



## CHAPTER ci.

An Act for conferring further powers on the Tees Conservancy Commissioners with respect to the sale or leasing of reclaimed lands and minerals for amending the Tees Conservancy Acts and for other purposes. A.D. 1889.

[26th July 1889.]

**W**HEREAS by the Tees Conservancy Acts 1852 to 1887 (all which Acts are herein-after referred to as “the recited Acts”) the Tees Conservancy Commissioners (in this Act called “the Commissioners”) are constituted and incorporated and are invested with powers for the conservancy improvement and regulation of the River Tees and for the construction of works and the reclamation of land and other purposes :

And whereas section thirteen of the Tees Conservancy Act 1858 provided that the owners for the time being of ancient inclosed lands adjoining the lands reclaimed by the Commissioners should be entitled to the pre-emption in manner therein provided of such of the reclaimed lands as should lie between their respective lands and the channel of the Tees :

And whereas under the same Act as amended by the Tees Conservancy Act 1863 all reclaimed lands not purchased by the owners of adjoining lands were required to be sold by the Commissioners of Woods and Forests (herein-after called “the Commissioners of Woods”) by public auction or private contract and the purchase moneys arising from the sale were to be apportioned as follows (namely) :—

Two equal fourth parts to the Commissioners ;

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

The remaining equal fourth part to the owners of such adjoining lands as aforesaid :

And whereas by the Tees Conservancy Act 1867 (section fifty-seven) the Commissioners and the Commissioners of Woods were

A.D. 1889.

authorised to enter into agreements for improving any lands reclaimed and as to the letting of such lands in the meantime and until sold :

And whereas the Commissioners have under the powers of the recited Acts reclaimed a large amount of land and in many cases the owners of the adjoining lands have not exercised their said right of pre-emption and the Commissioners have now completed their reclamation works :

And whereas the value of the reclaimed lands or some part thereof has been considerably enhanced owing to the discovery of a bed of rock salt underlying the same :

And whereas it is expedient that further powers of sale and leasing be now conferred on the Commissioners of Woods (to be exercised with the consent of the Commissioners and otherwise as in this Act mentioned) with respect to the said reclaimed lands and the minerals beneath them :

And whereas it is expedient that the Commissioners be authorised to make the deviation by this Act authorised in constructing the railway authorised by the Tees Conservancy Act 1875 :

And whereas it is expedient that the time for the construction of the railway authorised by the Tees Conservancy Act 1875 and of certain other railways and roads which the Commissioners are authorised or required to construct be extended :

And whereas it is expedient to amend the provisions of the recited Acts in respect of the election of Commissioners the levying of tolls rates and charges and of other matters and to make such other provisions as this Act contains :

And whereas plans and sections showing the line and levels of the said deviation and delineating the lands which may be required for the purposes thereof and a book of reference to the said plans describing those lands were deposited with the clerk of the peace for the county of Durham and are herein-after respectively referred to as "the deposited plans sections and book of reference" :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Tees Conservancy Act 1889.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon



A.D. 1889.

lands by the promoters of the undertaking) 1860 and 1869 (in this Act referred to as "the Lands Clauses Acts") the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 except where expressly varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act and for the purposes of this Act in connexion with those Acts the Commissioners shall be deemed to be a company.

**3.** Subject to the provisions of this Act it shall be lawful for the Commissioners of Woods with the consent of the Commissioners in writing under the hand of their chief clerk at any time after the passing of this Act and from time to time to sell any lands reclaimed under the powers of the recited Acts and which for the time being may remain unsold or any part of such lands either with or without a reservation of all or any of the mines minerals or substrata thereunder and of any rights powers and privileges for working getting and manufacturing the same and also to sell all or any of the mines minerals or substrata under all or any such reclaimed lands either with or without any part of the surface and with or without any such rights powers and privileges as aforesaid as to the said Commissioners of Woods and Commissioners may seem expedient and with power to make any such sale subject to any lease or agreement that may have been previously made or entered into affecting the premises intended to be sold.

Power to Commissioners of Woods to sell land with minerals or to sell minerals with or without surface rights.

**4.** Subject to the provisions of this Act it shall be lawful for the Commissioners of Woods with the consent of the Commissioners in writing under the hand of their chief clerk at any time after the passing of this Act and from time to time to lease or agree to lease all or any of the mines minerals or substrata under any such reclaimed lands as aforesaid either with or without any part of the surface thereof for any term of years not exceeding sixty-three years from the time of making such lease or agreement at or under such minimum and other rents royalties covenants and provisions and with such rights powers and privileges (whether affecting the surface of the land or otherwise) for working getting and manufacturing such mines minerals or substrata as to the Commissioners and the Commissioners of Woods may seem expedient.

Power to Commissioners of Woods to grant mineral leases with or without any part of the surface.

**5.—(1.)** Before making any sale or lease of any or any part of the reclaimed lands mentioned in this section whether under the foregoing provisions of this Act or under the provisions of the recited Acts or any of them the Commissioners of Woods shall give written notice of the proposed terms thereof:—

Notice to landowners of exercise of powers of sale or leasing certain reclaimed lands.

(a) As regards reclaimed lands situate east of the western boundary of the township of Seaton Carew to the Earl of Eldon for the

A.D. 1889.

time being or his lawful agent or solicitor as the representative of all owners of ancient inclosed lands interested in the reclaimed lands so situate.

(b) As regards reclaimed lands lying between Greatham Beck and the western boundary of the township of Seaton Carew to the trustees of the Hospital of God in Greatham or their lawful clerk or solicitor as the representatives of all owners of ancient inclosed lands interested in the reclaimed lands so situate.

(c) As regards reclaimed lands lying between Greatham Beck and the northern boundary of certain reclaimed lands numbered 12 and 13 in the award of Messieurs Thomas Fenwick and George Pemberton Leach dated the sixteenth day of March 1887 to the Ecclesiastical Commissioners or their secretary as the representatives of all owners of ancient inclosed lands interested in the reclaimed lands so situate.

(2.) If within twenty-one days from service of such notice any objection to the proposed terms is made in writing and served upon the Commissioners of Woods by any party on whom notice as aforesaid has been served the objection unless withdrawn or removed or unless the proposed sale or lease shall be abandoned shall be referred to and determined by a competent and impartial referee to be appointed on the application of the Commissioners of Woods by the President of the Institution of Civil Engineers and the sale or lease shall only be proceeded with subject to such alteration (if any) of the proposed terms as the referee may determine.

(3.) The remuneration and expenses (if any) of the referee shall be paid in the first instance by the Commissioners of Woods and the amount so paid shall be repaid to them out of the moneys arising from such sale or lease before the same shall be paid and applied as herein-after directed.

(4.) The Earl of Eldon for the time being may act under this section by his lawful agent or solicitor.

Extension  
of time for  
sale of  
reclaimed  
lands.

6. The time limited by the Tees Conservancy Act 1858 (section 55) as extended by the Tees Conservancy Act 1878 (section 24) for the sale or disposition of reclaimed lands is hereby extended to the seventeenth day of June 1908 provided that the Commissioners may with the consent of the parties entitled under the recited Acts to a right of pre-emption of any reclaimed lands and with the consent of the Commissioners of Woods postpone the sale of such lands for such period as they see fit notwithstanding anything in the recited Acts or this Act.

Application  
of purchase  
moneys and  
rents.

7. Subject to the provisions of this Act all purchase moneys arising from the sale of any such reclaimed lands as aforesaid or the surface thereof or any minerals thereunder and all rents and royalties



received from leasing any such reclaimed lands or the surface thereof or any minerals thereunder in exercise of the powers of this Act shall be paid and applied in the same manner in all respects as if they were purchase moneys and rents respectively arising under the powers of the recited Acts from the sale or letting of reclaimed lands.

A.D. 1889.

—

8. In any case where any lands acquired by the Commissioners for the construction of their North Gare breakwater or for approaches thereto are not required for the purpose for which they were originally acquired the Commissioners may from time to time sell or lease such lands or any part thereof for such price or at such rent and generally on such terms and conditions as the Commissioners may deem expedient :

Power to sell or lease lands not required for North Gare breakwater.

Provided that the Commissioners shall before selling or leasing for more than twenty-one years in possession any such lands first offer to sell such lands to the person or persons (including Her Majesty Her heirs and successors) then entitled to the lands from which such lands were originally severed and sections one hundred and twenty-nine one hundred and thirty and one hundred and thirty-one of the Lands Clauses Consolidation Act 1845 shall be incorporated with this Act and apply in every such case accordingly and the said right of pre-emption may be claimed and exercised by the Commissioners of Woods on behalf of Her Majesty Her heirs and successors or by any parties entitled to sell and convey lands under section seven of the said Lands Clauses Consolidation Act for and on behalf of all such persons as are therein mentioned.

9. Subject to the provisions of this Act the Commissioners may make in the line and according to the levels shown on the deposited plans and sections and within the limits of deviation laid down upon those plans the deviation railway herein-after described together with all necessary and proper stations sidings approaches works and conveniences connected therewith (that is to say):—

Power to deviate Tees Side Railway.

A deviation of the railway authorised by the Tees Conservancy Act 1875 two miles six furlongs two and a half chains in length commencing at the point two miles six furlongs two and a half chains or thereabouts measured along the centre line of that railway from the intended termination thereof as shown upon the plans deposited for the purposes of that Act and the said intended point of termination thereof :

and may by agreement enter upon take and use such of the lands delineated on those plans and described in the deposited book of reference as may be required for the purposes thereof and shall abandon the construction of the portion of the railway authorised by the Tees Conservancy Act 1875 between the said points And all the powers conferred upon the Commissioners by the Tees Conservancy

A.D. 1889. Act 1875 as amended or extended by any subsequent Act including this Act for constructing the said railway shall so far as applicable extend and apply and may be exercised by the Commissioners for the purpose of constructing the said deviation and the said deviation when constructed shall for all purposes of tolls and charges and all other purposes form part of the said railway as if such deviation had originally been authorised to be made by that Act instead of the portion thereof hereby authorised to be abandoned.

Extension of time for constructing the Tees Side Railway.

**10.** The time limited by the Tees Conservancy Act 1875 as extended by the Tees Conservancy (No. 2) Act 1887 for the construction of so much of the Tees Side Railway as is not hereby authorised to be abandoned is hereby extended to the expiration of ten years from the passing of this Act and if on the expiration of that period the said portion of railway and the deviation of the portion of the said railway hereby authorised are not completed the powers of the Commissioners for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power for Commissioners to agree with landowners and others as to time for completion of railways and roads.

**11.** Where under any of the recited Acts or any award or agreement thereunder the Commissioners are required or empowered to construct any railway (other than the said Tees Side Railway) or road the Commissioners may notwithstanding anything contained in any of the recited Acts or in any award thereunder from time to time agree with landowners and other persons interested for postponing the time for completion of any such railway or road or for altering the situation of any such railway or road or for abandoning the construction of any such railway or road or any part thereof.

Provision as to labouring class houses.

**12.** The Commissioners shall not under the powers of this Act or the recited Acts without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to enter into agreements

**13.** Subject to the approval of the Board of Trade the Commissioners on the one hand and the North-eastern Railway Company



and any other company or person on the other hand may from time to time enter into and carry into effect agreements for making maintaining working and using any railway or (subject to any exclusive or private rights now or hereafter conferred upon or vested in any body or person under any award now existing or hereafter made under any arbitration proceedings pending at the time of the passing of this Act) making maintaining or using any road which the Commissioners are required or empowered to construct and for the making of contributions by any such company or person to the cost of construction of any such railway or road or any extension thereof.

A.D. 1889.  
—  
with other companies as to maintenance &c. of railways and roads.

**14.** Nothing in any agreement made under the authority of this Act shall affect the rights of the Postmaster General under the Telegraph Act 1878 and the Tees Conservancy (No. 2) Act 1887 to place and maintain telegraphic lines in under upon along over or across any railways and works comprised in the undertaking of the Commissioners and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways and works of the Commissioners or any parts or part thereof are or is owned leased or worked by the North-eastern Railway Company and as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Saving for Postmaster General.

**15.** For the purpose of the election of the eight Commissioners elected under the Tees Conservancy Act 1875 the rates enumerated in Part II. of the schedule to the Tees Conservancy Act 1878 shall be deemed to be Tees dues within the meaning of section thirty-four of the said Act of 1875 and Stockton and Middlesbrough payers of these rates shall be entitled to be registered as payers of Tees dues and to vote as such at elections of the Commissioners.

Payers of dues scheduled to Tees Conservancy Act 1878 to have the right of voting for Commissioners.

**16.** Whenever the number of persons duly proposed and seconded as candidates for election as Commissioners under the provisions of the Tees Conservancy Act 1875 does not exceed the number of vacancies the chief clerk shall by writing under his hand certify that the persons so proposed and seconded have been duly elected and in every such case the meetings prescribed by section fifty of the said Act shall not be convened or held.

Amended provisions as to election of Commissioners.

**17.** All tolls dues or rates payable to the Commissioners in respect of any vessel outward bound or of the cargo or any part of the cargo of any such vessel shall be paid to the Commissioners before the vessel shall be cleared outwards and the collector or other proper

Dues to be paid before clearance of vessels outwards.

A.D. 1889.

officer of Her Majesty's Customs may with the consent of the Commissioners of Her Majesty's Customs refuse clearance of any vessel as to which it may be proved to the satisfaction of such officer that the tolls dues or rates have not been paid.

Costs of  
Act.

**18.** The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid in the first instance by the Commissioners out of any moneys for the time being in their hands but a proportion thereof to be agreed upon between the Commissioners of Woods with the consent of the Treasury and the Commissioners may be repaid to the Commissioners by such instalments and at such times and in such manner as may be agreed upon between them out of purchase moneys rents or royalties which may be received under the provisions of this Act and before dividing the same pursuant to the provisions of the recited Acts Provided always that the purchase money rents or royalties arising under any particular sale or letting shall not be charged with any larger share of the said proportionate sum than may in the opinion of the Commissioners of Woods be fairly attributable to the land or minerals as the case may be included in such sale or letting.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or  
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.