereon, should, as between the Corporation and the Commissioners, be borne and paid as to the Principal Sum of Sixty-seven thousand three hundred and forty-nine Pounds, Part thereof, and the Interest on such Principal Sum, by the *Tyne* Improvement Fund, and as to the Principal Sum of Twenty-four thousand six hundred and fifty-one Pounds, Residue thereof, and the Interest on such Principal Sum, by the Borough Fund and the other Property and Income of the Corporation: Be it therefore enacted, That, subject to the Provisions of this Act, and as between the Corporation and the Commissioners, the Principal Sum of Sixty-seven thousand three hundred and forty-nine Pounds, Part of such aggregate Principal Sum or Debt, and the Interest on such Principal Sum, shall be borne and paid exclusively by the *Tyne* Improvement Fund, and the Commissioners shall to the full Extent of the same Fund indemnify and save harmless the Corporation from and against such Principal Sum of Sixty-seven thousand three hundred and forty-nine Pounds, and the Interest from the Commencement of this Act thereon, and all Claims and Demands in respect of such Principal Sum and Interest respectively; and the Principal Sum of Twenty-four thousand six hundred and fifty-one Pounds, Residue of such aggregate Principal Sum or Debt, and the Interest on such Principal Sum, shall be borne and paid exclusively by the Borough Fund and the other Property and Income of the Corporation, and the Corporation shall to the full Extent of such Borough Fund, Property, and Income indemnify and save harmless the Commissioners from and against the Interest up to the Commencement of this Act on such aggregate Principal Sum or Debt, and such Principal Sum of Twenty-four thousand six hundred and fifty-one Pounds, and the Interest from the Commencement of this Act thereon, and all Claims and Demands in respect of such Interest and Principal Sum and Interest respectively.

L. And be it enacted, That the Corporation shall furnish to the Commissioners a List of Creditors holding Securities for the said Sum of Sixty-seven thousand three hundred and forty-nine Pounds; and it shall be obligatory on the Commissioners gradually to discharge, either out of their Funds or by means of reborrowing under the Powers of the Companies Clauses Consolidation Act herein-before incorporated with this Act, the Principal of the said Debt of Sixty-seven thousand three hundred and forty-nine Pounds and the Interest thereon, or so much of such Sum and Interest as shall be required by the Holders of such Securities to be paid off, so that the whole or the

Corporation to furnish the Commissioners a List of Creditors holding Securities for the Sum of 67,349*l.*; which the Commissioners shall pay off within Ten Years.

[*Local.*]10 *M*

Part

The River Tyne Improvement Act, 1850.

Part thereof so required to be paid off shall be discharged within the Space of Ten Years from the passing of this Act.

Income of Commissioners to be carried to Credit of Tyne Improvement Fund.

LI. And be it enacted, That all Monies borrowed or otherwise raised by the Commissioners under the Authority of this Act, and all Damages, Penalties, and other Sums of Money and Income whatsoever received by or for the Use or Benefit of the Commissioners with reference to the Provisions or Purposes of this Act, or in carrying this Act into execution, shall be paid to the Credit of the *Tyne Improvement Fund*.

Liabilities of Commissioners to be borne by Tyne Improvement Fund.

LII. And be it enacted, That all Monies paid or expended by the Commissioners for or with reference to the Execution of this Act, or any of the Provisions or Purposes thereof, and all the Debts, Liabilities, and Engagements whatsoever incurred and entered into respectively by the Commissioners for or with reference to the Execution of this Act, or any of the Provisions or Purposes thereof, and all other the Costs, Charges, Losses, Damages, and Expenses whatsoever paid or incurred by the Commissioners with reference to the Conservancy of the Port and the River, and the Execution of this Act, or any of the Provisions or Purposes thereof, shall be borne and paid by and out of the *Tyne Improvement Fund*.

Contract by Corporation with Sir W. A. Maxwell, Bart., to be performed at Expense of Tyne Improvement Fund.

LIII. And whereas the Corporation for the Purpose of the Execution by them of certain Works for the Improvement of the River lately contracted with Sir *William Alexander Maxwell* Baronet for the Purchase of certain Lands at *Howdon* in the Parish of *Wallsend* in the County of *Northumberland*: Be it enacted, That the Corporation may with all convenient Speed complete that Contract, and the Costs, Charges, and Expenses of and incident to that Purchase shall be defrayed out of the *Tyne Improvement Fund*: Provided always, that the Corporation shall hold the same Lands for the Purposes of this Act, and shall, when required by the Commissioners, sell such Lands or any Part thereof not wanted for the Purposes of this Act; and the Purchase Money, and the Rents and annual Profits of such Lands until the same shall be sold, shall be carried to the Credit of the *Tyne Improvement Fund*.

Five Eighths of Duties on Coals, &c. to be paid to Borough Fund.

LIV. And be it enacted, That after the Commencement of this Act the Five Eighth Parts not by this Act directed to be carried to the Credit of the *Tyne Improvement Fund* of all the Coal Dues from Time to Time paid to the Corporation, after paying, deducting, allowing, or satisfying out of the aggregate Amount of such Dues all the Costs, Charges, Losses, Damages, and Expenses of and incident to the recovering, collecting, and receiving of the same, and also the Package Duties and Dues for the Use of Sheds on the Quay, shall

The River Tyne Improvement Act, 1850.

from Time to Time be carried by the Treasurer to the Credit of the Borough Fund, and shall, as Part of the Borough Fund, be applicable generally for the Purposes to which the Borough Fund is by Law applicable, and shall be exempted from all Liability in respect of the Conservancy or the Maintenance and Repair of the Port and River, and the Quays, Banks, and Shores thereof, save the public Quay of *Newcastle-upon-Tyne*.

LV. And be it enacted, That the Package Duties and the Dues for the Use of Sheds on the Quay shall be received by the Corporation, and shall be chargeable with and in the first instance applicable to the Maintenance and Repair of the public Quay of *Newcastle-upon-Tyne*.

Package Duties, &c. applicable to the Repair of public Quay of Newcastle.

LVI. And be it enacted, That the Commissioners may from Time to Time borrow and take up at Interest, on the Credit of the *Tyne Improvement Fund*, such Sums of Money as they from Time to Time think necessary, not exceeding in the whole the Sum of Thirty thousand Pounds, in addition to the Sum by this Act charged upon the *Tyne Improvement Fund*, and may, for the Purpose of securing the Repayment of the Money so borrowed, with Interest for the same, (but subject to the said Charge of Sixty-seven thousand three hundred and forty-nine Pounds, and the Interest thereon,) mortgage such Fund to the Persons who advance such Money, or their respective Trustees: Provided always, that the Commissioners shall not secure any such Money by Bond.

Power for Commissioners to borrow Money for Improvement Purposes.

LVII. Provided always, and be it enacted, That when the Mayor, Aldermen, and Burgesses of *Tynemouth*, or the Mayor, Aldermen, and Burgesses of *Gateshead*, or the Improvement Commissioners, or the Mayor, Aldermen, and Burgesses of *South Shields* (if *South Shields* be constituted a Municipal Corporation), shall have opened within their respective Boroughs a Quay of not less than One hundred Yards in Length for the Use of the Public, subject to the Payment of Quay Dues thereat to the Parties erecting such Quay, the Goods, Wares, and Merchandize landed thereat shall thenceforth be exempted from the Payment of One Half of the Dues which are described in this Act as the Import Dues.

When Quays are erected at Tynemouth, South Shields, or Gateshead, Half of the Import Dues only to be payable.

LVIII. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of *Gateshead*, *Tynemouth*, or *South Shields*, or for the Improvement Commissioners, to receive and take from any Vessel within the Port any Ballast to be employed in the Construction of the said last-mentioned Quays, or in any Repairs thereof, and for the Corporation to take from any Vessel within the Port any Ballast to be employed in the Construction or Repair of or any Addition to the public Quay of *Newcastle-upon-Tyne*, without any

As to Ballast for Quays.

Licence

The River Tyne Improvement Act, 1850.

Licence from the Commissioners, who shall, out of the Ballast Dues payable in respect of such Ballast, allow for receiving, conveying, and depositing the same after the Rate of One Shilling *per* Ton.

Corporation not to claim Compensation for Soil on which Quays erected.

LIX. And be it enacted, That the Corporation shall not be entitled to Compensation for any Right or Interest which they may have or claim to have in that Part of the Bed and Soil of the River or Foreshore thereof upon which such respective Quays may be constructed.

So much of recited Act as relates to landing Goods only at Newcastle-upon-Tyne repealed.

LX. And be it enacted, That from and immediately after the passing of this Act so much of the recited Act of the Twenty-first Year of the Reign of King *Henry* the Eighth as prohibits or may be construed to prohibit the shipping, loading, or unloading, charging or discharging, of any Manner of Goods, Wares, or Merchandize in or at any Place or Places within the Port, River, and Haven other than at the Town of *Newcastle-upon-Tyne*, is hereby repealed.

Saving Rights, Estates, &c. of Corporation.

LXI. Provided always, and be it enacted, That, subject to the Liabilities on the Corporation by this Act expressly imposed, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any Estate, Right, or Interest whatsoever of the Corporation of, in, or to the Soil of the Port and River, or lessen or prejudice any of the Estates, Lands, Property, and Effects of the Corporation, or any of the Tolls, Rates, Dues, Duties, Rents, Issues, Profits, or other Income whatsoever of or payable to the Corporation, or any of the Powers, Authorities, Franchises, Customs, Usages, Immunities, Rights, or Privileges of the Corporation.

Saving Rights of Lords of Manors and Landowners.

LXII. Provided always, and be it enacted, That, except as is by this Act expressly enacted, any Power created or given by this Act shall not be exercised so as in any Manner to defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the Consent of such Lord or Owner in Writing under his Hand for that Purpose first had and obtained; and, except as aforesaid, this Act or anything therein contained shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Lord or Owner.

Saving Rights of the Duke of Northumberland.

LXIII. And be it enacted, That, except as is by this Act expressly provided for the Purpose of carrying this Act into execution, this Act or anything therein contained shall not take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments,

The River Tyne Improvement Act, 1850.

ments, or Advantages whatsoever of or belonging to the Most Noble *Algernon Duke of Northumberland*, his Heirs, Assigns, or Successors, in the Barony of *Alnwick*, and the Manors of *Tynemouth*, *Warkworth*, and *Alnmouth*, or any of them, as Lord or Lords thereof respectively, or as Grantee or Grantees of the Crown or otherwise, or of any future Lords or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said *Algernon Duke of Northumberland*, his Heirs or Assigns, as such Grantee or Grantees as aforesaid, or as the Assigns of such Grantee or Grantees as aforesaid, or otherwise, in or to the Bed and Soil, Banks and Shores of the River *Tyne*, or any Part thereof, or any Right of the said *Algernon Duke of Northumberland*, his Heirs, Successors, or Assigns, to prefer, commence, or prosecute any Proceedings or Claims which he or they may be advised to prefer, commence, or prosecute in respect of the Damage, if any, which may have accrued or which may hereafter accrue to the said *Algernon Duke of Northumberland*, his Heirs, Successors, or Assigns, by reason of the Construction of a certain Quay and Works at *Willington*, within the Port, but that all such Property, Royalties, Rights, Titles, Estates, Interest, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act had not passed.

LXIV. And be it enacted, That in case any Person or Persons shall recover Damages against the Corporation by reason of the Construction of any Quay or Works by the Corporation as Conservators, or with the Object of improving the Navigation of the River *Tyne*, or any Act done by the Corporation as Conservators, or in case any of the Persons to whom the said Principal Sum of Sixty-seven thousand three hundred and forty-nine Pounds is due shall recover any Part thereof or of the Interest thereof against the Corporation, it shall be lawful for the Corporation to ask, demand, recover, and receive from and against the Commissioners all such Sum and Sums of Money as they shall be called upon to pay in respect of such Damages, Principal Sum, or Interest.

If Damages recovered against the Corporation by reason of Works, &c. Corporation may recover of Commissioners.

LXV. Provided always, and be it enacted, That this Act or anything therein contained shall not take away, lessen, prejudice, alter, or affect any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commission of Sewers, or the Commissioners appointed under any local or private Act of Parliament for Sewers or Drainage.

Saving Rights of Commissioners of Sewers.

[Local.]

10 N

LXVI. And

The River Tyne Improvement Act, 1850.

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

LXVI. And be it enacted, That this Act or anything therein contained shall not prejudice or affect the Right or Title of the Corporation of the Master, Pilots, and Seamen of the *Trinity House of Newcastle-upon-Tyne*, or the Members thereof, to any Rights, Powers; Privileges, Immunities, Authorities, Tolls, Dues, Duties, or Sum of Money to which that Corporation or any Member or Members thereof are now entitled.

Saving of
Rights of the
Dean and
Chapter of
Durham.

LXVII. Provided always, and be it enacted, That, except as is by this Act expressly enacted, this Act or anything therein contained shall not defeat, lessen, prejudice, or affect the Rights of the Dean and Chapter of the Cathedral Church of *Durham* as Lords of the Manor of *Westoe* otherwise *Wivestoe* in the County of *Durham*.

Saving
Rights of the
Crown.

LXVIII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Corporation or Commissioners to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

General
Saving.

LXIX. Provided always, and be it enacted, That, except as is by this Act expressly enacted, this Act or anything therein contained shall not defeat, lessen, prejudice, alter, or affect the Rights and Privileges of any of the Freemen of the Borough, or any of the Lessees and Grantees of the Corporation, or any other Person or Body Politic, Corporate, or Collegiate whatsoever, his or their Successors, Heirs, Executors, Administrators, or Assigns, in any respect whatsoever.

Expenses of
Act.

LXX. And whereas a Bill was brought into Parliament in the present Session, intituled "The *Tyne* River Conservancy Bill," the Promoters of which have concurred in the Provisions of this Act: Be it enacted, That all the Costs, Charges, and Expenses incurred by the Corporation in applying for, obtaining, and passing this Act, or preparatory or incident thereto, or in relation to the *Tyne* River Conservancy Bill, and all the Costs, Charges, and Expenses incurred by the Promoters of the said *Tyne* River Conservancy Bill in respect of the same Bill, or preparatory or incident thereto, or in relation to this Act, shall be charged upon the *Tyne* Improvement Fund; and

The River Tyne Improvement Act, 1850.

the same Costs, Charges, and Expenses respectively, having been first duly taxed, shall be paid by the Commissioners out of the first Monies received by them for the Purposes of this Act.

LXXI. And be it enacted, That this Act is a Public Act, and Public Act. shall be judicially taken notice of as such.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.

