



ANNO DECIMO OCTAVO & DECIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap. cxxvi.*

An Act for the Improvement, Maintenance, and Regulation of the Port of *Hartlepool*, for the Construction of a Harbour of Refuge there, and for other Purposes. [16th July 1855.]

**W**HEREAS by the "*Hartlepool Pier and Port Act, 1851*," 14 & 15 Vict. c. cxvii.  
(in this Act called the Act of 1851,) the Local and Personal Acts of 53 George III. Cap. 35, 2 William IV. Cap. 68, 1 Victoria, Cap. 78, and 8 & 9 Victoria, Cap. 139, relating to the Pier and Port of *Hartlepool*, were repealed, and Provision was made for the Construction of a Pier and the Execution of other Works at *Hartlepool*: And whereas the Commissioners under the Act of 1851 have proceeded to put the same into execution: And whereas it would be of great public Advantage that additional Works should be constructed, and that the Works authorized by the Act of 1851 should be so varied and partly abandoned as to form, with the additional Works hereby authorized, a safe and commodious Harbour of Refuge in the Bay of *Hartlepool*: And whereas the Works by this Act authorized would tend to improve the Trade of the Port and of the Towns of *Hartlepool* and *West Hartlepool*, and the Docks adjacent thereto respectively: And whereas by the Local Act of the Fourteenth Year of Her present Majesty, Chapter Sixteen, the Mayor, Aldermen, and Burgesses of the Borough of *Hartlepool* were (by Section Forty-eight, 14 & 15 Vict. c. xvi.  
[*Local.*] 21 Z eight,

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eight) authorized to demand the Tolls therein specified, and were (by Section Fifty) empowered to apply those Tolls for the Purpose of upholding the Town Walls of *Hartlepool*, and any Surplus thereof for the Protection of the Heugh and Headland of *Hartlepool* from the Inroads of the Sea: And whereas it is expedient that the Provisions of that Local Act with respect to those Tolls should be repealed, and that in lieu thereof the Commissioners should be empowered to levy and apply such Tolls for Harbour Purposes and the Benefit of Shipping using the Port: And whereas the Mortgage Debt of the Commissioners is Twenty-one thousand three hundred Pounds, or thereabouts: And whereas it is expedient that the Commissioners be authorized to borrow further Monies, and in order thereto that the Tolls, Duties, Dues, and Rates by this Act authorized be granted: And whereas it is expedient that some of the Provisions of the Act of 1851 be amended, and further Powers be vested in the Commissioners, which would be most conveniently effected if that Act were repealed, and some of the Provisions thereof re-enacted, and other Provisions made: And whereas those 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, 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:

## Short Title.

I. This Act may be cited for any Purpose as "*Hartlepool Port and Harbour Act, 1855.*"

Commence-  
ment of  
Act.

II. This Act shall commence and have effect on and from the Fourth *Wednesday* next after the passing thereof.

Interpreta-  
of Terms.

III. The following Words and Expressions have in this Act the following Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; to wit,

"The present Commissioners" means the Commissioners acting under the Act of 1851:

"The Commissioners" means the Commissioners incorporated by this Act:

"The East Dock" means the Works and Property at *Hartlepool* from Time to Time vested in, belonging to, or in the Possession of the *Hartlepool* Dock and Railway Company or their Lessees:

"The West Dock" means the Works and Property at *West Hartlepool* from Time to Time vested in, belonging to, or in the Possession of the *West Hartlepool* Harbour and Railway Company:

"The East Dock Commissioners," "the West Dock Commissioners," and "the Shipowners Commissioners," respectively, mean such



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such of the present Commissioners as were elected under the Act of 1851, by the East Dock Company, the West Dock Company, and the registered Shipowners respectively, and in Office at the Commencement of this Act, and such of the Commissioners as are from Time to Time elected under this Act by those Three Bodies respectively :

“ The *Hartlepool* Commissioner ” means the Commissioner from Time to Time elected under this Act by the *Hartlepool* Corporation :

“ The *West Hartlepool* Commissioner ” means the Commissioner from Time to Time elected under this Act by the *West Hartlepool* Improvement Commissioners, or, as the Case may be, by any Body superseding the *West Hartlepool* Improvement Commissioners, or by the *West Hartlepool* Corporation :

“ The Official Commissioners ” means the Commissioners from Time to Time appointed under this Act by the Board of Trade :

“ Elective Commissioners ” means the East Dock Commissioners, the West Dock Commissioners, the Shipowners Commissioners, the *Hartlepool* Commissioner, and the *West Hartlepool* Commissioner :

“ Ballast ” includes all Substances used as Ballast :

“ Ballast Lighter ” means any Vessel for receiving or conveying Ballast :

“ Rubbish ” includes Ballast, Wreck, Ashes, Filth, Refuse, and other waste Matters whatsoever :

“ Quarter Sessions ” means the General Quarter Sessions for the County of *Durham* :

“ The Admiralty ” means the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral :

“ The *Trinity House* ” means the Corporation of the *Trinity House* of *Deptford Strond*.

IV. The Port of *Hartlepool* in the County of *Durham* (in this Act called the Port) shall for the Purposes of this Act extend along the Sea Shore from the South Side of the Town of *Seaton Carew* in that County as far as *Blackhalls* on the North of the Town of *Hartlepool*, and to Two Miles seaward parallel to and co-extensive with that Portion of the Sea Shore, and shall include all Places where the Sea flows and reflows within those Limits, and all the Lands, Buildings, and Works within or near to those Limits from Time to Time vested in or under the Control of the Commissioners.

Limits of  
Port.

V. The Harbour of *Hartlepool* in the County of *Durham* (in this Act called “ the Harbour ”) shall include all such Parts of the Port, except the East Dock and the West Dock, as are within the Limits of Deviation

Limits of  
Harbour.

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Deviation for the Piers, Breakwaters, and Works of the Harbour shown on the Plan deposited for the Purposes of this Act with the Clerk of the Peace for the County of *Durham*.

Saving  
Rights of  
Duke of  
Cleveland's  
Trustees and  
Dock Com-  
panies.

VI. Provided always, That this Act shall not take away, lessen, prejudice, or interfere with the Rights (if any) existing immediately before the passing of this Act of the Trustees under the Will of the late *William Harry Duke of Cleveland*, their Heirs or Assigns, in or adjoining the *Slake*, or with the Works or Property of the East Dock Company or of the West Dock Company, or with their respective Rights existing immediately before the passing of this Act with respect to their respective Works or Property.

8 & 9 Vict.  
s. 18. incor-  
porated.

VII. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act.

Certain  
Parts of  
10 & 11 Vict.  
c. 16. incor-  
porated.

VIII. "The Commissioners Clauses Act, 1847," except Sections 12, 13, 54, and 85 thereof, is incorporated with this Act: Provided always, that the Clauses, "with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Classes of Electors," of that Act, shall apply only to the Shipowners Commissioners: Provided also, that those Clauses shall have Effect as if the Shipowners Commissioners were Commissioners going out of Office yearly by Rotation.

10 & 11 Vict.  
c. 27. incor-  
porated.

IX. "The Harbours, Docks, and Piers Clauses Act, 1847," except Sections 25, 26, 31, 37, 38, 39, 40, 41, 42, 45, and 47 thereof, is incorporated with this Act; and the Expression "the Harbour, Dock, or Pier," in that Act, means for the Purposes of this Act the Port, Harbour, Piers, Works, and Sea within the Jurisdiction of the Commissioners; and the Clauses thereof "with respect to the Byelaws made by the Undertakers" apply to the several Byelaws by this Act authorized.

Commis-  
sioners not  
bound to  
provide Life-  
boat, &c.,  
until re-  
quired by the  
Admiralty.

X. Provided always, That nothing in this Act, or in "The Harbours, Docks, and Piers Clauses Act, 1847," contained, shall compel the Commissioners to provide and maintain any Lifeboat, or Mortar and Rockets, or Crew for the same respectively, or any Tide Gauge and Barometer, unless and until they be required so to do by the Admiralty or the Board of Trade, by Writing under the Hand of the Secretary of the Admiralty, or, as the Case may be, of the Board of Trade, and then only to the Extent stated in such Requisition, and authorized by the Harbours, Docks, and Piers Clauses Act, 1847; and the Authority of the Commissioners to carry into execution the several Powers and Provisions of this Act shall not be dependent on providing or maintaining any Lifeboat, Mortar and Rockets, or Crew  
for



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for the same, or any Tide Gauge or Barometer, or on the Completion of the Harbour and Works by this Act authorized.

XI. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided always, that the Expression "Superior Courts" in those Acts includes for the Purposes of this Act County Courts, with respect to Matters by Law declared to be within the Jurisdiction thereof.

Same Meanings to Words, &c., in incorporated Acts and this Act.

XII. On and after the Commencement of this Act, but subject to the Provisions thereof, the *Hartlepool Pier and Port Act, 1851*, shall be repealed.

Recited Act repealed.

XIII. Provided always, That, notwithstanding such Repeal, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under that Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to or consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the present Commissioners: Provided also, that the Generality of the preceding Provision shall not be restricted by any of the Clauses and Provisions of this Act.

General Provision for Protection of Rights under Act hereby repealed.

XIV. Notwithstanding such Repeal, all the Provisions of any and every Act of Parliament (other than the repealed Act) in favour of or relating to the present Commissioners and their Officers and Servants respectively, and on the Commencement of this Act in force, shall be of the like Force and Effect as if such Repeal had not happened, and may be exercised, enforced, and enjoyed by and against the Commissioners and their Officers and Servants respectively in as full and beneficial a Manner, to all Intents and Purposes, as the same respectively might be exercised, enforced, and enjoyed by and against the present Commissioners and their Officers and Servants respectively if this Act were not passed.

Provisions in Acts of Parliament relating to the Commissioners to remain in force.

XV. Notwithstanding such Repeal, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and

Conveyances, &c. to remain in force.



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and other Acts and Things before the Commencement of this Act made, done, entered into, executed, or instituted under or by virtue of the repealed Act, or with reference to the Purposes thereof, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Commissioners, as if the same had been made, done, entered into, executed, or instituted by, to, or with reference to the Commissioners instead of the present Commissioners, and may be proceeded on and enforced in like Manner, to all Intents and Purposes, as if the Commissioners had been Party to and executed the same, or had been named or referred to therein, instead of the Party actually named or referred to therein respectively.

Actions, &c.  
not to abate.

XVI. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the present Commissioners before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Commissioners respectively, in the same Manner, to all Intents and Purposes, as if this Act were not passed.

Rates due at  
Commence-  
ment of Act  
to be reco-  
verable by  
Commis-  
sioners.

XVII. Notwithstanding such Repeal, all Tolls, Rates, Dues, and Duties which shall immediately before the Commencement of this Act be due and payable or accruing to the present Commissioners shall be payable to and may be collected and recovered by the Commissioners in like Manner as the Tolls under this Act.

Debts due to  
and by the  
present Com-  
missioners to  
be paid to  
and by the  
Commis-  
sioners.

XVIII. Notwithstanding such Repeal, all Persons who shall immediately before the Commencement of this Act owe any Sum of Money to the present Commissioners, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Commissioners; and all Debts and Monies which immediately before the Commencement of this Act shall be due or owing by or recoverable from the present Commissioners, or for the Payment of which the present Commissioners shall be or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Commissioners.

Byelaws,  
&c. to  
remain in  
force.

XIX. Notwithstanding such Repeal, all Byelaws, Resolutions, Notices, and Proceedings of the present Commissioners, made and taken before the Commencement of this Act, shall for the Purposes of this Act continue of full Force and Effect as if this Act were not passed, and such Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly.

XX. Not-

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XX. Notwithstanding such Repeal, all Books, Writings, and Documents by the repealed Act authorized or directed to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity or elsewhere accordingly.

Books, &c.  
to continue  
Evidence.

XXI. Notwithstanding such Repeal, every Officer and Servant appointed by virtue of or acting under the repealed Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed from such Office and Employment; and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Officers to  
continue.

XXII. On and after the Commencement of this Act, Sections 48 and 49, and so much of Sections 50, 51, 52, and 53 as relates to the Application of the Tolls mentioned in Sections 48 and 49 of the secondly recited Local Act of the Fourteenth Year of Her present Majesty, shall be repealed.

Certain Sec-  
tions of re-  
cited Act,  
14 & 15 Vict.  
c. xvi. re-  
pealed.

XXIII. Provided always, That, notwithstanding the Repeal of those Sections, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under those Sections shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened, and this Act were not passed, would be incident and consequent on any and every thing so done and suffered respectively: Provided also, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

General Pro-  
vision for  
Protection of  
Rights under  
such repealed  
Sections.

XXIV. The present Commissioners shall be the First Commissioners under this Act, and shall continue in Office until Noon on the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, and shall then go out of Office.

Present  
Commis-  
sioners to be  
First Com-  
missioners.

XXV. On and after the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, and subject to the Provisions of this Act, the Commissioners shall be Fourteen in Number, and shall consist of Three East Dock Commissioners, Three West Dock Commissioners, Three Shipowners Commissioners, One *Hartlepool* Commissioner, One *West Hartlepool* Commissioner, and Three Official Commissioners; and

Commis-  
sioners incor-  
porated as  
"The Hartle-  
pool Port  
and Harbour  
Commis-  
sioners."



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and the Commissioners shall be One Body Corporate by the Name of "The *Hartlepool* Port and Harbour Commissioners," and by that Name shall have perpetual Succession, with a Common Seal, and with Power to purchase and hold and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and shall be the Conservators of the Port and the Harbour, and as such Conservators may and shall have and exercise the several Powers and Indemnities by this Act conferred on the Commissioners, and carry this Act into execution: Provided always, that the Powers of the Commissioners shall not at any Time be dependent on the whole Number of the Commissioners being in Office.

As to Docks. XXVI. Provided always, That the Commissioners shall not have any Jurisdiction in or over any of the Harbours, Docks, or other Works of the East Dock Company and the West Dock Company respectively, or the Water from Time to Time therein.

Election of Elective Commissioners. XXVII. At Noon on the Third *Wednesday* in *January* One thousand eight hundred and fifty-seven, and in every subsequent Year, all the Elective Commissioners shall go out of Office, and in every Instance their Places shall be supplied by the Election, as by this Act provided, of Persons to be Commissioners in their Place.

Yearly Election of East Dock Commissioners. XXVIII. The Company from Time to Time in the actual Possession of the East Dock (in this Act called the East Dock Company) shall elect yearly Three Persons to supply the Places of the East Dock Commissioners about to retire from Office on the then next Third *Wednesday* in *January*.

Yearly Election of West Dock Commissioners. XXIX. The Company from Time to Time in the actual Possession of the West Dock (in this Act called the West Dock Company) shall elect yearly Three Persons to supply the Places of the West Dock Commissioners about to retire from Office on the then next Third *Wednesday* in *January*.

Period for Election of Dock Commissioners. XXX. The yearly Election of East Dock Commissioners and West Dock Commissioners respectively shall be had within Fourteen Days next before the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, and next before the Third *Wednesday* in *January* in every subsequent Year; and the Company making every such Election shall, on or before every such Third *Wednesday*, by Notice in Writing under the Hand of their Chairman or Secretary, signify to the Clerk of the Commissioners the Names and Addresses of the Persons so elected by such Company; and every such Notice shall be sufficient and conclusive Evidence that the Persons therein stated to be elected Commissioners were so elected, and an Entry of every



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every such Notice shall be made in the Minutes of the Proceedings of the Commissioners, and every Person so stated to be elected shall continue in Office One Year, if he so long live and continue qualified : Provided always, that if and whenever the Company which ought to make any such Election shall fail to make it within that Period, then the Commissioners for that Company then in Office, and for whom Successors are not so elected, shall be deemed duly elected by that Company for the then next Year, and shall continue in Office accordingly.

XXXI. The several Persons from Time to Time registered on the Thirty-first Day of *December* One thousand eight hundred and fifty-five and on the Thirty-first Day of *December* in every subsequent Year, as Shipowners of the Port, shall elect yearly Three Persons, being respectively registered Shipowners of the Port of *Hartlepool*, to supply the Places of the Shipowners Commissioners from Time to Time about to retire from Office.

Yearly  
Election of  
Shipowners  
Commis-  
sioners.

XXXII. For the Election of Shipowners Commissioners, a Meeting of the registered Shipowners of the Port shall be held within Twenty Days next before the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, and within Twenty Days next before the Third *Wednesday* in *January* in every subsequent Year, and at such other Times as shall be requisite ; and every such Meeting shall be held in the Town Hall of the Borough of *Hartlepool*, or *Athenæum* of *West Hartlepool*, or at such other Place as the Commissioners from Time to Time appoint.

Meetings for  
Election of  
Shipowners  
Commis-  
sioners.

XXXIII. If at any such Meeting for the Election of Shipowners Commissioners a Poll be demanded, the Election shall take place on a subsequent Day, and a Day shall be then and there fixed, by the Chairman or presiding Officer at such Meeting, for taking the Poll, which shall be some Day not earlier than Seven Days at the least from the Day of such Meeting ; and the Clerk to the Commissioners shall cause Notice of the Day appointed for such Poll to be published by Handbills throughout the Towns of *Hartlepool* and *West Hartlepool*.

If Poll de-  
manded,  
Election to  
be fixed  
for a future  
Day.

XXXIV. For the Purpose of taking the Poll for the Election of Shipowners Commissioners, the Chairman of the Commissioners shall cause Two Polling Places to be provided, one at *Hartlepool*, and the other at *West Hartlepool* ; and the Chairman of the Commissioners shall, either personally or by a Deputy (being a Commissioner), appointed by Writing under the Hand of the Chairman, and communicated by him to the Clerk of the said Commissioners, preside at One of the said Polling Places, and shall appoint some other Commissioner to preside at the other of such Polling Places.

Two Polling  
Places to be  
provided.

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Election at  
yearly Meet-  
ings of Ship-  
owners.

XXXV. At every such yearly Meeting or Election the registered Shipowners present shall elect Three Persons to be Shipowners Commissioners, and every Person so elected shall continue in Office One Year, if he so long live and continue qualified.

Notice of  
Time and  
Place for  
Shipowners  
Meeting.

XXXVI. The Chairman of the Commissioners shall cause a Notice of the Time and Place for holding every Meeting of the registered Shipowners to be advertised at least Fourteen Days before the Meeting in some Newspaper circulating in the County of *Durham*, and by Handbills posted within the Towns of *Hartlepool* and *West Hartlepool*.

List of Ship-  
owners, cer-  
tified by  
Collector of  
Customs, to  
be Evidence.

XXXVII. At every Election of Shipowners Commissioners a List of the Names of the registered Shipowners of the Port, whether sole Owners or part Owners, or Partners, showing the Amount of Tonnage in Shipping of which they respectively were the registered Owners on the then preceding Thirty-first Day of *December*, certified under the Hand of the Collector of Customs of the Port, shall be sufficient Evidence of the Persons named therein being the registered Shipowners of the Port, and of the Amount of Tonnage in Shipping of which they respectively were then the registered Owners; and that Collector shall supply a Copy of such List to every Person requiring the same, on Payment of Sixpence for every One hundred Words of such Copy; and a Copy of such List shall be fixed by the Clerk to the Commissioners on the outer Door of the Town Hall of *Hartlepool* and of the *Athenæum* or Town Hall of *West Hartlepool* at least Seven Days before the Day appointed for the Election of Shipowners Commissioners.

Scale of  
voting for  
Shipowners  
Commis-  
sioners.

XXXVIII. At every Election of Shipowners Commissioners every Person whose Name appears on such certified List of registered Shipowners as being a registered Shipowner to the Extent of not less than Fifty Tons for the then last Thirty-first Day of *December* shall be entitled to One Vote, and no more, for every Person, not exceeding the Number of Shipowners Commissioners to be then elected, who is then proposed to be elected a Shipowners Commissioner.

Election of  
*Hartlepool*  
Commis-  
sioner.

XXXIX. The Mayor, Aldermen, and Burgesses of the Borough of *Hartlepool*, in this Act called the *Hartlepool* Corporation, shall, within One Month next before the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, elect One Person, being a Member of the Council of *Hartlepool*, to be the *Hartlepool* Commissioner, and shall within One Month next before the Third *Wednesday* in *January* in every subsequent Year elect One Person, being a Member of the Council of *Hartlepool*, to supply the Place of the *Hartlepool* Commissioner about to retire from Office on that *Wednesday*.

XL. The



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XL. The *West Hartlepool* Improvement Commissioners, or if they be superseded by a Local Board of Health or any other Body, then such Body, shall, within One Month next before the Third *Wednesday* in *January* One thousand eight hundred and fifty-six, elect One Person, being One of their Number, to be the *West Hartlepool* Commissioner, and shall within One Month next before the Third *Wednesday* in *January* in every subsequent Year elect One Person, being One of their Number, to supply the Place of the *West Hartlepool* Commissioner about to retire from Office on that *Wednesday*.

Election of  
WestHartle-  
pool Com-  
missioner.

XLI. Provided always, That if the Town of *West Hartlepool* shall be erected into a Municipal Corporation, or shall be included within the Limits of any Municipal Corporation, the *West Hartlepool* Commissioner shall thenceforth be elected by such Municipal Corporation (in this Act called the *West Hartlepool* Corporation) instead of by the *West Hartlepool* Improvement Commissioners, or such Local Board of Health or other Body; and the Person to be elected shall be a Member of the Council of such Municipal Corporation.

Provision in  
case of In-  
corporation  
of West  
Hartlepool ;

XLII. Provided always, That if the *West Hartlepool* Improvement Commissioners be superseded by such Local Board of Health or other Body, or if the Town of *West Hartlepool* be erected into or included within the Limits of a Municipal Corporation, then and in any such Case the *West Hartlepool* Commissioner then in Office shall remain in Office until his Retirement from Office on the then next Third *Wednesday* in *January*.

and for Con-  
tinuance in  
Office of  
West Har-  
tlepool Com-  
missioner.

XLIII. The Board of Trade from Time to Time may appoint Three Persons to be Official Commissioners, and at pleasure remove any Person so appointed; and every such Appointment and Removal shall be made in Writing under the Hand of the Secretary of the Board of Trade; and an Entry of every such Appointment and Removal shall be made in the Minutes of the Proceedings of the Commissioners.

Board of  
Trade to  
appoint  
Three Offi-  
cial Com-  
missioners.

XLIV. Every Elective Commissioner must have the following Qualification:

Qualification  
of Elective  
Commis-  
sioners.

He must, either in his own Right or in right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, or Hereditaments held by him or her for a Life or Lives, or for Years determinable with a Life or Lives, or for some Estate of Inheritance of the clear yearly Value of Twenty-five Pounds above Reprizes, or be possessed of a Personal Estate of the Value of Five hundred Pounds, over and above what will be sufficient to satisfy all his just Debts.

XLV. No Person shall be incapable of acting as a Commissioner by reason of his being interested as a Mortgagee of the *Hartlepool* Port and Harbour Fund.

Mortgagees  
of Tolls not  
incapable of  
being Com-  
missioners.

XLVI. Every

*Hartlepool Port and Harbour Act, 1855.*

Commis-  
sioners De-  
claration.

XLVI. Every Commissioner shall be incapable of acting as a Commissioner, except in taking the following Declaration, until he have made and signed before One of the Commissioners a Declaration, which shall forthwith be deposited by the Declarant with the Clerk to the Commissioners, to the Effect following :

‘ I *A.B.* do solemnly declare, That I will faithfully and impartially,  
‘ according to the best of my Skill and Judgment, execute all the  
‘ Powers and Authorities reposed in me as a Commissioner by virtue  
‘ of the “ Hartlepool Port and Harbour Act, 1855,” and that I have  
‘ been duly elected [*or appointed, as the Case may be,*] One of the  
‘ Commissioners under that Act by [*here state by whom elected or ap-*  
‘ *pointed*], and that I [*here set forth a Statement of the Possession by*  
‘ *him of the Qualification, if any, required by this Act, in the Terms*  
‘ *thereof*]. As witness my Hand, this [       ] Day of [       ] in  
‘ the Year of our Lord [       ].

‘ (Signed) *A.B.*’

‘ Taken before me,

‘ *C.D.*,

‘ a Commissioner under the Act.’

False Decla-  
ration a Mis-  
demeanor.

XLVII. Every Person who shall falsely or corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, or who shall knowingly and wilfully act contrary thereto, shall be deemed guilty of a Misdemeanor.

Disqualifica-  
tion of Com-  
missioners.

XLVIII. Every Person elected a Commissioner, and ceasing to have the respective Qualification by this Act required, shall thereupon cease to be a Commissioner.

Supplying  
occasional  
Vacancies in  
Elective  
Commis-  
sioners.

XLIX. If and whenever any of the Elective Commissioners shall for Two Months next after his Election fail to make the Declaration by this Act required to be made by him, or shall for any Three consecutive Months fail to act as a Commissioner, or shall die or resign, or become disqualified or incapable to act, his Office as a Commissioner shall thereupon become vacant, and the Body by which he was elected shall, within One Month after every such Vacancy, elect some other qualified Person to supply such Vacancy.

Clerk to  
Commis-  
sioners to  
give Notice  
of Vacancies.

L. The Clerk to the Commissioners shall, within Seven Days after Notice to him of any Vacancy in the Office of an Elective Commissioner, deliver or send by Post to the Person to preside at a Meeting of the Body by whom the Vacancy is to be supplied, or to the Clerk, Secretary, or Town Clerk of such Body, Notice in Writing of the Vacancy.

Supplying  
other occa-

LI. Every Vacancy in the Office of an Elective Commissioner which shall occur after the Commencement of this Act, and which shall not be



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be supplied under any of the other Provisions of this Act within the Period thereby prescribed, may be supplied by the Commissioners, within Three Months after the Expiration of such Period, by the Election by them of some qualified Person to supply the Vacancy.

sional  
Vacancies.

LII. Every Commissioner elected to supply any occasional Vacancy in the Office of Commissioner shall continue in Office only so long and on the same Terms as the Person to whose Place he succeeds would have been entitled to continue in Office.

Duration in  
Office of  
Persons  
supplying  
occasional  
Vacancies.

LIII. All the Powers by this Act conferred on the East Dock Company and the West Dock Company respectively may be exercised by the Directors of those Companies respectively.

Powers con-  
ferred on  
Dock Com-  
panies may  
be exercised  
by Directors.

LIV. No Person shall be incapable of acting as a Justice in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Commis-  
sioners may  
act as  
Justices.

LV. The yearly Meeting of the Commissioners shall be on the Third *Wednesday* in *November* in every Year, or within Eight Days after that Day.

Yearly Meet-  
ing of Com-  
missioners.

LVI. At all Meetings of the Commissioners Five Commissioners shall be a Quorum, and no Business shall be transacted at any Meeting of the Commissioners unless while Five Commissioners are present.

Five Com-  
missioners to  
be a Quorum.

LVII. At every yearly Meeting of the Commissioners the Commissioners shall appoint Two Auditors for the ensuing Year, and such Auditors shall continue in Office until Auditors be next appointed: Provided always, that no Commissioner shall be appointed an Auditor.

Two Audi-  
tors to be  
appointed  
yearly.

LVIII. In all Cases every Commissioner or Auditor going out of Office shall, if qualified, be re-eligible as a Commissioner or Auditor.

Commis-  
sioner or.  
Auditor re-  
eligible.

LIX. The Commissioners shall, within Twelve Months after the Commencement of this Act, make a Map of the Port and of the Harbour, 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, Wharves, 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.

Map of Area  
within the  
Limits of  
Act to be  
made.

*Hartlepool Port and Harbour Act, 1855.*

Map to be  
published.

LX. The Commissioners shall from Time to Time copy, engrave, and publish such Map as they think proper, and shall from Time to Time revise such Map, and make such Additions and Alterations in and to the same as may be requisite, and the Date of every such Revision shall be expressed thereon.

Custody and  
Inspection of  
Maps.

LXI. Every Map so made shall be kept in the Chief Office for the Time being of the Commissioners, and the same, or a Copy thereof, shall at all reasonable Times be open to the Inspection of all Persons interested in the Navigation of the Port.

Boundary  
Marks.

LXII. The Commissioners shall place and maintain, and from Time to Time, when necessary, renew sufficient Marks or Tokens by which the Boundaries of the Port and the Boundaries of the Harbour may be recognized and known.

Existing  
Works  
vested in the  
Commis-  
sioners.

LXIII. On and after the Commencement of this Act, all the Piers, Jetties, Lights, Lighthouses, Buoys, and other Works, and all Lands, Buildings, Tenements, Hereditaments, Easements, prescriptive and other Rights, Powers, and Privileges whatsoever, of or to which the present Commissioners, or any Person in trust for them, shall immediately before the Commencement of this Act be seised, possessed, or entitled, at Law or in Equity, and all Rates and Monies due or accruing to the present Commissioners, and all Securities, Books, Accounts, Documents, Choses in Action, Property, and Effects belonging to the present Commissioners, shall, except as by this Act otherwise provided, be and are by this Act well and effectually vested in the Commissioners for the Purposes of this Act, for such and the same Estates, Terms, and other Interests as under the recited Act the present Commissioners, or any Persons in trust for them, would have therein if this Act were not passed, subject, nevertheless, to such Charges, Interests, and Liabilities as immediately before the Commencement of this Act the same Premises shall be respectively subject to.

Commis-  
sioners to  
maintain the  
Town Wall  
abutting on  
Part of the  
Harbour.

LXIV. From and after the Commencement of this Act, the Commissioners shall maintain so much of the Town Wall of *Hartlepool* as forms the North-eastern Boundary of that Part of the Harbour which was before the passing of the Act of 1851 the Tidal Harbour of the Commissioners.

Power to  
purchase  
Lands by  
Agreement.

LXV. The Commissioners may from Time to Time, by Agreement, purchase, for any of the Purposes of this Act, any Quays, Landing Places, Wharves, and Lands, and any Easements, Rights, and Interests in, over, and affecting any Lands.

LXVI. The



*Hartlepool Port and Harbour Act, 1855.*

LXVI. The Commissioners may from Time to Time, by Agreement, purchase any Piers, Jetties, Landing Places, or other Works within, extending into, or abutting upon the Harbour, which the Commissioners think convenient for any of the Purposes of this Act, upon such Terms and Conditions as may be mutually agreed upon between the Commissioners and the Parties entitled to sell such Works.

Power for  
Sale and  
Purchase of  
Portions of  
existing  
Works.

LXVII. Subject to the Provisions of this Act, the Commissioners may and shall deepen, cleanse, scour, enlarge, contract, and otherwise improve the Channel of the Port, and enlarge, repair, support, and maintain the present Pier, and build such other Pier or Piers, or Part or Parts of a Pier or Piers, or alter or vary the present Pier, or any other Pier or Piers to be built, and also build any Quay or Quays, Jetty or Jetties, and make and effect such other Works as shall be necessary for promoting, preserving, and improving the Navigation of the Port and the Use thereof, and for that Purpose may dig, take up, remove, and carry away any Rocks, Stones, Soil, Sand, Gravel, Rubbish, or other gross Matter which shall obstruct, prejudice, or hinder the Navigation of the Port or the Improvement thereof, and may cast, lay, and lodge the same behind such Pier or Piers, Quay or Quays, Jetty or Jetties, as shall be requisite for effecting the Purposes of this Act, and also may remove and take away all Wrecks, Beds of Gravel, Sand, Stones, or any other Obstructions, Impediments, or Encroachments whatsoever which may in any way hinder or prevent the Navigation of the Port or the Improvement or Use thereof, and also may set up, place, and make such Crabs, Capsterns, Mooring Anchors or Mooring Frames, Buoys, Mooring Chains, Dolphins, and other Engines, Posts, Stoops, Landing Places, Weighing Beams, and Workshops as shall be necessary for the Purpose of rendering the Port safe and commodious, and from Time to Time may alter, repair, increase, enlarge, and amend the same, and do and perform all other Works, Matters, and Things which shall be necessary or proper for rendering the Port safe and commodious.

General  
Power to  
improve the  
Port con-  
tinued.

LXVIII. Provided always, That no Work mentioned or referred to in the preceding Enactment shall be executed below High-water Mark at ordinary Spring Tides, without the previous Consent of the Admiralty signified in Writing under the Hand of the Secretary of the Admiralty.

Works under  
preceding  
Enactment  
not to be  
made with-  
out Con-  
sent of  
Admiralty.

LXIX. And whereas by Section Twelve of the Local and Personal Act of Fifty-third *George* the Third, Chapter Thirty-five, after reciting that the Mayor and Burgesses of the Borough of *Hartlepool*, and *George Pocock* Esquire, some or One of them, were or was seised of the Site of the then present Pier, and of the Ground

Section 12.  
of 53 G. 3.  
c. xxxv. as  
to taking of  
Lands of  
Corporation  
and G. Po-  
cock, Esq.,



*Hartlepool Port and Harbour Act, 1855.*

continued,  
notwith-  
standing  
Repeal of  
Act.

Ground and Soil whereon the several Erections and Works to be made in pursuance of that Act were intended to be constructed, it was enacted, that it should be lawful for the Commissioners under that Act, from Time to Time and at all Times thereafter, to enter into and upon and take and use any of the Lands or Grounds of or belonging to the said Mayor and Burgesses and their Successors, or the said *George Pocock*, his Heirs or Assigns, situate below the Line of the High-water Mark, and within the Township of *Hartlepool*, or within the Distance of Two hundred Yards from the Boundary thereof, for the Purposes of that Act, not exceeding One Acre in the whole; and that it should also be lawful for the said Commissioners, their Agents, Workmen, and Servants, to enter into and upon any of the Lands or Grounds of or belonging to the said Mayor and Burgesses and their Successors, and the said *George Pocock*, his Heirs or Assigns, situate between High and Low Water Mark, in the Township of *Hartlepool* aforesaid, or within the Distance of Five hundred Yards from the Boundary of the said Township, and to dig, remove, and carry away any Stones, Sand, Gravel, or other Materials, Matters, or Things for any of the Purposes of that Act, and that without making any Compensation or Satisfaction for any of the Land or Ground or any other Matter or Thing which should be taken, used, or damaged in the Execution of that Act: And whereas by Section Forty-eight of the "*Hartlepool Pier and Port Act, 1851*," that recited Enactment was continued in full Force, and the Powers thereunder are vested in the present Commissioners: Therefore, notwithstanding the Repeal of the Act of 1851, that recited Enactment shall be and remain in full Force for all Purposes, in the same Manner as if the same were repeated and re-enacted in this Act.

Power to  
make Works  
authorized  
by Act of  
1851 con-  
tinued.

LXX. And whereas a Plan and Section of the Pier or Breakwater, and of the Approaches to the Ferry, respectively authorized by the Act of 1851, showing the Situation and Levels thereof respectively, and of the Works connected therewith, and the Limits within which the same were to be constructed, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands upon or through which the same were intended to be made, were deposited for the Purposes of that Act with the Clerk of the Peace for the County of *Durham*: Therefore, subject to the Provisions of this Act, the Commissioners may make and maintain so much of that Pier or Breakwater as may be necessary for carrying out the Objects of this Act, and the Approaches to that Ferry respectively, in the Situations and upon the Lands delineated upon that Plan and described in that Book of Reference, and, within the Limits authorized by that Act, may make and maintain such Floats, Stairs, Quays, Jetties, Landing Places, Approaches, Lights, Lighthouses, and other Works and Conveniences as they may think necessary for the Purposes of



*Hartlepool Port and Harbour Act, 1855.*

of that Pier or Breakwater and Ferry: Provided always, that this Enactment shall not confer on the Commissioners any Power of taking compulsorily any of those Lands: Provided also, that the Commissioners shall not construct any further Portion of the Pier or Breakwater authorized by the Act of 1851 than shall be necessary in order to connect it with the Northern Pier or Breakwater by this Act authorized.

LXXI. Whereas the Trustees under the Will of the late Duke of *Cleveland* are or claim to be entitled to the Use of the Road in the Township of *Hartlepool* numbered Nine on the Plan deposited for the Purposes of the Act of 1851, Part of which Road is within the Limits of Deviation shown on that Plan: Therefore this Act shall not enable the Commissioners, under their Powers of Deviation with respect to the Works originally authorized by the Act of 1851, to interfere with that Road, without the Consent of those Trustees.

Duke of  
Cleveland's  
Road to the  
Shore not to  
be interfered  
with.

LXXII. And whereas a Plan and Section of the Harbour, showing the proposed Southern Pier or Breakwater and Northern Pier or Breakwater and other Works in the Harbour, and the Situation and Levels thereof respectively, and the Limits within which the same are to be made, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands upon or through which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Durham*: Therefore, subject to the Provisions of this Act, the Commissioners may make and maintain the Harbour and the proposed Piers or Breakwaters and other Works respectively in the Situations and upon the Lands delineated upon that Plan and described in that Book of Reference, and according to the Levels defined on the Sections, and within the Limits authorized by this Act may maintain, alter, and vary the Works of the present Commissioners, and from Time to Time may make, maintain, and use such Floats, Stairs, Quays, Jetties, Landing Places, Approaches, Lights, Lighthouses, Cuts, Channels, Sluices, and other Works and Conveniences as they think necessary for any of the Purposes of this Act, and may enter upon, take, and use such of those Lands as they think necessary for those Purposes.

Power to  
make new  
Works, ac-  
cording to  
deposited  
Plan.

LXXIII. Inasmuch as Openings in the Works shown on the deposited Plans may, in the Course of the Execution of the Works, be found expedient: Therefore, in order to secure the Conversion at as early a Period as may be practicable of the Bay of *Hartlepool* into a Harbour of an Area within the Limits of Deviation shown on the deposited Plan of Eight hundred Acres or thereabouts, the Piers or Breakwaters by this Act authorized shall not, without the previous Approval of the Admiralty, be made without leaving an Opening of

Piers not to  
be made  
without  
Openings,  
unless with  
the Consent  
of the Ad-  
miralty.

[*Local.*]

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at

*Hartlepool Port and Harbour Act, 1855.*

at least Five hundred Feet in Width and Eighteen Feet in Depth at Low Water Spring Tides in the Northern Pier or Breakwater near the *Heugh*, and an Opening of at least Five hundred Feet in Width and Eighteen Feet in Depth at Low Water Spring Tides in the Southern Pier or Breakwater: Provided always, that, with such Approval, the Commissioners may make those Piers or Breakwaters respectively, with or without any Opening therein, as the Admiralty approve: Provided also, that if the Commissioners intend to apply to the Admiralty for such Approval they shall deposit at the Admiralty Office, *Whitehall*, and also at the Office of the Commissioners, Working Plans or Drawings of all the Works for the Approval whereof they intend so to apply, and shall before making any such Application give, by Advertisement in One or more of the Newspapers published and circulated in the County of *Durham*, at least One Month's public Notice of such Deposit, and of the Intention of the Commissioners to apply for such Approval; and the Plans and Drawings so deposited at the Office of the Commissioners shall, at all reasonable Times during such One Month, be open to the Inspection, gratis, of all Persons interested.

New Works  
authorized.

LXXIV. The new Works by this Act authorized comprise the following; to wit,

1. An outer Harbour or Harbour of Refuge in the Bay of *Hartlepool* :
2. A Southern Pier or Breakwater, commencing upon and from the Shore or High Water Banks of the Sea at or near *Carr Cottage* in the Township of *Seaton Carew* and Parish of *Stranton* in the County of *Durham*, and extending from that Point in an Easterly and Northerly Direction over, along, upon, or near to the Reef of Rocks called "*Long Scar*," and the Shore and Bed of the Sea, and terminating in the *German Ocean* :
3. A Northern Pier or Breakwater commencing from or near the Cliffs called "*the Heugh*," in the Township and Borough of *Hartlepool* in the County of *Durham*, and extending in a South-easterly Direction, and terminating in the *German Ocean* :
4. Sea Walls or Barriers, and all requisite and proper Works and Conveniences connected therewith, for the Protection of the Headland of *Hartlepool* and the Cliffs near or adjoining thereto from the Inroads of the Sea, such Sea Walls or Barriers to commence from a Point on or near the Sea Shore at or near the *Far Kiln* in the Township of *Throston* and Parish of *Hart*, and thence along, opposite, or near to the Course of the Cliffs or Sea Shore up to and terminating at or near the Point on the Sea Shore whence the Northern Pier is to commence :

Provided always, that the Commissioners shall not be bound to make the Works fourthly specified further Northward than the Northern Extremity of the Point of Land on which the present Lighthouse of the



*Hartlepool Port and Harbour Act, 1855.*

the Commissioners stands until they have completed the other Works by this Act authorized.

LXXV. Before the Commissioners begin any of the Works shown on the Plans deposited for the Purposes of the Act of 1851 and this Act respectively, they shall submit to the Admiralty Working Plans or Drawings of the proposed Works, for the Approval of the Admiralty, such Approval, when given, to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that the Commissioners need not apply for such Approval in any Case in which it has been obtained by the present Commissioners.

Working Plans of Works to be submitted to Admiralty before commencing Works.

LXXVI. The Commissioners shall not in making any of the Works shown on the Plans deposited for the Purposes of the Act of 1851 and this Act respectively deviate from the Lines of Works respectively shown on those Plans, except where Limits of Deviation are marked on those Plans respectively, in which Case the Commissioners, with the Consent of the Admiralty, signified in Writing under the Hand of the Secretary of the Admiralty, may deviate from such Lines to the Extent of such Limits of Deviation.

Commissioners not to deviate from such Plans without Consent of Admiralty.

LXXVII. If at any Time or Times it shall be deemed expedient by the Admiralty to order a local Survey and Examination of any Works of the Commissioners in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Commissioners shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Commissioners.

Admiralty may order a local Survey, at Expense of Commissioners.

LXXVIII. If any Work constructed or to be constructed by the Commissioners under or by virtue of this Act, or under or by virtue of any Act herein mentioned, in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any such Work which affects or may affect any such Water or River or Access thereto, has been or shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Admiralty to abate and remove the same, or such Part or Parts thereof as the Admiralty may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works abandoned or fall into Decay, Admiralty may remove them, at the Expense of the Commissioners.

LXXIX. The

*Hartlepool Port and Harbour Act, 1855.*

Power to  
remove  
Rocks within  
the Harbour.

LXXIX. The Commissioners from Time to Time may make the Ground or Space within the Harbour convenient and proper as an Anchorage Ground, by removing the Rocks, Stones, and other Matters within the Harbour to such Extent as they deem expedient, and may use such Rocks, Stones, and Matters for any of the Purposes of this Act.

For protect-  
ing the  
Property of  
the Trustees  
of the late  
W. Sedgewick,  
Esq.

LXXX. Whereas by virtue of the Act of 1851 the Commissioners are erecting a Pier to the North of *Hartlepool Heugh*, which Pier abuts upon Land belonging to the Trustees of the late *William Sedgewick* Esquire: Therefore, if by reason of the Works now in the course of Construction, or if, after the Works by this Act authorized, it shall appear that any Portion of the Land belonging to the Trustees of the said *William Sedgewick* above High-water Mark has already, in the Judgment of any Civil Engineer appointed for that Purpose by those Trustees and the Commissioners, washed away or been injured in consequence of the Construction of the Pier and the Works connected therewith, or is in such Judgment washing away or being injured in consequence of the Construction of the Works by this Act authorized, the Commissioners shall, if required by those Trustees so to do, make Works proper and sufficient to protect such Portion of that Land from the Violence or Action of the Sea.

For Protec-  
tion of the  
Property of  
the Duke of  
Cleveland's  
Trustees.

LXXXI. If by reason of the Execution of the Works authorized by the Act of 1851, or of the Works authorized by this Act, or of any Part of either of such Works, any Portion of the Land belonging to the Trustees of the late Duke of *Cleveland* above High-water Mark has been or shall be, in the Opinion of a Civil Engineer appointed for that Purpose, injured or endangered, such Engineer may decide what Works are proper and sufficient to protect the Land of those Trustees, and within what Time the same shall be executed, and shall also decide the Amount of Compensation, if any, to be paid by the Commissioners to those Trustees on account of such Injury; and the Decision in Writing of such Civil Engineer shall be final and conclusive upon all Parties; and the Commissioners shall, upon the making of such Decision, and in conformity to the Terms thereof, execute the Works, if any, and pay to those Trustees the Amount, if any, so decided on; and the Costs of such Decision shall be borne and paid according to the Provisions of "The Lands Clauses Consolidation Act, 1845," in Cases of disputed Compensation: Provided always, that such Civil Engineer shall be appointed by the Commissioners and those Trustees, or, if they do not agree, then, on the Application of either Party, by the Admiralty.

Power to  
make Land-  
ing Places at

LXXXII. The Commissioners, from Time to Time, if they think fit, may make and maintain, on, in, within, and adjoining the Town's Wall



*Hartlepool Port and Harbour Act, 1855.*

Wall of *Hartlepool*, and on the opposite Shore of the Harbour, at the Places marked on the Plan referred to in the Act of 1851, such Landing Places for Passengers, and such Works and Conveniences connected therewith as they think proper, and establish and maintain between such Landing Places such Number of Ferry Boats, of such Size and Description, and employ such Number of Ferry Men or Persons to work and manage such Ferry Boats and Landing Places, as the Commissioners think proper.

Ferry, and  
establish  
Boats  
thereat.

LXXXIII. It shall not be lawful for any Person, not duly authorized, to erect any Groin, Jetty, Building, or other Work within the Port which may in any way obstruct or hinder the free Navigation or Entrance of the Port or 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 Port or Harbour, or make any other Encroachment whatsoever which may obstruct or hinder the free Navigation or Passage of or to such Harbour, or the Channels into or out of the same or any of them, without in every Case the previous Consent of the Admiralty, signified in Writing under the Hand of the Secretary of the Admiralty and of the Commissioners, or to do any other Act whereby the Port or Harbour, or the free Use and Entrance or Navigation of the same respectively, may in anywise be prejudiced; and, subject to the Provisions of this Act, the Commissioners, from Time to Time, as Occasion requires, may take away or prevent any Obstruction which may in any Manner impede the Navigation of the Waters of the Port or Harbour, or the Channels to or from the same respectively, or any of them.

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

LXXXIV. It shall not be lawful for any Person to remove any Rock, Stone, or Soil from the Ridge of Rocks commonly called *Long Scar*, or from the Headland of *Hartlepool* adjoining the Sea Shore, or from the Sea Shore within or adjoining the Harbour, without in every Case the previous special or general Consent of the Admiralty, signified in Writing under the Hand of the Secretary of the Admiralty.

No Person  
to remove  
Rocks or  
Stone from  
the Sea  
Shore.

LXXXV. If any Person, without the previous Consent of the Admiralty, signified as aforesaid, and of the Commissioners, in any way fill up or interrupt the Course of the Stream or Run of the tidal Water in any Place within the Port or Harbour, or in any way prejudice or interrupt the free Navigation or Use for any Purpose of any Part of the Port or of such Harbour, every Person so offending shall for every such Offence forfeit not exceeding Ten Pounds, and the Expense of repairing the Damage occasioned thereby, and the Admiralty or the Commissioners may abate as a Nuisance and remove any Work or Thing occasioning any such filling up, Prejudice, or Interruption.

Navigation  
not to be in-  
terrupted.

[*Local.*]

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LXXXVI. The



*Hartlepool Port and Harbour Act, 1855.*

Power to  
provide  
Lighthouses.

LXXXVI. The Commissioners from Time to Time, with the Sanction of the *Trinity House*, may erect, provide, maintain, and discontinue a Lighthouse on the Head of each of the proposed Piers or Breakwaters, and such other Lighthouses, Light Vessels, and Beacons as they think best for the Navigation of the Port.

Power to  
employ  
Steam Tugs.

LXXXVII. The Commissioners may from Time to Time build, purchase, hire, provide, and employ such Steam Tugs and other Towing Vessels as they think necessary for any of the Purposes of this Act, and may make such reasonable Charges for the Use of them as they think fit; and any Person requiring or engaging the Assistance of any such Vessel shall pay to the Commissioners their Charge for the Use thereof, notwithstanding it be not actually used, provided the Use thereof be in consequence of such Requisition or Engagement actually tendered.

Power to  
provide  
Dredging  
Vessels,  
Ballast  
Lighters,  
and Appa-  
ratus.

LXXXVIII. The Commissioners may from Time to Time build, purchase, hire, provide, and use such Dredging Vessels, Dredging Engines, Steam Engines, Piling Engines, Diving Bells, Diving Apparatus, Ballast Lighters, and other Vessels, Machinery, and Apparatus, for any of the Purposes of this Act, as they think fit, and may make such Charges for the Use of them respectively as they think fit.

Appointment  
of Harbour  
Master and  
other  
Officers.

LXXXIX. The Commissioners from Time to Time may appoint and remove such Harbour Masters, Weighers, Meters, Agents, Officers, Boatmen, Workmen, and Servants as the Commissioners deem requisite, for the Execution of the several Purposes of this Act, and may determine their respective Remuneration, Duties, and Regulations.

Restriction  
as to entering  
upon Works  
of Dock  
Companies.

XC. Provided always, That the Commissioners or any of their Officers shall not, in the Execution of any of the Powers of this Act, with respect to the Improvement, Maintenance, or Regulation of the Port, or of the Harbour or Ferries, take, use, or enter upon any of the Lands, Buildings, Works, or other Property of the East Dock Company or of the West Dock Company, without the previous Consent of the same respective Company.

Penalty for  
casting  
Ballast  
within  
certain  
Limits.

XCI. If any Officer of the Commissioners or any other Person, under any Pretence whatsoever, save in the Execution of Works properly authorized, and save also so far as is proper for the Execution of such Works, and without the Authority or Direction of the Commissioners, cast or unload any Ballast or Rubbish into the Port, or into the Sea outside the Port, and nearer to the Entrance of the Port than *Huntcliffe Foot* on the South and *Black Halls* on the North, or in any Part between *Huntcliffe Foot* and *Black Halls* where the Depth of the Sea is less than Twenty Fathoms at Low Water ordinary Spring Tides,



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Tides, every Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

XCH. The Commissioners from Time to Time may make, alter, and repeal such Byelaws as they think fit for regulating the Removal and Disposal within the Harbour of all Ballast brought by Vessels entering the Harbour, and for regulating the Supply of Ballast to Vessels in the Harbour so as to prevent Ballast being thrown or allowed to fall into the Harbour or within the Limits prescribed in that Behalf by this Act, or to obstruct the Navigation within the Limits of this Act.

Byelaws as  
to Ballast.

XCIH. All Ballast supplied to any Vessel in the Harbour, unless such Vessel be lying at any Wharf or Quay, shall be brought in a proper and sufficient Ballast Lighter to the Side of such Vessel, and thence immediately thrown into such Vessel by the Crew or other Persons, and every Person offending against this Enactment shall for every such Offence forfeit not exceeding Five Pounds.

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

XCIV. If the Master or Crew of any Vessel, so as to occasion any unnecessary or unreasonable Delay therein, neglect to take in or cast out the Ballast or Rubbish of or for such Vessel from or 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 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 so delayed.

Penalty for  
delaying  
Ballast  
Lighters,  
Carts, &c.

XCV. If any 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 from Time to Time lawfully direct, every such Master shall for every such Offence forfeit not exceeding Five Pounds.

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

XCVI. If any Person cast or unload into or out of any Vessel in the Harbour, or if any Person, having the Command of any Vessel in the Harbour, 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 Port Sail sufficiently large and 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 or Quay or to the other Vessel into, from, or upon which such Ballast or Rubbish is

Penalty for  
casting  
Ballast or  
Rubbish  
without a  
Port Sail.



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is to be cast or unloaded, and so as to prevent any such Ballast or Rubbish from falling into the Harbour, every such Person so offending shall for every such Offence forfeit not exceeding Forty Shillings for the First Offence, and not exceeding Five Pounds for every subsequent like Offence.

Occupiers of Wharfs not to allow Ballast to remain near Edge of Wharf.

XCVII. If any Owner, Tenant, or Occupier of any Wharf or Quay adjoining the Harbour 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 removed, to be or remain on and within Three Yards of the Edge of such Wharf or Quay, or permit any Ballast or Rubbish to be cast or placed in any Watercourse upon or adjoining such Wharf or Quay, or so near to any such Watercourse that such Ballast or Rubbish or any Part thereof is or may be washed into the Harbour, to the Prejudice thereof, every Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Penalty on placing Ballast too near the Harbour.

XCVIII. If any Owner, Tenant, or Occupier of any Beach or other Land adjoining the Harbour, without the Consent of the Commissioners, lay or place any Heap of building, paving, or other Stones, or of Ballast or Rubbish, upon such Beach or Land, within Three Yards of the Edge or Front thereof, or below or within Three Yards of the High-water Mark, every such Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Commissioners may remove Ballast, at Expense of Owners, in addition to Penalties.

XCIX. If any Owner, Tenant, or Occupier of any Wharf, Quay, Beach, or other Land adjoining the Harbour whereon any Ballast or Rubbish is cast or placed, contrary to the Provisions of this Act, neglect to remove the same from such Wharf, Quay, or Land within Twenty-four Hours after Notice in Writing from the Commissioners to remove the same, the Commissioners may remove all or any Part of such Ballast or Rubbish to such Places as the Commissioners think fit, and the Charges of removing the same shall, and in addition to any Penalty by this Act imposed on such respective Owner, Tenant, or Occupier, be paid by him, and if not paid on Demand shall be recoverable as a Penalty.

Commissioners may dispose of Materials dredged, &c.

C. The Commissioners may use or sell and dispose of in such Manner as they think proper the Rock, Stones, Gravel, Sand, Soil, and other Materials dug or dredged by them within the Port, under this Act.

Ferry Tolls.

CI. The Commissioners may demand and take, for every Person conveyed by them or their Lessees across the Harbour at the Ferry originally authorized by the Act of 1851, any Toll which the Commissioners



*Hartlepool Port and Harbour Act, 1855.*

missioners from Time to Time think fit, not exceeding One Halfpenny for every Person so conveyed.

CII. The Ferry Tolls shall be at all Times charged equally to all Persons using the Ferry. Ferry Tolls to be charged equally.

CIII. Upon Payment of the Ferry Tolls, all Persons shall be entitled to use the Ferry, subject to the Regulations in that Behalf from Time to Time made by the Commissioners under this Act. Ferry to be free on Payment of Tolls.

CIV. The Ferry Tolls shall be paid to such Persons, and at such Places at or near the Ferry, and in such Manner, and under such Regulations, as the Commissioners from Time to Time appoint. Payment of Ferry Tolls.

CV. If any Person knowingly and wilfully fail to pay the Ferry Toll due from him, every Person so offending shall for every such Offence forfeit not exceeding Twenty Shillings. Penalty on Nonpayment of Ferry Tolls.

CVI. Provided always, That no Ferry Toll shall be levied on or paid by Her Majesty, or any Person in immediate Attendance on Her Majesty, or any Officer or Man of or belonging to the Army, Navy, or Marines, who shall be on Full Pay, or any Officer of Customs or Inland Revenue, or any Person acting in his Assistance, or duly employed for the Prevention of Smuggling, or by any Policeman or Constable when on Duty. Ferry Tolls not to be demanded from Officers of Customs, &c.

CVII. Every Collector of Ferry Tolls who commits any of the following Offences shall for every such Offence forfeit not exceeding Five Pounds: Penalties on Toll Collectors for Offences herein named.

If he refuse to tell his Christian Name and Surname to any Person demanding the same, who has paid or tendered the Ferry Toll demanded of him, or if he give as his Name a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he is authorized to do by this Act, and Orders of the Commissioners thereunder:

If, upon the legal Ferry Toll being paid or tendered, he unnecessarily detain or wilfully hinder any Person from passing by the Ferry:

If he make use of any scurrilous or abusive Language to any Person lawfully using the Ferry.

CVIII. The Commissioners from Time to Time may compound with any Persons using their Ferry for the Payment of any Sum, either monthly, quarterly, half-yearly, or yearly, in lieu of the Ferry Tolls: Provided always, that if the Commissioners make any Power to compound for Ferry Tolls.

[*Local.*]

such



*Hartlepool Port and Harbour Act, 1855.*

such Composition with any Persons they shall make the like Composition with every other Person demanding to compound for the Ferry Tolls for the like Period.

Power to  
lease Ferry  
Tolls.

CIX. The Commissioners from Time to Time by Lease, to take effect in possession, may let the Ferry Tolls to any Person for not exceeding Three Years; and every Lessee of the Ferry Tolls shall, during the Continuance and subject to the Provisions of his Lease, be entitled to take the Ferry Tolls, and have the same Powers for recovering and enforcing Payment thereof as are by this Act granted to the Commissioners.

Fishermen  
and Pilots to  
be employed  
at Ferry, and  
may be  
pensioned,  
when dis-  
abled.

CX. The Commissioners or their Lessees, in selecting the Ferry-men or Persons to be employed at the Ferry authorized by the Act of 1851, shall give the Preference to Fishermen and Pilots of *Hartlepool*, being Men of good Character and fit for such Employment, and may grant Annuities or Compensation to any of such Ferrymen who, after the passing of the Act of 1851, have been or shall be removed by the present Commissioners, or by the Commissioners, or are from Sickness or any other Cause unable to attend to the Ferry.

Commission-  
ers to make  
Byelaws to  
regulate the  
Use of Ferry.

CXI. The Commissioners from Time to Time, subject to the Provisions of this Act, may make, alter, and repeal Byelaws for such of the following Purposes as they think fit:

For regulating the Times of the Arrival and Departure of Boats using the Ferry:

For preventing other than safe and proper Boats plying at the Landing Places:

For regulating the embarking and discharging of Passengers on board the Boats using the Ferry:

And generally for maintaining Order and Decorum on board the Boats using the Ferry, and for regulating the using or working of the Ferry and Boats:

But no such Byelaw shall authorize the closing of the Ferry at reasonable Times, except at any Time when, in consequence of the State of the Weather, or from any other sufficient Cause, it is necessary to suspend the working of the Ferry Boats.

Summary  
Interference  
on Breach of  
Byelaw.

CXII. If the Breach or Nonobservance of any such Byelaw be attended with Danger or Annoyance to the Public, or Hindrance to the Commissioners in the lawful Use of the Ferry, the Commissioners may summarily interfere to obviate or remove such Danger, Annoyance, or Hindrance.

Application  
of Ferry  
Tolls.

CXIII. The Ferry Tolls shall be applied by the Commissioners, first, for reimbursing themselves their Expenses in making, main-  
taining,



*Hartlepool Port and Harbour Act, 1855.*

taining, and repairing the Landing Places and Approaches to the Ferry, and the Works and Conveniences connected therewith, and the Annuities and Compensation to Ferrymen, and all other Expenses relating to the Ferry; and, secondly, the Surplus, if any, shall be carried to the Credit of the *Hartlepool Port and Harbour Account*.

CXIV. In addition to the Ferry originally authorized by the Act of 1851, the Commissioners, if they think fit, may establish and maintain Ferries or Communications, by Ships, Boats, or other Vessels, worked by either Steam or other Power, between *West Hartlepool* and *Hartlepool*, and for that Purpose may purchase, hire, provide, and use such Vessels; and for the Purposes of such Ferries and Communications all such Arrangements between the Commissioners on the one Hand, and the East Dock Company and the West Dock Company, and any other Parties respectively, on the other Hand, as the Parties thereto mutually agree on, may from Time to Time be entered into and carried into effect; and the Commissioners may make and receive such reasonable Charges in respect of such Ferries or Communications as they from Time to Time appoint.

Commissioners may establish an additional Ferry between West Hartlepool and Hartlepool.

CXV. For the Purpose of showing the due Application of the Ferry Tolls, the Commissioners shall keep separate and distinct Accounts of all the Ferry Tolls, and of the Application thereof.

Separate Accounts of Ferry Tolls to be kept.

CXVI. Provided always, That the Commissioners shall not have any exclusive Right of Ferry within the Harbour; but all Persons from Time to Time may ferry within the Harbour, and in order thereto may use, without Charge, any Landing Places of the Commissioners already or hereafter made by them for the Purposes of any Ferry: Provided also, that it shall not be obligatory on the Commissioners to maintain any such Landing Place, if they think it expedient not to maintain it.

Commissioners not to have any exclusive Right of Ferry.

CXVII. The Commissioners from Time to Time may demand and take, in respect of all Vessels entering the Harbour, not exceeding the several Duties on Vessels respectively specified in the Schedule (A.) to this Act annexed; and those Duties shall be payable at and from the respective Periods mentioned in such Schedule.

Duties on Vessels as in Schedule (A.)

CXVIII. Provided always, That the Commissioners shall not, without the previous Consent of the Board of Trade, raise or reduce the Duties on any One Class of Vessels without at the same Time reducing or raising in like Proportion the Duties on every other Class of Vessels.

Equality of Duties.

CXIX. The Commissioners shall not demand or take the Duties specified in Part 2., or, as the Case may be, Part 3., of the Schedule to this

When certain Duties may be taken.



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this Act, until they show to the Satisfaction of the Board of Trade, and it be certified under the Hand of the Secretary to the Board, that the Sum of One hundred thousand Pounds, or, as the Case may be, Two hundred and fifty thousand Pounds, has been expended on Works by this Act authorized.

Restriction  
as to Duties  
mentioned in  
Part 4. of  
Schedule.

CXX. Provided always, That, unless the Commissioners expend, on or before the First Day of *July* One thousand eight hundred and sixty, the Sum of One hundred thousand Pounds on Works by this Act authorized, then after that Day those Vessels only shall be liable to Duties under Part 4. of Schedule (A.) which shall enter that Part of the Harbour which was before the passing of the Act of 1851 the Tidal Harbour of the Commissioners.

A Portion of  
the Duties  
in Part 4 of  
Schedule to  
be paid to  
the Hartle-  
pool Corpo-  
ration.

CXXI. The Commissioners shall pay to the *Hartlepool* Corporation, for their own Use, a Sum equal in Amount to so much of the Duties specified in Part 4. of Schedule (A.) to this Act as shall be received by the Commissioners in respect of Vessels which up to the Thirty-first Day of *December* One thousand eight hundred and fifty-five inclusive shall enter that Part of the Harbour which was before the passing of the Act of 1851 the Tidal Harbour of the Commissioners.

Duties, &c.  
not to be  
reduced  
without  
Consent of  
Mortgagees.

CXXII. The Commissioners shall not reduce any of the Duties or Dues without the Consent in Writing of at least Five Sixths in Value of the then Mortgagees of the *Hartlepool* Port and Harbour Fund.

Power to  
compound  
for Rates  
and Dues.

CXXIII. The Commissioners from Time to Time may agree with any Persons for the Payment of a fixed Sum, payable in advance, as a Composition, for any Term not exceeding Three Years, for all or any of the Rates or Dues payable by such Persons: Provided always, that if the Commissioners at any Time make any such Composition, all the Persons liable to like Rates or Dues under like Circumstances may compound for the same, on like Terms as those expressed in such Agreement, and the Commissioners shall accept such Composition accordingly, to the Intent that the Rates and Dues may not be compounded for partially, or in favour of any particular Person.

Tolls, &c.  
vested in  
Commission-  
ers.

CXXIV. The several Tolls, Duties, Dues, and Rates by this Act respectively granted are by this Act vested in the Commissioners for the several Purposes of this Act, and, except as is by this Act otherwise expressly provided, may be applied by them for any of those Purposes.

Power to  
lease Tolls,  
&c.

CXXV. The Commissioners from Time to Time may lease any of the Tolls, Duties, and Dues by this Act granted, at such Rents, and upon such Terms and Conditions, as are agreed upon between the  
Commissioners



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Commissioners and the Persons taking the same, provided that no such Lease be granted for longer than Three Years.

CXXVI. Provided always, That public Notice of the Intention to let the Tolls, Duties, and Dues, or any Part thereof, shall be given by the Commissioners by Advertisement in some Newspaper published or circulated in *Hartlepool* or *West Hartlepool* at least Twenty-one Days before any Meeting at which the same are proposed to be let.

Notice of  
Intention to  
Lease to be  
given.

CXXVII. The several Tolls, Duties, Dues, and Rates by this Act granted may from Time to Time be demanded and taken by such Persons as the Commissioners may appoint to receive the same, and by the Lessees of the Commissioners, and by the Officers and Servants of the Commissioners and their Lessees respectively.

Collection of  
Tolls, &c.

CXXVIII. All Moneys from Time to Time received by or for the Commissioners in respect of the Tolls, Duties, Dues, and Rates by this Act granted, and all Moneys from Time to Time borrowed by the Commissioners, and all other Monies from Time to Time received by or for the Commissioners by virtue of this Act, shall forthwith after the Receipt thereof be carried to the Credit of an Account to be called "The *Hartlepool* Port and Harbour Account," and, except as is by this Act otherwise provided with respect to the Ferry Tolls, the Commissioners shall make in that Account Entries of all the Receipts, Credits, Payments, and Liabilities of the Commissioners with respect to their Undertaking, and the carrying of this Act into execution.

Hartlepool  
Port and  
Harbour  
Account.

CXXIX. All Monies by this Act directed to be carried to the Credit of the *Hartlepool* Port and Harbour Account, and all the Lands, Buildings, Works, Property, and Effects of the Commissioners, shall form "The *Hartlepool* Port and Harbour Fund."

Hartlepool  
Port and  
Harbour  
Fund.

CXXX. All Monies from Time to Time borrowed on the Security of the *Hartlepool* Port and Harbour Fund, and the Interest thereon, and all Monies from Time to Time expended by the Commissioners in the Execution of this Act, and all the Debts, Liabilities, and Engagements of the Commissioners in the Execution of this Act, and all other their Costs, Losses, Charges, Damages, and Expenses with respect to the Execution of this Act or any of the Powers or Provisions thereof, shall be borne and paid by and out of the *Hartlepool* Port and Harbour Fund.

Charges on  
Hartlepool  
Port and  
Harbour  
Fund.

CXXXI. The Monies which shall on the Commencement of this Act be secured by Mortgages of or affecting the Tolls granted by the Act of 1851 shall for the Purposes of this Act be deemed Monies borrowed on the Security of the *Hartlepool* Port and Harbour Fund,  
[Local.] 22 G and Existing  
Mortgages to  
be First  
Mortgages  
on that  
Fund.



*Hartlepool Port and Harbour Act, 1855.*

and the Mortgages for securing those Monies, and the Interest thereon, shall accordingly be deemed Mortgages of that Fund.

Application  
of Hartlepool  
Port and  
Harbour  
Fund.

CXXXII. The Monies from Time to Time carried to the Credit of the *Hartlepool* Port and Harbour Fund shall be applied as follows :

First, in Payment of the Expenses of and incident to the obtaining and passing of this Act :

Secondly, in Payment of the Interest of the Monies from Time to Time secured by Mortgage of that Fund, according to the respective Priorities of the Mortgages :

Thirdly, in Payment of the Expenses of making and maintaining the Works by this Act authorized, and in otherwise carrying this Act into execution :

Fourthly, in providing the Sinking Fund by this Act required :

Fifthly, in paying off the Monies secured by Mortgage of that Fund, according to the respective Priorities of the Mortgages.

Commission-  
ers may  
borrow on  
Mortgage of  
Hartlepool  
Port and  
Harbour  
Fund.

CXXXIII. The Commissioners from Time to Time may borrow for any of the Purposes of this Act any Sum, not exceeding, in addition to the Mortgage Debt of the present Commissioners, Eight hundred and thirty-five thousand Pounds, and may secure the Monies so borrowed, and the Interest thereon, by Mortgages of the *Hartlepool* Port and Harbour Fund, and of the Rates and Duties by this Act granted.

Reborrow-  
ing.

CXXXIV. If any Part of the Mortgage Debt of the Commissioners be repaid by any Means except by means of the Sinking Fund, they may reborrow the same, and so *toties quoties*.

Mortgages  
under recited  
Acts to have  
Priority.

CXXXV. All Mortgages granted under the Act of 1851 or any of the Acts therein recited shall during the Continuance thereof have Priority over all Mortgages granted under this Act ; and all Parties entitled to the Mortgages having such Priority shall have the same respective Priority over each other as they would have under the Act of 1851 if it were not repealed.

Arrears may  
be enforced  
by Appoint-  
ment of a  
Receiver.

CXXXVI. The Mortgagees may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Expenses of  
Mortgages  
may be paid  
by Commis-  
sioners.

CXXXVII. The Costs and Expenses of any Mortgage may be paid by the Commissioners.

CXXXVIII. In



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CXXXVIII. In any Case in which a Sum is, according to this Act, to be paid to any Person by the Commissioners out of any Monies to be borrowed by them under this Act, the Commissioners, with the Consent of such Person, may, instead of borrowing such Sum, and issuing a Mortgage for it, and paying such Sum to such Person, issue to such Person or his Nominee a Mortgage for the Amount of such Sum in satisfaction thereof; and in every such Case the Amount for which the Mortgage is issued shall be entered in the Accounts of the Commissioners as a Sum duly borrowed from such Person or his Nominee, and secured by such Mortgage, and paid to such Person; and every Mortgage so issued shall be as valid, and confer the like Rights and Privileges, as other Mortgages granted under this Act; and the Sum secured by every such Mortgage shall be deemed Money borrowed by the Commissioners under the Authority and for the Purposes of this Act, accordingly.

Payments may be made by Commissioners by Mortgage.

CXXXIX. Provided always, That the Commissioners shall not issue to any Person or his Nominee Mortgages in lieu of Payment to any Amount greater than the Amount of Money for the Time being lawfully payable according to this Act to such Person.

Limit of Mortgages to be issued in Payment.

CXL. The due Observance by the Commissioners of any of the Provisions of this Act with reference to any Mortgage or the issuing thereof, or any Contract or Arrangement between the Commissioners and any Person in any way relating to any Mortgage or the issuing thereof, shall not form any Part of the Title, at Law or in Equity, to the Benefit of any Instrument purporting to be a Mortgage issued under this Act; and every such Instrument appearing on the Face thereof to be a Mortgage issued by the Commissioners under this Act shall, in favour of every Person claiming in good Faith the Benefit thereof, be, as against the Commissioners, absolutely valid, at Law and in Equity, to all Intents and Purposes whatsoever, unless it be proved that the Commissioners did not receive the Sum secured by the Mortgage, or grant the Mortgage in satisfaction of a Debt to the Amount secured by the Mortgage.

For Security of Mortgagees as to their Title.

CXLI. The Commissioners shall not be bound to see to the Execution of any Trust whatsoever, expressed, implied, or constructive, to which a Mortgage issued under this Act may be subject; and the Receipt of the Party in whose Name a Mortgage stands in the Registry of Mortgages, or, if it stand in the Names of more Persons than One, the Receipt of any One of the Persons 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 is then subject, and

Commissioners not bound by Trusts affecting Mortgages.

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and whether or not the Commissioners have Notice of such Trusts; and the Commissioners shall not be bound to see to the Application of any Money paid upon any such Receipt.

Sinking  
Fund for  
the Payment  
of Mort-  
gages.

CXLII. The Commissioners shall set apart and appropriate yearly out of the *Hartlepool* Port and Harbour Fund as a Sinking Fund; to be applied in paying off the Principal Sums secured on Mortgage of that Fund, a Sum not less than One Pound *per Centum* of the Sums from Time to Time so secured: Provided nevertheless, that the Commissioners shall not be bound to set apart any Money towards such Sinking Fund until the Period of Ten Years after the Commencement of this Act.

Inspection  
of Accounts.

CXLIII. All the Accounts to be kept under this Act shall be open to the Inspection of the Commissioners, and the Persons paying Tolls, Duties, Dues, or Rates under this Act, and every of them; and a full Abstract of such Accounts shall, within Two Months after the First Day of *January* in the Year One thousand eight hundred and fifty-six, and in every subsequent Year, be published by the Commissioners by Advertisement in some Newspaper published in the County of *Durham*, and circulating in *Hartlepool*.

Board of  
Trade may  
appoint an  
Auditor to  
examine  
Accounts.

CXLIV. If, upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it appear to the Board of Trade that there is reasonable Ground for believing that the Accounts of the Commissioners have not been duly kept, or that any Tolls, Duties, Dues, or Rates have been improperly or unfairly levied by them, or have not been applied in accordance with the Directions of this Act, the Board of Trade may appoint an Auditor to examine the Accounts of the Commissioners, and examine into the Matters so complained of, and to report to them thereon; and the Commissioners shall, upon Demand, produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and other Documents, and afford to him all reasonable Facilities for examining and comparing the same; and in case any such Complaint be found to be true, the reasonable Expenses of such Auditor shall be paid by the Commissioners out of the *Hartlepool* Port and Harbour Fund; but if such Complaint be not found to be true, the reasonable Expenses of such Auditor shall be paid by the Complainant; and in either Case such Expenses may be recovered, with Costs of Suit, as a Debt due to the Crown, or as a Penalty.

As to Pay-  
ment of Ex-  
penses of  
Auditor.

Damage to  
be made  
good.

CXLV. If any Person do or cause any Damage or Injury to any Property of the Commissioners, every such Person shall make good such Damage or Injury, in addition to any Penalty thereby incurred by him.

CXLVI. Every



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CXLVI. Every Penalty recovered under this Act, except any Penalty incurred by the Commissioners, shall be paid to the Commissioners, unless the Justice before whom the Penalty is recovered order any Portion, not exceeding One Half thereof, to be paid to the Informer; and such Justice may make such Order, if he think fit, and thereupon such Portion shall accordingly be paid to the Informer, and the Remainder to the Commissioners.

Application  
of Penalties.

CXLVII. Provided always, That nothing contained in this Act shall authorize the 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 previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, first had and obtained for that Purpose, and which Consent such Commissioners, or any One 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 and Successors.

Saving  
Rights of  
the Crown.

CXLVIII. Provided always, That, except as by this Act expressly provided, this Act or anything therein shall not take away, lessen, prejudice, or alter any of the Estates, Rights, 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 Devisees or Trustees under the Will of the late *William Harry* Duke of *Cleveland*, or of the Lord of the Manor of *Harte*, their Heirs or Assigns, or any Person claiming under them or any of them.

Saving  
Rights of  
the Bishop  
of Durham  
and the Duke  
of Cleve-  
land's Trus-  
tees.

CXLIX. Provided always, That this Act or anything therein shall shall not take away, lessen, prejudice, or alter any of the Rights or Privileges of the *Trinity House*, or of the Master Pilots and Seamen of the Corporation of the *Trinity House of Newcastle-upon-Tyne*.

Saving the  
Rights of  
Trinity  
House, &c.

CL. Provided always, That, except as by this Act expressly provided; this Act or anything therein shall not take away, lessen, prejudice, or alter any of the Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities of or in anywise belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Hartlepool*, now or at any Time heretofore exercised, received, had, held, or enjoyed by them or their Predecessors.

Saving  
Rights of  
the Corpora-  
tion of  
Hartlepool.

CLI. Provided always, That, except as by this Act expressly provided, this Act or anything therein shall not take away, lessen, prejudice, or alter, or authorize any Interference with any of the Rights and Privileges now enjoyed by Fishermen belonging to or

Saving the  
Rights of the  
Fishermen of  
Hartlepool,

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frequenting

*Hartlepool Port and Harbour Act, 1855.*

frequenting the Port, or any other Rights and Privileges which such Fishermen have heretofore had, possessed, or enjoyed within the Port.

Saving  
Rights of  
Dock Com-  
panies.

CLII. Provided always, That, except as is by this Act expressly provided, this Act or anything therein shall not take away, lessen, prejudice, or alter any Rights, Powers, or Privileges whatsoever which are now vested in or can be legally exercised by the Owners or Lessees of the East Dock or the Owners of the West Dock.

Act not to  
prejudice  
Wet Docks  
in the Port.

CLIII. Provided always, That this Act or anything therein shall not prevent or hinder any Body Politic or Corporate, otherwise duly authorized, from making or maintaining any Wet Docks or other Works for the Improvement, Convenience, or Accommodation of the Trade and Commerce of the Port, or injure or prejudice any such Docks or Works.

Commission-  
ers, &c. not  
exempt from  
Provisions of  
Merchant  
Shipping  
Acts and  
General Acts.

CLIV. Nothing in this Act shall exempt the Commissioners, or the Port, Harbour, Lands, and Works under their Jurisdiction, from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any General Act relating to Docks, Harbours, or Dues on Shipping, or on Goods carried in Shipping, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls or Duties by this Act authorized, or of the Limits of this Act with respect to such Tolls or Duties.



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*Hartlepool Port and Harbour Act, 1855.*

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## SCHEDULE (A.) to which the foregoing Act refers.

## TONNAGE DUTIES ON VESSELS.

## PART 1.

The following Duties to be payable from the Commencement of the foregoing Act:

For every Vessel entering the Harbour, and also entering or using any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and loading or unloading a Cargo before leaving the Harbour, per Register Ton Burthen - -	s.	d.
	0	1
For every Vessel entering the Harbour, and either entering or using, or not entering or using, any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and not loading or unloading a Cargo before leaving the Harbour:		
If such Vessel be in Ballast, or have no Cargo on Board, per Register Ton Burthen - - - - -	0	1
If such Vessel be laden with a Cargo, per Register Ton Burthen	0	2

## PART 2.

The following Duties to be payable when the Sum of £100,000 shall have been expended on the Works authorized by the foregoing Act, in lieu of the Duties specified in Part 1. of this Schedule:

For every Vessel entering the Harbour, and also entering or using any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and loading or unloading a Cargo before leaving the Harbour, per Register Ton Burthen - - - - -	s.	d.
	0	1½
For every Vessel entering the Harbour, and either entering or using, or not entering or using, any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and not loading or unloading a Cargo before leaving the Harbour:		
If such Vessel be in Ballast, or have no Cargo on board, per Register Ton Burthen - - - - -	0	2
If such Vessel be laden with a Cargo, per Register Ton Burthen	0	4

*Hartlepool Port and Harbour Act, 1855.*

PART 3.

The following Duties to be payable when the Sum of £250,000 shall have been expended on the Works authorized by the foregoing Act, in lieu of the Duties above specified in Parts 1. and 2. :

For every Vessel entering the Harbour, and also entering or using any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and loading or unloading a Cargo before leaving the Harbour - - - - -	s. d.
	0 1½
For every Vessel entering the Harbour, and either entering or using, or not entering or using, any Harbour, Dock, or Shipping or Landing Place, within, adjoining, or communicating with the Harbour, other than the Works of the Commissioners, and not loading or unloading a Cargo before leaving the Harbour:	
If such Vessel be in Ballast, or have no Cargo on board, per Register Ton Burthen - - - - -	0 3
If such Vessel be laden with a Cargo, per Register Ton Burthen	0 6

PART 4.

In addition to the other Duties by the foregoing Act authorized, the following Duties to be payable from the Commencement of the foregoing Act :

For every decked Vessel entering the Harbour for the Purpose of loading or unloading, or not driven within the same through Danger of the Seas, Stress of Weather, or Pressure of the Enemy, per Vessel - - - - -	s. d.
	1 4
For every decked Vessel entering the Harbour otherwise 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 per Vessel not exceeding -	0 8

Section 29. of the Harbours, Docks, and Piers Clauses Act, exempting Vessels from Rates for returning from Stress of Weather or other sufficient Cause, only applies to such Vessels as shall return to the Harbour with the same Cargo with which such Vessel was loaded in the Harbour, or any Harbour, Dock, or Shipping Place within, adjoining, or communicating with the Harbour.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1855.