

32 G.2. c.65. intituled *An Act for continuing, amending, and rendering more effectual so much of an Act made in the Twentieth Year of His present Majesty's Reign, intituled 'An Act for the better Preservation and Improvement of the River Wear, and Port and Haven of Sunderland, in the County of Durham,' as relates to the Port and Haven of Sunderland, and the River Wear, between South Biddick or Biddick Ford, and the said Port and Haven: And*

25 G.3. c.26. *whereas another Act was passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled An Act for the better Preservation and Improvement of the River Wear, and Port and Haven of Sunderland, in the County Palatine of Durham, whereby the Terms granted by the said Acts of the Twentieth and Thirty-second Years of His late Majesty were further continued from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the next Session of Parliament; and instead of the Powers and Provisions contained and granted by the said Two Acts last mentioned, other Powers and Provisions were thereby granted; and for the better Preservation and Improvement of the said River, Port, and Haven, Power was given to the Commissioners thereby appointed, to survey and improve the Navigation of the said River so far as to a Place called South Biddick or Biddick Ford, and no further; and the Port and Haven of Sunderland, as the same extends from the Promontory or Point called Souter Point, about Two Miles from Sunderland Bar towards the North-east, and so into the Sea to Five Fathoms of Water at Low Water, and from thence in a supposed direct Line till it falls opposite to that Land called Ryhope Dean, about Two Miles to the South; and for raising Money necessary for those Purposes, certain Duties were thereby made payable for Coals and Cinders led and brought to the said River within certain Limits therein mentioned, and cast and delivered on board of Ships, Boats, Keels, Barges, Lighters, and other Vessels, and carried and conveyed down the said River to the Port of Sunderland, or any Part of the said River below South Biddick, or Biddick Ford aforesaid: And whereas the Commissioners appointed in and by the said Acts have, in pursuance and in Execution of the Powers thereby vested in them, expended and laid out very large Sums of Money in erecting and building Two large Piers of Stone, and in lengthening the same by Timber and Stones; also in erecting and building Quays, and in deepening the Channel of the said River near the Mouth thereof, and in making several Alterations and Additions to the Piers and Works, and making divers other new Works for the Improvement and Security of the said River, Port, and Haven, whereby great Benefits and Advantages have arisen to the Navigation and Trade there: And whereas in pursuance and by virtue of the Three last-mentioned Acts, the Commissioners therein named, and thereby appointed, have borrowed several large Sums of Money upon the Credit of the same Acts, to the Amount of Seven thousand nine hundred Pounds; and there yet remains due and owing upon the Credit thereof the Sum of Five thousand eight hundred Pounds; and, notwithstanding the Duties granted by and collected and received in pursuance of the same Acts, and the Money so borrowed on the Credit thereof, have been duly applied in making and carrying on the said Works, and for the other Purposes in the said Acts mentioned, yet the necessary Works to be done for preserving and for further improving the Navigation of the said River, Port, and Haven, cannot be carried on without further and sufficient Duties being granted and made payable, nor unless Power is given to borrow a further Sum: And whereas the Port of Sunderland is of very*

great

great Importance to His Majesty's Service and Revenue, and in bringing up and employing a great Number of skilful Mariners and Seamen: And whereas the improving the Navigation by repairing and supporting the present Works and erecting other Works to render the said River, Port, and Haven more safe and commodious will be of great Public Utility: And whereas it is expedient that the said Acts should be repealed, and that such of the Provisions thereof as it may be necessary to continue, should be consolidated and re-enacted in this Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That the said Three several recited Acts of Parliament of the Twentieth and Thirty-second Years of the Reign of His late Majesty, and of the Twenty-fifth Year of the Reign of His present Majesty, shall be and the same are hereby repealed accordingly, save only so far as the same concern or relate to any Rates or Duties which at the Time of passing this Act have become due and payable under and by virtue of any of the same recited Acts respectively, and which now remain unpaid; and also so as not in any Manner to annul, prejudice or affect any Contract, or other Matter or Thing whatsoever, already entered into, made, or done by the Commissioners acting under the same recited Acts or any of them respectively, and that such Contracts, Matters, and Things may be acted upon and carried into Effect by the Commissioners authorized to execute this Act.

II. And be it further enacted by the Authority aforesaid, That *Bryan Abbs, Henry Askew, Edward Aiskell, Edward Aiskell the younger, John Allan, the Honourable George Lyon Bowes, Thomas Bowes, Sir Francis Blake Baronet, Charles John Brandling, the Reverend Ralph Henry Brandling, Charles Brandling, Calverley Bewicke, Rowland Burdon, Rowland Burdon the younger, Matthew Bell, Robert Blakiston, Robert Biss, William Beckwith, William Beckwith the younger, George Baker of Elemore, John Burrell, Thomas Brunton, Thomas Burn of Bishop Wearmouth, William Byers, the Reverend John Brewster, Christopher Bramwell, John Carr, John Carr the younger, Isaac Cookson, John Cookson, Christopher John Cay, Thomas Clerke, Thomas Cook, Sir John Eden Baronet, Robert Eden, Sir Frederick Morton Eden Baronet, the Reverend Charles Egerton, George Ward Errington, John Walton Elliot, Cuthbert Ellison, the Reverend William Ettrick, William Eden, George Fenwick, George Fenwick the younger, Addison Fenwick, Robert Fenwick, William Featherstonehaugh, William Ferguson, Nicholas Fairless, Nicholas Fairless the younger, Chipchase Grey, John Goodchild of Low Pallion, John Goodchild of High Pallion, John Goodchild the younger, James Goodchild, Ralph Gowland, John Gregson, William Gray, the Reverend Doctor Gray, Robert Green, Robert Green the younger, John Harrison, Hendry Hopper, Anthony Hopper, Thomas Hopper, Thomas Hopper of Durham, Christopher Septimus Hill, Thomas Hill, William Hayton, Timothy Hutchinson, William Hutchinson, William Hunter, William Hoar, Thomas Horn, the Reverend John Hatton, the Reverend Henry Hillyard, Joseph Harrison, John Humble, Thomas Humble, Charles Joseph Humble, the Reverend John Hampson, Nathan Horn, John Hudson, William Ironside, Hylton Joliffe, John Jackson, James Jackson, Carr Ibbetson, John George Lambton, William Henry Lambton, Ralph John Lambton, Henry Lambton, Hedworth Lambton, Sir Thomas Henry*

The Appointment of Commissioners.

Henry Liddell Baronet, Lewis Legg, Sir Gilfred Lawson Baronet, Sir William Loraine Baronet, George Longstaff, Sir William Leighton, John Lyon, Charles Lyon, Frederick Lumley, Ralph Lambert, Sir Ralph Milbanke Baronet, George Isaac Mowbray, Arthur Mowbray, Christopher Thompson Maling, John Maling, Jacob Maude, Warren Maude, Richard Markham, Francis Mascall, John Douthwaite Nesham, John Nesham, Thomas Nicholson, Robert Nicholson, John Nefs, the Reverend William Nesfield, Thomas Nelson, Bernard Ogden, Sir George Pocock Knight of the Bath, William Peareth, Stephen Pemberton Doctor of Medicine, Richard Pemberton, John Pemberton, George Pemberton, William Peters, Sir Matthew White Ridley Baronet, Matthew White Ridley, Thomas Richardson, William Russell, Matthew Russell, George Robinson, John Wall, Christopher Robinson, Ralph Robinson, Ralph Robinson the younger, William Robinson of Silksworth, William Rudd, Thomas Rudd, Thomas Robson, Robert Reay of Hilton, Robert Reay of Sunderland, Robert Eden Duncombe Shafto, Thomas Shafto, John Stafford, John Smith, the Reverend George Scurfield, Charles Spearman, Edward Shipperdson, George Story, Richard Scruton, Thomas Sanderfon, William Sleigh, William Stobart, Charles Simpson, Sir Henry Vane Tempest Baronet, Sir John Thorold Baronet, Christopher Thornhill Thornhill, Simon Temple, William Temple, William Taylor, the Reverend Edward South Thurlow, Sir Hedworth Williamson Baronet, Thomas Williamson, Hedworth Williamson, William Hamilton Williamson, Thomas Wade, Thomas Wake, Rowland Webster, Rowland Webster the younger, Thomas Wilkinson of Houghton-le-Spring, Thomas Wilkinson of Oswald House, Robert Hopper Williamson, the Reverend Robert Hopper Williamson, Richard Wharton, the Reverend Richard Wallis, the Reverend J. Robinson Wallis, Anthony Wilkinson, Thomas Wilkinson of Newbus Grange, and John White, shall be, and they are hereby appointed Commissioners for putting this Act into Execution within the Limits herein-after mentioned; (that is to say,) the said Commissioners shall and may, and they are hereby empowered and authorized from Time to Time, as they shall see Occasion, to survey and preserve, and improve the Navigation of the said River so far as to the said Place called *South Biddick* or *Biddick Ford*, and no further, and the Port and Haven of *Sunderland* as the same extends from the said Promontory or Point called *Souter Point*, about Two Miles from *Sunderland Bar*, towards the North-east, and so into the Sea to Five Fathoms at Low Water, and from thence in a supposed direct Line till it falls opposite to that said Land called *Ryhope Dean* about Two Miles towards the South, and to correct and prevent the Impediments, Lets, Abuses, and Annoyances therein; and that in all the Proceedings under this Act, or made by virtue thereof, the said Limits shall be known and intended by the Words following; *videlicet*, "The Limits of the Navigation," without any other or further Description; and that as fully and effectually, to all Intents and Purposes, as if the said Limits were set forth in the Words and to the Effect herein-before mentioned.

All Acts may be done by Five Commissioners unless otherwise directed.

III. And it is further enacted, That all Acts, Proceedings, Matters, and Things, herein directed or expressed to be done or executed by the said Commissioners, relative to the Execution of this Act, may be done and executed by any Five or more of the Commissioners hereby appointed, or hereafter to be appointed, in pursuance of this Act, as effectually as if all the said Commissioners concurred therein, except only in the Cases herein particularly directed or mentioned to be done or executed by any greater

greater or less Number of them; and that any Five or more of the said Commissioners (of which the Chairman for the Time being shall be one) shall, in all Cases where the contrary is not provided for by this Act, be a sufficient Number to constitute a Meeting for transacting the Business of this Act.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in pursuance of this Act (other than and except the Mayor and Recorder of the City of *Durham* and *Framwelgate* for the Time being, and the Steward of the Borough of *Sunderland* aforesaid for the Time being, and the Collector of the Customs for the Port of *Sunderland* for the Time being), unless at the Time of acting he shall, either in his own Right or in Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, or Tenements, held by him or her for a Life or Lives, or in which he or she is entitled to some Estate of Inheritance, of the clear yearly Value of Two hundred Pounds above Reprises, or be possessed of or entitled to a Personal Estate of the Value of Six thousand Pounds; and if any Person (except the Mayor and Recorder of the City of *Durham* and *Framwelgate* for the Time being, the Steward of the Borough of *Sunderland* for the Time being, and the Collector of the Customs for the Port of *Sunderland* for the Time being) shall fit or act as a Commissioner, not having such Estate as aforesaid, or having or holding any Office or Place under this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, to be recovered by Action of Debt, or on the Case, or by Bill, Complaint, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and upon Suit or Prosecution, the Proof of such Qualification shall lie upon and be made out by such Person so to be sued or prosecuted.

Qualification
of the Com-
missioners.

V. Provided also, and be it further enacted, That the said Commissioners, and each of them, shall take and subscribe the Oath following, before he or they shall take upon him or themselves the Execution of any of the Powers or Authorities hereby given, other than administering the Oath; *videlicet*,

Commission-
ers to take
and subscribe
an Oath.

‘ I *A. B.* do swear, That I am, either in my own Right, or in Right of
‘ my Wife, in the actual Possession or Receipt of the Rents and Profits of
‘ Freehold or Copyhold Messuages, Lands, or Tenements, held by me or
‘ my Wife for a Life or Lives, or in which I or my Wife are, or is, en-
‘ titled to some Estate of Inheritance, of the clear Yearly Value of Two
‘ hundred Pounds above Reprises, or am possessed of or entitled to a
‘ Personal Estate to the Value of Six thousand Pounds; and I do swear
‘ that I will, without Favour or Affection, Hatred or Malice, truly and
‘ impartially, according to the best of my Skill and Knowledge, execute
‘ and perform all and every the Powers and Authorities as a Commissioner,
‘ in pursuance of an Act passed in the Forty-ninth Year of the Reign of
‘ His Majesty King *George* the Third, intituled [*here set forth the Title of*
‘ *this Act*].’

Which Oath the Commissioners, or any Two or more of them, are hereby authorized and required to administer, at the first or any other Meeting

Oath to be
administered
yearly.

[*Loc. & Per.*]

9 L

Meeting

Meeting by virtue of this Act; and the said Oath shall be administered to and subscribed, once in every Year, by every Commissioner who shall attend; and if any Commissioner shall not attend for the Space of One Year, then the said Oath shall be administered and subscribed at the first Meeting at which he shall be present after such his Absence.

Meetings.

VI. And be it further enacted by the Authority aforesaid, That the said Commissioners shall meet at the House of *Matthew Shout* Engineer, in *Sunderland* aforesaid, on the Thirtieth Day of *June* next after passing this Act, and elect and appoint one of the Commissioners appointed by this Act to be Chairman to preside at the Meetings of the Commissioners, and shall then proceed further to put this Act in Execution, and then adjourn themselves; and shall afterwards meet from Time to Time, at the Place aforesaid, or at such other Place or Places in *Sunderland* aforesaid, or in *Bishop Wearmouth* in the said County, as the said Commissioners from Time to Time shall appoint, and as often as it shall be necessary for putting this Act in Execution; but in case at any Time an Adjournment shall be made, and Necessity shall require a Meeting to be held previous to the Day of Adjournment, then and in such Case, on the Chairman and Two of the acting Commissioners giving Notice in Writing under their Hands of the Time and Place of such Special Meeting, to be affixed on the Doors of the Church and Chapel at *Sunderland* aforesaid, and of the Custom House there, a Special Meeting may be held at the Time mentioned in the said Notice, in case there be not less than Twenty-four Hours from the Time of the Notice being affixed; and such Proceedings as shall be had and made at such Special Meeting shall and may be acted upon until the Day of Adjournment, and then to be entered in the Proceedings of that Day, if approved by the Commissioners present at the Meeting held by such Adjournment; and if it shall happen that there shall not appear at any Public Meeting, which shall be appointed to be held by Adjournment, or at any Special Meeting, a sufficient Number of Commissioners to act at such Meeting, then and in such Case the Chairman for the Time being, with One or more of the Commissioners (if any shall be present) at such appointed Meeting, shall and may adjourn the said Meeting to any other Day not exceeding Three Weeks from thence next following; and if it shall happen that the Chairman of the Commissioners shall not appear at any such Meeting where there shall not be a sufficient Number of Commissioners to act, that then and in such Case the Clerk to the said Commissioners, by Notice in Writing under his Hand to be affixed on the Doors of the Church and Chapel at *Sunderland* aforesaid, and of the Custom House there, and also by an Advertisement in one of the Newspapers published at *Newcastle-upon-Tyne*, shall appoint the said Commissioners to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks on which the last Meeting was appointed to be held, or on any other Day within the last Fourteen Days of the said Three Weeks; and the said Commissioners shall, at all their Meetings, pay their own Expences; and no Expence in respect thereof shall be paid out of the Monies arising by this Act, nor shall any Charge be allowed in respect thereof, in any Accounts to be taken of such Monies, except as herein-after expressed.

Chairman to have a determining Vote.

VII. And be it further enacted, That the Chairman for the Time being shall have a determining Vote in all Cases whatever, when a sufficient Number

Number of the Commissioners shall be present at any Meeting, and the Commissioners present shall vote even; but when the Number of Commissioners present shall not vote even, then and in such Case the Chairman shall have no Vote; and all Matters and Things shall from Time to Time be ordered and determined according to the Vote of the Majority of the Commissioners then present.

VIII. Provided always, and be it further enacted, That in case the Chairman for the Time being shall be disabled by Sickness or otherwise from attending, or shall neglect or refuse to attend at any such public Meeting, having first Notice in Writing under the Hand of the Clerk or Treasurer, by the Bailiff of the Commissioners, given to him, or left at his Dwelling-house or Place of Abode, if he reside in the Towns of *Sunderland, Bishop Wearmouth, or Monk Wearmouth*, in the said County, of the Time and Place when and where the said Commissioners are to meet; then upon Oath of such Notice given or left as aforesaid, the said Commissioners shall and may, after the Hour of Eleven of the Clock in the Morning, proceed to the Election and Appointment of another Chairman; and after such Election and Appointment shall and may proceed and do all and every the Matters and Things by this Act provided and authorized to be done.

If Chairman do not attend another to be chosen.

IX. And be it further enacted, That the said Commissioners shall Twice in every Year, on the Days following, that is to say, on the first *Wednesday* in the Month of *January*, and the first *Wednesday* in the Month of *July*, meet and elect a Commissioner for the Time being, acting in Execution of this Act, to be Chairman to preside at the Meetings of the said Commissioners.

Times for choosing the Chairman.

X. And, to the Intent that the Abuses, Impediments, and Obstructions in and to the said River, Port, and Haven, and the Navigation thereof, may be prevented or remedied, be it further enacted, That it shall be lawful for the said Commissioners, at their General Meeting yearly, on the first *Wednesday* in *July*, to elect, choose, and appoint, by an Order in Writing under their Hands, Thirteen of the said Commissioners acting, or who have acted in Execution of this Act, to be a Committee for the Purposes herein-after mentioned, which Committee shall be called "The Committee of Survey;" and it shall and may be lawful to and for such Committee, or any Five or more of them, to use and exercise the several Powers and Authorities vested in them in and by this Act for the Term of One Year only, or until other Persons shall be chosen in their Place by virtue of this Act; and all Instruments or Nominations of any Person or Persons to be of such Committee, shall be entered in a Book to be kept by the Clerk of the said Commissioners for that Purpose.

Committee of Thirteen Commissioners to be elected.

XI. Provided always, That every Person to be appointed of the said Committee, in pursuance of this Act, shall, on or before the next public Meeting of the said Commissioners, after such Appointment and Notice in Writing to him given thereof, or left at his usual Place of Abode under the Hand of the Clerk of the said Commissioners, accept the said Trust, and subscribe an Instrument in Writing, to be provided for that Purpose, acknowledging his said Acceptance, and that he is willing to act therein;

Commissioners appointed to be of the Committee to accept.

and

and in Default thereof, such Appointment shall be void, and of none Effect.

For electing
Commissioners
on Death,
&c.

XII. And, for the constant supplying the Number of Commissioners in case of Death or Refusal to act, Avoidance, or other Incapacity of any of them, be it further enacted, That at any Time within Twelve Calendar Months next after the Death of any of the said Commissioners, or Notice of such Avoidance, Incapacity, or Refusal, it shall be lawful for the said Commissioners from Time to Time to elect and appoint (by Order entered in a Book to be kept for that Purpose) such other Person or Persons to be a Commissioner or Commissioners in the Place or Places of such Commissioner or Commissioners so dying, avoiding, becoming incapable, or refusing as aforesaid, as they shall think fit, and such Commissioner and Commissioners so from Time to Time elected and appointed shall have the same Power and Authority in all Things, as if he or they had been named in this Act.

For electing
Commissioners
to be of
the Committee
to supply
Vacancies.

XIII. And be it further enacted, That in case of the Death or Refusal to act of any Person so to be appointed a Member of the Committee as aforesaid, or any Avoidance or other Incapacity of any such Person, then, and in any or either of the said Cases, it shall be lawful to and for the said Commissioners, or any Five or more of them from Time to Time, by an Instrument in Writing under their Hands, to elect and appoint, out of the Commissioners acting, or who have acted in Execution of this Act, One or more Person or Persons to be Member or Members of such Committee in the Place or Places of such Member or Members so dying, avoiding, becoming incapable, or refusing as aforesaid, as they shall see fit; and such Person or Persons so elected and appointed shall from thenceforth be a Member or Members of such Committee, to and for the Purposes of this Act, and shall have the same Power and Authority in all Things relating thereto, as if he or they had been originally chosen Member or Members of the said Committee: Provided the said Person or Persons so elected and appointed do accept the Trust, and subscribe his Name, acknowledging the same in Manner aforesaid.

Power to
elect Officers.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Eleven or more of them, and they are hereby empowered, by Writing under their Hands and Seals, to appoint and employ a Treasurer, Collector of the Duties on Masters or Owners of Ships and Vessels herein-after granted by this Act, Clerk, Engineer, Haven Masters, and Bailiff, and any other Officer or Officers, or other Person or Persons whomsoever, that shall be necessary for the Intents and Purposes herein expressed, and for the carrying this Act into Execution; and to allow such Treasurer, Collector, Clerk, Engineer, Haven Masters, and Bailiff, such Salaries or Recompences, and to such other Officer or Officers, or other Person or Persons, such Salaries, Wages, or Recompences, as the said Commissioners, or any Eleven or more of them, shall, by Writing under their Hands and Seals, order or direct; which said Treasurer, Collector, Clerk, Engineer, Haven Masters, and Bailiff, and other Officer or Officers, or other Person or Persons, so to be appointed and employed as aforesaid, shall, from Time to Time, and at all Times whatsoever, be removeable, the said Person or Persons having Notice at least Twenty Days before the Time of voting for his or their Removal; and the said
Commissioners,

Commissioners, or any Eleven or more of them, shall have Power and Authority to appoint any other or others in his and their Place and Places.

XV. Provided nevertheless, and be it enacted, That there shall be always present at all and every such Meeting and Meetings to be held for the Removal or Appointment of the said Treasurer, Collector, Clerk, Engineer, or other Officers, Eleven Commissioners.

Officers not to be removed unless Eleven Commissioners present.

XVI. Provided always, and be it enacted, That no Commissioner shall vote for or join in the Removal or Appointment of the said Treasurer, Collector, Clerk, Engineer, Haven Master or Haven Masters, or Bailiff, or other Officer or Person to be employed by virtue of this Act, who hath not sat and acted as a Commissioner at one Public Meeting of the said Commissioners, at least within Twelve Calendar Months next before such Removal, or the said Office or Offices shall become vacant; and the Evidence of such Commissioner having sat and acted, shall be his having signed the Book of Proceedings of the Day whereon he acted or subscribed the Oath aforesaid on the Day he attended, sat, and acted, and no other Evidence shall be competent therein.

Commissioner who does not attend in Twelve Months, not to vote in removing or electing Officers.

XVII. Provided always, and be it further enacted, That no Commissioner appointed or to be appointed in or by virtue of this Act, nor any Person in Trust for him, nor any Steward or Agent of any such Commissioner, except the Collector of the Customs for the Port of *Sunderland* for the Time being, shall be capable of being appointed or employed, or of holding or enjoying, or of acting as Treasurer, Collector, Clerk, Engineer, Haven Master, or Bailiff, under the said Commissioners, or of having any Benefit, Profit, or Advantage therefrom, or arising thereby.

Commissioners not to hold Offices, &c.

XVIII. And be it further enacted, That every Treasurer, Collector, Clerk, Engineer, Haven Master, and Bailiff, so appointed, shall, before they or any of them enter upon their respective Offices, give such good and sufficient Security for the Performance of the Duties of their respective Offices, and for answering and paying of all and every Sum and Sums of Money that shall be by them respectively received by virtue of their Offices, unto such Person or Persons, and in such Manner and Form, as the said Commissioners, or any Five or more of them, shall order, direct, and appoint, and also severally take the following Oath; (that is to say),

Officers to take an Oath.

‘ I *A. B.* do swear, That I will truly execute and discharge, to the best
 ‘ of my Knowledge and Power, the Trust and Employment to me
 ‘ given and committed, as Treasurer (*or as the Case shall be*), without
 ‘ Favour or Affection, Malice or Corruption whatsoever; and that I will,
 ‘ when and as often as I shall be thereunto required, truly and faith-
 ‘ fully account before the Commissioners of the River *Wear*, and Port and
 ‘ Haven of *Sunderland*, appointed by an Act of Parliament, made in the
 ‘ Forty-ninth Year of the Reign of King *George* the Third, or any Five
 ‘ or more of them assembled at any of their Public Meetings, for all and
 ‘ every Sum and Sums of Money which I, or any Person or Persons for
 ‘ [Loc. & Per.] 9 M me,

' me, shall at any Time receive by virtue of the Trust or Employment
' now committed unto me.'

And the said Commissioners, or any Two or more of them, are hereby empowered and required to administer the said last-mentioned Oath, and all other Oaths herein-after mentioned or directed to be taken.

Officers to
account.

XIX. And be it further enacted, That the said Commissioners shall be and are hereby empowered from Time to Time, as and when they see proper, to summon before them, and examine upon Oath, if they think fit, all and every the Officers and Persons employed in or intrusted with the Receipt, Disbursement, or Application of all or any of the Money raised or to be raised by virtue of the said former Acts, or any of them, or to be raised by virtue of this present Act; and every such Officer and Person employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any Five or more of them, a true, exact, and perfect Account, in Writing, of all and every Sum and Sums of Money so by him respectively received or expended, disbursed or applied as aforesaid; and in case any such Officer or Person so employed or intrusted as aforesaid, shall be found in Arrear, and refuse to pay the same, or shall refuse to account, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the said County, by Warrant under his Hand and Seal, to levy by Distress and Sale of the Goods of such Person so in Arrear, and refusing to pay the same, or refusing to account, such Sum and Sums of Money as he shall be so found in Arrear, and shall refuse to account for, and for want of sufficient Distress, such Justice may and shall, by the like Warrant, cause such Offender to be committed to the Common Gaol of the said County, there to remain without Bail or Main-prize until he shall have paid all such Money as he shall have been so found to be in Arrear as aforesaid, or shall make up his Account, and pay all such Sums as shall be found due thereupon, or shall have compounded for the same, and paid such Composition Money as they the said Commissioners shall think fit, and which Composition they are hereby empowered to make and receive; or the said Commissioners may, and they are hereby empowered to bring, or cause to be brought, any Action or Actions in the Name of their Chairman for the Time being, against such Officer or Person so refusing, neglecting, or making Default as aforesaid, for the Recovery of the Money which shall be in his Hands.

Officers to
deliver up
Books, &c.
when requir-
ed so to do
by the Com-
missioners.

XX. And be it further enacted, That if any Clerk, Treasurer, Collector, Engineer, Haven Master, or Bailiff, or other Officer employed under the said former Acts or this Act, whether he or they are acting in their said Offices or Employments, or shall have been removed out of or from the same, shall refuse or neglect to deliver up to the said Commissioners, or any Five or more of them, being thereunto required by the said Commissioners, either by personal Demand, or by Writing under their Hands left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Engineer, Haven Master, Bailiff, or other Officer, at a certain Time and Place in such Demand or Writing to be appointed, all the Books, Papers, and Writings in his or their Custody or Power relating to any Matter or Thing done under the Powers of this or any former Act, it shall be lawful for any Justice of the Peace, as aforesaid, upon
Application

Application from the said Commissioners, by Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol aforesaid, there to remain without Bail or Mainprize until he or they shall deliver, or cause to be delivered, to the said Commissioners, or their Order, all and every the said Books, Papers, and Writings, or shall have given an Account thereof to the Satisfaction of the said Commissioners: Provided, that no Person for any such Offence shall be committed for a longer Space of Time than Three Calendar Months.

XXI. And be it further enacted, That the said Commissioners or such Person or Persons as they shall by any Writing or Writings under their Hands and Seals nominate and appoint, and their Agents, Officers, Workmen and Servants, shall be and are hereby empowered, authorized, and required, to deepen, cleanse and scour the said River *Wear*, within the Limits of this Act, and to cleanse, deepen and enlarge the Channel near to the Mouth of the said River, and to contract or lessen the Mouth or Entrance thereof, and maintain, repair, and support the present Piers and each of them, and to build such other Pier or Piers or Part or Parts of a Pier or Piers, or to alter or vary the present, or any other Pier or Piers to be built; and also to build any Quay or Quays, Jettee or Jetties, and to make and effect such other Works within the Limits of this Act, as shall be necessary for promoting and preserving the Navigation of the said River and the Use thereof by the several Persons trading thereon or for the Time being having Erections or Works adjoining the same River, and for that Purpose to 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 said River, Port, and Haven, or the Improvement thereof; and to cast, lay, and lodge the same behind such Pier or Piers, Quay or Quays, Jettee or Jetties, as shall be requisite for effecting the Purposes of this Act, be it the Ground or Soil of any Person or Persons, Bodies Politic or Corporate whomsoever; and also to dig, cut, remove, and take away all Trees, Roots, Beds of Gravel, Sand, Stones, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the Navigation of the said River, Port, and Haven, within the Limits of this Act, or the Improvement or Use thereof as aforesaid; and also to build, erect, set up, and make in the said River, Port, and Haven, within the Limits of this Act, or upon the Lands adjoining or near the same, such Quays, Wharfs, Jetties, Crabs, Capsterns, Mooring Anchors or Mooring Frames, Mooring Chains, Dolphins, and other Engines, Posts, Stoops, Landing Places, Weighing Beams, Workhouses and Warehouses, for the Purposes only of carrying on, completing, maintaining, and preserving the Navigation and Use of the said River, within the Limits aforesaid, and rendering the Harbour and Port of *Sunderland* aforesaid safe and commodious, and for other Works and Conveniencies necessary and requisite for those Purposes, as and where, and from Time to Time as often as shall be proper and convenient to alter, repair, increase, enlarge, and amend the same; and also to make, amend, widen, turn, alter, or enlarge any Ways, Passages, or other Conveniencies, for the carrying and conveying of all Sorts of Materials to and from the said River, Port, and Haven, within the Limits of this Act; and also to carry and convey the same in, over, and upon any Lands or Grounds, in order to the making, carrying on, perfecting, improving, and finishing of the said Works and Navigation, and for altering, repairing and maintain-

Power to improve the Navigation.

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ing the same; and also to lay, work, and manufacture the said Materials upon the Ground near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected or done; and also to get, dig, take, and carry away Soil, Sand, Clay, Stones, Rock, Gravel, and other Materials proper, requisite, and convenient for making, carrying on, altering, and continuing the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said River, Port, or Haven, within the Limits of this Act (not then being the Ground whereon any House stands, nor having been for the Space of Twelve Calendar Months then next immediately preceding, an Orchard, Pleasure Ground, or Planted Walk or Avenue to a House, and except as herein-after is mentioned); and also to do and perform all other Works, Matters and Things, which shall be necessary or proper for the rendering the said Port and Haven safe and commodious, and for the Improvement of the Navigation of the said River, and the Use thereof as aforesaid; and for executing the Purposes of this Act, they the said Commissioners and the other Persons hereby empowered to perform the said Works and Things, doing as little Damage as may be to and upon the Premises, and giving or tendering such Satisfaction to the Owners and Occupiers of and Persons interested in any Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned to such Lands, Tenements, or Hereditaments, as the said Commissioners shall for that Purpose order, adjudge, direct or appoint, according to the Tenor and true Meaning of this Act; and in case of any Difference or Dispute concerning such Damages or the Quantum thereof, the same shall be settled and determined in the Manner herein-after provided with respect to the Value of Lands taken or used for the Purposes of this Act.

Power to purchase Lands.

Incapacitated Persons empowered to sell.

Contracts, &c. good.

XXII. And be it further enacted, That the said Commissioners shall be and they are hereby empowered to agree with the Owners and Proprietors of and Persons interested in any Messuages, Lands, Tenements, or Hereditaments, which they the said Commissioners shall judge necessary or proper to erect any Pier or Piers, Quay or Quays, Jettee or Jetties upon, or to be cut, dug, altered, removed, or used for the Purposes of this Act, for the Purchase thereof; and it shall be lawful for all Bodies Politic and Corporate, Husbands, Guardians, Trustees, Committees, Executors, Administrators, Cestuique Trusts, whether Infants or Issue unborn, Tenants in Tail, Lunatics, Idiots, or Feme Coverts, and to and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Messuages, Lands, Tenements, or Hereditaments, either to demise or lease the same or any Part thereof for any Term or Number of Years, at a certain yearly Rent, or otherwise to contract for, and to sell and convey the Inheritance in Fee Simple of all or any of such Messuages, Lands, Tenements, or Hereditaments, unto the said Commissioners, or to such Person or Persons as they shall nominate and appoint; and that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, so to be made or at any Time heretofore made, shall be good and valid in the Law to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying the same, but also to convey all Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Feme Coverts, or other Person whatsoever, and all claiming or to claim by,
from,

from, or under them, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof notwithstanding; and that all and every Person or Persons so demising, leasing, or conveying as aforesaid, is, are, and shall be indemnified for what he, she, or they shall do by virtue and in pursuance of this Act; and the said Commissioners may also adjust what Proportion of the annual Rent or Sum in gross so agreed to be paid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in any of the Premises; and that all such Leases, Sales, and Conveyances, so to be made as aforesaid, shall be enrolled in the Office of the Clerk of the Peace for the County of *Durham*, and true Copies of the same signed by the Clerk of the Peace for the Time being, or his Deputy, shall be deemed and taken as good Evidence thereof in all Courts whatsoever.

Persons
conveying
indemnified.

XXIII. And be it further enacted, That if any such Bodies Politic or Corporate, or any other Person or Persons whatsoever, shall for the Space of Sixty Days next after Notice in Writing, signed by the said Commissioners, given to the principal Officer or Officers of such Bodies Politic or Corporate, or to such Person or Persons respectively, or left at his, her, or their last or usual Place or Places of Abode, or to the Tenant or Tenants in Possession of the Messuages, Lands, Tenements, or Hereditaments, for the erecting of any Pier or Piers, Quay or Quays, Jettee or Jetties, upon, or to be cut, digged, altered, removed, or used as aforesaid, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating touching the Matters aforesaid, then and in any such Case the said Commissioners shall and may and they are hereby empowered, authorized, and required from Time to Time to issue their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the County of *Durham* for the Time being, or in case he shall happen to be interested in the Matter in question, then to one of the Coroners of the said County not interested in the Matter in Question, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury, and such Sheriff or Coroner shall have as a Fee for so doing the Sum of Twenty Shillings and no more: And the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of this Realm to be returned for Trials of Issues joined in His Majesty's Court of Pleas at *Durham*, to appear before the said Commissioners at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Twenty Days after such Warrant shall be served upon the Sheriff or Coroner respectively, or more than Thirty Days after such Service, upon Pain to forfeit for every Default in not making such Return, Twenty Pounds, and also to return in Issues upon every such Person so impanelled and returned, not appearing contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings: And in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen: And the said Commissioners are hereby empowered and required, by Warrant or Warrants under their Hands and Seals from Time to Time, as Occasion shall require, to summon and call before

How to ascertain the Value where Persons do not treat to sell.

[*Loc. & Per.*]

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them

them all and every such Person and Persons as shall be thought necessary by any of the Parties concerned, to be examined as Witnesses or Witnessesses touching the Matters in question, who shall be paid for their Attendance the Sum of Six Shillings a-piece for each Day's Attendance, and for their Expences of Maintenance, and no more: And the said Commissioners may order and authorize the said Jury, or any Four of them, to view the Place or Places or Matters in question: And the said Jury upon their Oaths, having inquired into the Matters in Dispute, and heard what shall be said by the Witnessesses produced to them upon their Oaths, shall assess and ascertain such Damages and Recompences as they the said Jury shall think fit, to be awarded to the Owners and Occupiers of, and Persons interested in any such Messuages, Lands, Tenements or Hereditaments, or any Part thereof: And the said Jury shall be paid for their Attendance Seven Shillings and Sixpence a Man for each Day's Attendance, and for their Horse-hire, Expences of Maintenance, and travelling Expences, and no more: And the said Commissioners shall give Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdict and Judgement thereupon declared and pronounced by the said Commissioners, and the Value and Recompence so assessed, (Notice in Writing being first given of their Meeting, at least Fifteen Days before such Meeting, to the Parties concerned, or left at his, her, or their Dwelling House or Houses, or usual Place of Abode, or with the Tenants or Occupiers of the Premises aforesaid), shall be binding and conclusive to all Intents and Purposes, except as herein-after is mentioned, against all Bodies Politic and Corporate, and all and every other Person and Persons, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Messuages, Lands, Tenements or Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politic or Corporate, Infants, Idiots, Lunatics, Feme Coverts, Tenants for Life or Lives, Tenants in Tail, Tenants in Fee Simple, Customary or Copyhold Tenants, and Tenants for Terms of Years, and their respective Heirs, Successors, Executors, Administrators, or Assigns, and all claiming or to claim by, from, or under him, her, or them, or any of them, or otherwise howsoever.

Witnesses not
appearing,
&c.

XXIV. Provided always, and be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnessesses by virtue and for the Purposes of this Act (he, she, or they being paid, or being tendered to him, her or them, Satisfaction for Attendance as aforesaid), shall neglect or refuse to appear or give Evidence upon Oath at the Time, Place, and on the Occasion to be specified in such Summons; or if any Person summoned to appear as a Jurymen by virtue of this Act shall refuse to appear and be sworn, or to give his Verdict; or if any Person or Persons summoned to attend as a Witness or Jurymen, shall in any Manner wilfully neglect his Duty, or misbehave in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending in all or any of the Cases aforesaid, shall and may be fined by the said Commissioners for every such Offence, in any Sum not exceeding the Sum of Ten Pounds.

Fees and Ex-
pences to be
paid by whom
Verdict is
given against.

XXV. Provided also, and be it further enacted, That if any Jury shall give a Verdict for more Money, as a Recompence and Satisfaction for any Messuages, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, than what shall have been offered on that Account by the said Commissioners before such Jury was summoned, that then the

Fees and Expences payable by virtue of this Act to the said Sheriff or Coroner, Jurymen and Witnesses respectively, shall be so paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if the Verdict be given for no more or less Money than shall have been offered by the said Commissioners, previous to the summoning of such Jury for such Recompence and Satisfaction, then such Fees and Expences of the said Sheriff or Coroner, Jurymen and Witnesses, shall be borne or paid by the Person or Persons with whom the said Commissioners shall have such Dispute, and the same shall be deducted out of the Monies so to be adjudged, and the Payment or Tender of the Remainder thereof shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum so assessed and adjudged as aforesaid: Provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Commissioners touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Commissioners.

XXVI. And be it further enacted, That all the said Verdicts and Judgements shall be set down in Writing under the Hands and Seals of the said Commissioners acting in the Premises, and be kept amongst the Records of the Quarter Sessions of the Peace of the said County of *Durham* by the Clerk of the Peace for the Time being, or his Deputy; and the same, or true Copies thereof, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have recourse to the same without Fee or Reward at all Times, and may take Copies thereof, paying for the same.

Verdicts and Judgements to be returned to the Sessions.

XXVII. And be it further enacted, That on Payment or Tender of the Sum or Sums of Money so agreed or contracted for, or assessed and adjudged for Damages to the Parties concerned, or for the Purchase Money of any Messuages, Lands, Tenements, or Hereditaments as aforesaid, he, she, or they shall execute a Conveyance or Conveyances in Manner aforesaid, or upon depositing the same in the Bank of *England*, as directed by this Act, as the Case may be (which Sum or Sums of Money the said Commissioners are hereby authorized and directed to pay out of the Monies to be raised by virtue of this Act), it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, cut, dig, and use such or so much of the said Messuages, Lands, Tenements, Hereditaments, and Premises, for which Satisfaction shall have been contracted for, agreed, or assessed as aforesaid; and thereon to make, erect, or do any Works, Matters, or Things, for the Improvement of the Navigation of the said River, Port, and Haven, and supporting and maintaining the same during the Term hereby granted for the executing any of the Powers in this Act expressed, as the said Commissioners shall think requisite; and this Act shall be sufficient to indemnify the said Commissioners, and all Persons employed by or under them, against the Owners, Occupiers, or other Persons interested therein, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons whomsoever, to all Intents and Purposes whatsoever.

On tendering Money agreed or ascertained to proceed in the Work.

XXVIII. Provided always, and be it further enacted, That if any Body or Bodies Politic or Corporate, or any other Owner or Owners,

If Parties dissatisfied with the Verdict, Occupier

they may try
the Matter by
a feigned Issue
at Law, &c.

Occupier or Occupiers of, or other Person or Persons interested as aforesaid in any such Messuages, Lands, Tenements, or Hereditaments, against whom any such Verdict or Judgement shall be given as herein-before mentioned, shall nevertheless be dissatisfied therewith, and think the Money so assessed and ascertained by any such Jury not a full, adequate, and sufficient Recompence and Satisfaction for his, her, or their Interest and Estate in such Messuages, Lands, Tenements, or Hereditaments, or for the Damage to be done thereto; or if the said Commissioners, or any Eleven or more of them for the Time being, in case any such Verdict or Judgement as herein-before mentioned shall be given against them, shall nevertheless be dissatisfied therewith, and think the Money so assessed by any such Jury exceeds the true, fair, and just Valuation of such Messuages, Lands, Tenements, or Hereditaments, or is more than a sufficient Recompence and Satisfaction for the Damage to be done thereto; that then it shall and may be lawful to and for such Body or Bodies Politic or Corporate, Owner or Owners, Occupier or Occupiers, or other Person or Persons so interested as aforesaid, being so dissatisfied, or the said Commissioners being so dissatisfied respectively, upon giving One Month's previous Notice thereof in Writing to the other Party or Parties, or to the Clerk of the said Commissioners, as the Case may happen to be, to cause the true Value thereof to be inquired of, assessed, and tried, with all convenient Speed, by a Jury of the said County of *Durham*, under a feigned Issue at Law, to be brought in His Majesty's Court of Pleas at *Durham*, in which said Issue at Law the Body or Bodies Politic or Corporate, Owner or Owners, Occupier or Occupiers, or other Person or Persons so interested as aforesaid, being so dissatisfied, shall be the Plaintiffs, and the Chairman of the said Commissioners shall be Defendant; or if the said Commissioners shall be so dissatisfied, their said Chairman shall be the Plaintiff, and the said Body or Bodies Politic or Corporate, Owner or Owners, Occupier or Occupiers, or other Person or Persons so interested as aforesaid, shall be Defendants, and in which said Issue at Law the Sufficiency of the Valuation of the Messuages, Lands, Tenements, or Hereditaments in Dispute, or the Sufficiency of the Recompence and Satisfaction for the Damage to be done thereto, shall be the only Question to be tried between the Parties; and the Jury, by their Verdict, shall find and declare the Sum to be paid by the said Commissioners as last aforesaid: Provided always, that if the Jury on the Trial of any such Issue, wherein any Body or Bodies Politic or Corporate, or the Owner or Owners, Occupier or Occupiers, or other Person or Persons so interested as aforesaid, shall be the Plaintiffs, shall give a Verdict for more Money as and for the Valuation of the said Messuages, Lands, Tenements, or Hereditaments in Dispute, or as and for the Recompence and Satisfaction for the Damage to be done thereto, than was assessed and ascertained by the said former Verdict and Judgement, that then the Costs attending the Trial of the said Issue shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if the Jury on the Trial of any such Issues wherein such Body or Bodies Politic or Corporate, or the Owner or Owners, Occupier or Occupiers, or other Person or Persons so interested as aforesaid, shall be Plaintiffs as aforesaid, shall give a Verdict for the same Sum, or a less Sum, than was assessed and ascertained by any such former Verdict and Judgment, that then, and in every such Case, the Plaintiffs in any such Issues shall bear, pay, and discharge all the Costs attending the Trial of any such Issue as aforesaid; and if the Jury on the Trial of any such Issue, wherein the Chairman of the Commissioners shall be the Plaintiff, shall give a

Verdict

Verdict for less Money as and for the Valuation of the said several Messuages, Lands, Tenements, or Hereditaments in Dispute, or as and for a Recompence and Satisfaction for the Damage to be done thereto, than was assessed or ascertained by the said former Verdict and Judgement, that then the Costs attending the Trial of the said Issue shall be paid by the said Body or Bodies Politic or Corporate, Owner or Owners, Occupier or Occupiers, or other Person or Persons who shall be Defendants therein; but if the Jury on the Trial of any such last mentioned Issues, wherein the Chairman of the Commissioners shall be Plaintiff as aforesaid, shall give a Verdict for the same Sum, or for more Money, as and for the Valuation of the said Messuages, Lands, Tenements, or Hereditaments in Dispute, or as and for the Recompence and Satisfaction for the Damage to be done thereto, than was assessed and ascertained by such former Verdict and Judgement, that then and in every such Case the said Commissioners shall, out of the Monies to arise by virtue of this Act, bear, pay, and discharge all the Costs attending the Trial of any such Issue as aforesaid; all and every such respective Costs before mentioned to be taxed by the proper Officer of the said Court; and that such Verdict so given on the Trial of any such Issue, and the Judgement thereupon entered shall be final and conclusive between the Parties, to all Intents and Purposes whatsoever, and no new Trial be moved for, or Writ of Error, or other Proceeding thereupon had or brought, to hinder or delay the Execution, or set aside such Verdict and Judgement so given as aforesaid; and if the Plaintiff or Plaintiffs, in any such Issue joined, shall neglect to bring such Issue to be tried at the first Assizes for the County of *Durham*, and not countermand the same in due Time, according to the Rules and Practice of the said Court, or shall neglect to give due Notice of Trial at the next Assizes, that then and in every such Case, the Defendant or Defendants in such Issue shall be at liberty to obtain Judgment as in case of a Nonsuit by Order of Court, and shall be entitled to Costs, to be taxed by the proper Officer of the said Court.

XXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers and for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or seised, or possessed of only a particular or determinable Estate or Interest therein, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners of the River *Wear*, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Di-

Application
of Compens-
ation Money
where ex-
ceeding 200l.

[*Loc. & Per.*]

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rection

rection and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be vested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 20*l.* and exceeds 20*l.*

XXX. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

XXXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments (describing them if they are known), and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of them; subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to the Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XXXIV. Pro-

The Court may order reasonable Expences of Purchases to be paid.

XXXIV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and be applied in the Purchase of other Lands and Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

The Property of Buildings, &c. vested in the Chairman;

XXXV. And be it further enacted, That the Property of the Lands, Houses, Light Houses, and other Buildings erected by the Commissioners under the former Acts, or any of them, or to be erected by the Commissioners under this present Act; and of the Keels, Boats, Floats, or other Vessels, Machines, Wood, Iron, Instruments, Working Tools, and all other Materials and Things which have been purchased and provided for the Purpose of making and carrying on the Works to be done in pursuance of the said former Acts of Parliament, made for or relating to the Improvement and Preservation of the said River, Port, and Haven, or any of them, or which shall hereafter be purchased or provided by the said Commissioners for the Purpose of carrying on the Works to be done in pursuance of this Act; and of the Books and Papers of the Commissioners; shall be vested in the Chairman of the said Commissioners for the Time being; and he is hereby empowered and authorised, by the Order of the said Commissioners, to prefer and prosecute Indictments against any Person or Persons who shall steal, take away, destroy, embezzle, or damage the same, or any Part thereof.

and be empowered to prosecute.

Commissioners may sue and be sued in the Name of their Chairman and Clerk.

XXXVI. And be it further enacted, That the said Commissioners may sue or be sued in the Name of their Chairman or Clerk; and that no Action or Suit that may be brought or commenced, or Indictment that may be preferred or prosecuted, by or against the Commissioners, or any of them, in the Name of their Chairman or Clerk, shall abate or be discontinued by the Death or Removal of such Chairman or Clerk, or by the Election of any other Person to be Chairman or Clerk, or by the Act of such Chairman or Clerk, without the Consent of the said Commissioners; but the Chairman or Clerk for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, or Indictment, as the Case shall be: Provided always, that the said Chairman or Clerk in whose Name or against whom any such Action or Suit shall be brought, or Indictment preferred, shall always be indemnified and reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to, or become chargeable with, by reason of his being made a Plaintiff, Prosecutor, or Defendant in such Action, Suit, or Prosecution.

No Action or Indictment to be brought or preferred but

XXXVII. Provided always, and be it further enacted, That no Action shall be commenced or proceeded in, or Indictment preferred or prosecuted, by Order of the said Commissioners, unless the said Commissioners do make
and

and sign an Order for the commencing and proceeding in the said Action or Actions, or preferring and prosecuting such Indictment or Indictments: by Order of the Commissioners.

XXXVIII. Provided always, and be it enacted, That this Act shall not extend, or be construed to extend, to give any Liberty, Privilege, Jurisdiction, or Right whatsoever, to the said Commissioners, or any of them, in, upon, or over any Manors, Lands, Tenements, Wastes, or Waste Grounds, lying upon, contiguous to, or near the said River, Port, or Haven, for any other Purpose whatsoever, than for the making, carrying on, completing, upholding, maintaining, and using the said Navigation, and the executing of the Powers by this Act granted; and where a Recompence and Satisfaction is only made for the Damages to be done to such Manors, Lands, Tenements, Wastes, or Waste Ground, for the Purposes aforesaid, then that the respective Owners and Occupiers of all such Manors, Lands, Tenements, Wastes, and Waste Grounds, may severally and respectively hold, possess, and enjoy the same, and their several and respective Rights and Privileges therein, with Liberty to pass along any Quays hereafter to be made thereon, on Foot or on Horseback, or with their Servants and Workmen, or with Teams, Waggons, Carts, or Carriages, and in all other Respects to use and enjoy the same, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if this Act had not been made, so as not thereby in anywise to hinder, obstruct, prejudice, or prevent the said Navigation, or any of the Works necessary for the carrying on and completing the same, or the Execution of the Powers by this Act granted.

Lands, &c. only to be used for the Purpose of the Navigation, and the Owners to hold and enjoy the same for other Purposes.

XXXIX. Provided also, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be deemed or construed to extend, to give Power or Authority to the said Commissioners, or any of them, to make or lay any Waggon Way or Waggon Ways, or other Way or Ways whatsoever, for the vending, or leading to or from the said River, any Coals, Cinders, or other Matter or Thing whatsoever, save and except what shall be necessary and proper for the carrying on, completing, and maintaining of the said intended Navigation, and for executing the Purposes of this Act, any Thing herein-before contained to the contrary notwithstanding.

Commissioners not to have Waggon Ways but for the Purposes of Navigation.

XL. Be it further enacted, That the Persons who shall be appointed to be of the Committee of Survey, as aforesaid, or any Five or more of them, shall, once at least in every Year, previous to the General Meeting on the First *Wednesday* in *July*, and oftener if they shall see Occasion, at such other Time and Times and Seasons as they shall think fit, survey and view the said River *Wear*, within the Limits aforesaid, and the Abuses, Impediments, Obstructions, and Annoyances therein, and the several Wharfs, Staiths, and Ballast, and other Quays within the said Limits; and the said Committee, or any Five or more of them, who shall make such Survey, shall give and report to the said Commissioners, at their said General Meeting, on the Day and Time last aforesaid, yearly, or at the then next or some subsequent public Meeting of the Commissioners, after such Survey and View as aforesaid, the Abuses, Impediments, Obstructions, and Annoyances in, upon, or to the Prejudice of the said River, or to the Navigation thereof, and of such of the said Wharfs, Staiths, or Ballast, or other Quays, as are irregular, or too low built, or in want of Repair, or fallen down in

Committee of Survey, once a Year at least, to survey the River before the General Meeting in *July*.
To report to the General Meeting the Abuses, &c. and State of the Quays &c.

[Loc. & Per.]

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Part or in Whole, or that have any End or Ends, or Part of such Quays, Staiths, or Wharfs, without Flanks up to the Shore above High Water Mark, or that are unbuilt, or out of Repair, and of all other Nuisances and Abuses to the said River, or the Navigation thereof; and the Engineer of the said Commissioners shall attend the said Committee, or any Five or more of them, on their said several Views and Surveys, to make Minutes for them, and to give his Advice and Opinion as to Matters relating to the Navigation, and other Matters aforesaid.

The Commis-
sioners to take
Report into
Considera-
tion, and
make Order
for remedy-
ing and re-
moving Im-
pediments,
etc.

XLI. And it is further enacted, That the said Commissioners shall proceed at the same or some subsequent Meeting to take the said Report into Consideration, and then, or at any future Public Meeting, make such Order and Orders for remedying and removing the said Impediments, Annoyances, and Obstructions, and for the rebuilding, repairing, and amending the said Quays, Staiths, and Wharfs, within such Time or Times as the said Commissioners shall think fit, and shall cause Notice in Writing to be given to the Person or Persons doing, committing, or permitting the said Impediments, Annoyances, or Obstructions; and also to the Owner and Owners, and to the Occupier and Occupiers of such Quays, Staiths, and Wharfs, so found to be irregular or too low built, or in want of Repair, or fallen down in Part or in Whole, or that any End or Ends, or Part of such Quays, Staiths, or Wharfs, is or are without Flanks up to the Shore above High-water Mark, unbuilt, or out of Repair, which Notice shall be given personally, or left at the Dwelling House or Houses, or Place or Places of Abode within the County of *Durham*, of the Person or Persons committing or permitting the said Impediments, Annoyances, or Obstructions, and of the Owner and Owners, Occupier and Occupiers, of such Staiths, Quays, and Wharfs, so found out of Repair or defective as aforesaid, or with some Tenant or Agent on the Premises, on or near which any such Abuse, Misdemeanor, Obstruction, or Annoyance is found and reported to be made or occasioned, and of such Quays, Staiths, and Wharfs, so found to be out of Repair or defective as aforesaid, specifying the Particulars wherein such Nuisances, Defaults, Obstructions or Annoyances consist, and the Time or Times allowed by the said Commissioners for remedying or removing the same, and the want of Repair or low building of the said Quays, Staiths, and Wharfs, or that the same is or are without Flanks up to the Shore above the High-water Mark, or unbuilt or out of Repair, and the Time or Times allowed by the said Commissioners for rebuilding, repairing, and amending the said Quays, Staiths, and Wharfs so found as aforesaid; and in case such Impediments, Annoyances, or Obstructions, shall not be remedied and removed within such Time or Times as the said Commissioners shall have appointed for that Purpose, the said Person or Persons doing, committing, or permitting the same, shall forfeit and pay such Sum and Sums of Money as the said Commissioners shall think fit, not exceeding the Sum of Five Pounds; and for every Week that such Defects or Annoyances so found are not remedied or removed from and after the Time allowed by the Commissioners as aforesaid, a Sum or Sums of Money not exceeding Five Pounds *per Week*; and if such Quays, Staiths, or Wharfs, are not rebuilt, repaired, and amended, within such Time or Times as the said Commissioners shall have appointed for that Purpose, the Owner and Owners, and Occupier and Occupiers of such Quays, Staiths, or Wharfs, shall forfeit and pay such Sum and Sums of Money as the said Commissioners shall think fit, not exceeding the Sum

Nuisances not
removed, etc.

Quays, etc.
not rebuilt.

of Five Pounds, and for every Week that every such Quay, Staith, or Wharf, shall be and remain from and after the Time allowed by the said Commissioners as aforesaid, unflanked up to the Shore above the High-water Mark, or not built above the usual Flux of the Water, or not repaired, or the Defects thereof not remedied or removed, the further Sum or Sums not exceeding Five Pounds for every Week.

XLII. And be it further enacted, That it shall be lawful for the Owners and Proprietors of Lands and Tenements, and their Agents, Workmen, or Servants, to go thereon to build, rebuild, repair, or amend such Quays, Staiths, or Wharfs, or to remove such Impediments, Annoyances, or Obstructions, as he, she, or they, shall be so ordered, without being guilty of Trespass to the Occupiers or Tenants of such Grounds; and in case the Defect in building or rebuilding, repairing or amending of the said Quays, Staiths, or Wharfs, or the said Impediments, Annoyances, or Obstructions, shall be through the Default of the Occupier or Occupiers, Tenant or Tenants, and the said Owners and Proprietors shall build, rebuild, repair, or amend the same, or shall remove such Impediments, Annoyances, and Obstructions, the said Owners and Proprietors shall and may recover of the said Occupier or Occupiers, Tenant or Tenants, the Expences and Charges of building, rebuilding, repairing, or amending the same, and of removing such Impediments, Annoyances, and Obstructions aforesaid.

Owners of Lands may go thereon to build Quays, etc. without being guilty of Trespass to the Occupier, etc.

XLIII. And it is further enacted, That the said Committee, or any Five or more of them, shall at their first Survey and View of the said River, Port, and Haven, after the passing of this Act, or at some subsequent Survey and View thereof, set down or cause to be set down and fixed, and afterwards maintained, Meer Stones or Posts, to ascertain the High-water Mark in the said River, Port and Haven, within the Limits of this Act, in such Parts thereof, and Places, as the said Committee shall think proper; and any Person or Persons who shall remove, displace, break, cut, injure, or destroy, any of the Meer Stones or Posts so set down or fixed as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

To ascertain the High-water Mark, etc.

XLIV. And be it further enacted, That the said Commissioners shall and may pay and allow, out of the Monies to be raised by virtue of this Act, the reasonable Expences of the said Committee, when attending and going on their said Surveys, to be made as aforesaid.

Expences of Committee to be paid.

XLV. And be it further enacted, That the Owner or Master, or Person or Persons having the Rule or Command of every Ship, Keel, Boat, or other Vessel, shall be, and is hereby made answerable for any Damage or Mischief done by such Ship, Keel, Boat, or other Vessel, through any wilful Act, Default, or Neglect of any of the Crew, Keelmen, Boatmen, or Watermen, belonging thereto, or by the said Crew, Keelmen, Boatmen, or Watermen, to any of the Piers, Quays, Wharfs, Jettees, or other Works, made by virtue of the former Acts, or which shall be made or maintained by virtue of this Act, or for any Damage or Mischief so done to the Keels, Boats, Floats, or other Vessels belonging to the said Commissioners, and by them kept for the Purpose of carrying on the Works to be done in pursuance of this Act, or to the Capsterns, Moorings, Buoy,

Owners or Masters to be answerable for Damage done by their Crew.

Buoys, Chains, or Ropes, belonging to the said Capsterns, Moorings, or Buoys, Meer Stones, or Posts, placed or to be placed in or near the said River, Port, or Haven, or to the Machines, Wood, Stones, Iron Instruments, Workmen's Tools, or other Materials, purchased or provided for the Purpose of making and carrying on such Works, or for any Trespass done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the said Port or River, other than by haling or towing as aforesaid, and such Owner, Master, Person or Persons having the Rule or Command of such Ship, Keel, Boat, or other Vessel, or any of them, shall or may be sued for the same by the Order of the said Commissioners, in the Name of the Chairman for the Time being, to the said Commissioners, as if such Damage or Trespass had been done or committed by the said Owner, or such Master, or Person or Persons, having such Rule or Command, himself or themselves, and if upon such Action the Defendant or Defendants therein shall be found guilty, or Judgement be given against him or them, upon Demurrer, or by Default, the Plaintiff or Plaintiffs shall not only recover his and their Damages thereby sustained, but also Double Costs of Suit.

Damages by Works being made.

Damages by the Works giving a different Direction to the Sea or Tide.

Jury to enquire of Damages.

Rebuilding Quays, and Grounds secured.

For preserving the Quays, etc. used at the

XLVI. Provided always, and it is hereby further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall at any Time hereafter happen to sustain any Damage by the said Commissioners, or any Person or Persons authorized by them, in putting in Execution the Powers vested in them by this Act, in or upon his, her, or their Messuages, Quays, Lands, Tenements, or Hereditaments, for which no Recompence shall have been made, by reason of any Act, Neglect, or Default of the said Commissioners, or their Agents, Workmen or Servants; or if by the erecting or building of any Pier or Piers, Wall or Walls, Jettee or Jetties, or other Works, and from the different Direction to be thereby given to the Sea and Tide flowing into the said River, Port, or Haven, the said Messuages, Quays, Lands, Tenements, or Hereditaments, shall be beat down, washed away, overflowed, or otherwise prejudiced or damaged, then in either of the said Cases, if the said Commissioners, and the Parties by whom such Damage shall be sustained, shall not agree touching such Damages, then and in every such Case they the said Commissioners shall enquire of and ascertain such Damages, by a Jury to be impannelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, and record the same, and such Record to be deposited, inspected, and copied, and such Copy to be Evidence in like Manner and Form as is herein-before particularly mentioned and directed; and the said Commissioners, by and out of the Money to be raised by virtue of this Act, shall cause to be paid the said Damages so ascertained, and such Quays to be rebuilt or repaired, and such Lands and Grounds as much as may be effectually secured against the Sea and Tide within Twelve Calendar Months next after such Accident shall happen: Provided, that such Quays at the Time of the said Accident were not in Decay or Ruin, and appear to have been built on good and proper Foundations, and regularly built with Stones of a sufficient Size and Quality for a Quay on a Navigable River, and such Quay shall be proper to be rebuilt and repaired.

XLVII. Provided also, and be it further enacted, That the said Commissioners, or any of them, shall not have any Right, Power, or Authority, by virtue of this Act, by themselves, or any Person or Persons authorized

authorized by, from, or under them, or any of them, at any Time hereafter, to remove, pull down, destroy, demolish, or alter all or any of the Quays, Wharfs, or Staiths, which, at the Time of passing this Act, are built, erected, or standing on any Part of the said River, Port, or Haven, nor to obstruct or hinder any Person or Persons from erecting or building any Quay or Quays, Wharf or Wharfs, Staith or Staiths, near or upon the said River, Port or Haven, or any Part thereof, but that all and every Person or Persons shall and may at any Time hereafter erect or build such Quays, Wharfs, or Staiths, as they might have done if this Act had not been made, so as the Person or Persons intending to erect or build the same, do cause Notice of such his Intention to be given to the Engineer of the said Commissioners, Two Months previous to his erecting or building the same, and so as they be built so high that the Water may not overflow the same; and from Time to Time kept flanked and in good Order and Repair, as before is mentioned; and so as the same shall not be any Obstruction or Hindrance to the Navigation of the said River as aforesaid, or the Improvements intended to be made by virtue of this Act.

Time of passing this Act, &c.

XLVIII. Provided always, and be it further enacted, That for any Thing that is or shall be a Nuisance at the Common Law, or by any Act or Acts of Parliament made, or to be made, the said Commissioners, or any other of His Majesty's Subjects, shall and may prefer Indictments, and take and use such other Methods or Proceedings for the abating or removing the same, as they might have done if this Act had never been made; the Expence and Charges of doing thereof by the said Commissioners shall and may be paid and borne by them by and out of the Money to be raised by virtue of this Act, so as there be such Order of the said Commissioners for that Purpose as herein-before mentioned: Provided nevertheless, that in case any Work or Works shall be built or erected, or any other Matter or Thing done by the said Commissioners, or their Servants or Workmen, for the Improvement or Preservation of the said River, Port or Haven, by virtue of the Powers and Authorities hereby given or granted, shall fall down, or become ruinous or in decay, the same, or the Consequences thereof, shall not be deemed a Nuisance committed or done by the Person or Persons on whose Ground or Grounds, Waste or Wastes, the same shall be built, or who shall contract with or give Liberty to the said Commissioners, or any Five or more of them, to erect, make, or build any such Works, or other Matters or Things in or upon his, her, or their Ground or Grounds or Wastes, nor by any Person or Persons claiming or to claim by, from, or under him, her, or them, or any of them.

Nuisances may be punished at common Law.

XLIX. And be it further enacted, That if any Person or Persons, having the Rule or Command of any Ship, Keel, Boat, or other Vessel, shall put, lay, or moor or anchor the same in any Part of the said River, Port or Haven, so as to obstruct or hinder the Navigation of the said River, or the Passage of any other Ship, Keel, Boat, or other Vessel, or the carrying on the Works to be done in pursuance of this Act, and shall not immediately, or as soon as may be after Notice to remove the same, given by any Agent or Servant to be appointed by the said Commissioners, or

Stopping the Passage or hindering the Works.

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by any other Person concerned in navigating any Ship, Keel, Boat or other Vessel, so obstructed, remove such Ship, Keel, Boat, or other Vessel, he or they shall, for every such Offence, forfeit and pay Five Shillings for the First Hour, and a Sum not exceeding Five Shillings an Hour for every other Hour such Ship, Keel, Boat, or other Vessel, shall continue to obstruct the Navigation of the said River, or the Passage of any Ship, Keel, Boat, or other Vessel, or the carrying on of the said Works, after such Notice to remove the same as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners to remove, or cause to be removed, any such Ship, Keel, Boat, or other Vessel, in such Manner as shall be necessary for avoiding any Obstruction in the said Navigation, or the Passage of Ships, Keels, Boats, and Vessels, or in the carrying on of the said Works, and to detain such Ship, Keel, Boat, or other Vessel so removed, and the Loading and Tackle thereof, or any Part thereof, until the Charges of such Removal, and the Sum and Sums of Money to be forfeited as aforesaid, are paid and satisfied.

Power for the Haven-masters to regulate and direct the placing and mooring of Ships in the Harbour.

L. And be it further enacted, That it shall and may be lawful to and for the Person and Persons authorized and appointed in pursuance of this Act, to be and act as Haven-master or Haven-masters within the said Port of *Sunderland*, and in the said River, within the Limits aforesaid, to order and require all and every Person or Persons having the Command or Rule of any Ship or Ships, Keel or Keels, Boat or Boats, or other Vessel or Vessels, coming or entering into, lying, being, or abiding, within the said River, Port, or Haven, within the Limits of this Act, to lie, moor, and anchor the same in such Place or Places within the said River, as the said Haven-master or Haven-masters for the Time being shall judge to be not injurious to the Navigation and Trade there, and as the said Haven-master or Haven-masters shall order or direct for that Purpose, and to alter or vary the same as may become necessary; and in case the Person or Persons then having the Command or Rule of any such Ship or Ships, Keel or Keels, Boat or Boats, or other Vessel or Vessels, or the Owner or Owners thereof, shall refuse or neglect to remove the same as soon as may be after being required, and to lie, moor, or anchor the same, as the said Haven-master or Haven-masters shall require, order, or direct, the said Person or Persons having such Rule or Command, and the Owner and Owners of every such Ship, Keel, Boat, or other Vessel, for every such Refusal or Neglect, shall forfeit and pay a Sum not exceeding Ten Pounds; and it shall and may be lawful to and for the said Haven-master or Haven-masters, or either of them, and such other Servants of the said Commissioners, as he or they shall call to his or their Assistance, to remove, or cause to be removed, the said Ship or Ships, Keel or Keels, Boat or Boats, or other Vessel or Vessels, in such Manner as may be necessary for the avoiding any Obstruction to the Trade or Navigation in the said River, Port, or Haven; and the said Person or Persons, having such Rule or Command, or Owner, shall bear the Risk and pay the Charge of removing the same, after such Request and Refusal, or Neglect, as aforesaid, to be recovered in such Manner as Fines and Penalties are herein-after directed to be recovered; and if any Person or Persons, having the Rule or Command, or Owner, or any other Person or Persons, whomsoever, shall obstruct or hinder the Removal of any such Ship, Keel, Boat,

Boat, or other Vessel, such Person or Persons shall for every such Offence, forfeit and pay a Sum not exceeding the Sum of Ten Pounds; and if the said Haven-masters, or either of them, or any other Person or Persons employed by the said Commissioners, shall wilfully abuse the Authority, vested in him or them by the said Commissioners, for removing such Ships, Keels, Boats, or other Vessels, and shall be adjudged so to have done by the Commissioners at any of their Public Meetings, then and in such Case it shall and may be lawful for the said Commissioners to impose any Fine or Penalty on the Person or Persons so offending, not exceeding One hundred Pounds.

LI. And, for raising the Money necessary for the Purposes of this Act, Duties. be it further enacted, That every Coal-owner, for the Time being, and their Fitters and Coal Factors, shall severally and respectively pay for all Coals and Cinders, to be led and brought to the said River, between *South Biddick* or *Biddick Ford*, and the said Port and Haven of *Sunderland* and from the Staith or Staiths, Place or Places, there made or erected, or to be made or erected, cast or delivered on board any Ship, Boat, Keel, Barge, Lighter, or other Vessel, the several and respective Sums herein-after mentioned; and also shall severally and respectively pay for all Coals and Cinders to be led and brought to the said River, between *South Biddick* or *Biddick Ford*, and the City of *Durham*, and from any Staith or Staiths, Place or Places, there made or erected, or to be made or erected, cast or delivered, on board of any Ship, Boat, Keel, Barge, Lighter, or other Vessel, and navigated, carried, or conveyed down the said River to the said Port of *Sunderland*, or any Part of the said River below *South Biddick* or *Biddick Ford* aforesaid, the several and respective Sums herein-after mentioned; that is to say, the Coal Owners respectively, any Sum not exceeding Four-pence Halfpenny for every Chaldron of such Coals and Cinders (reckoning Seventy-two *Winchester* Bushels to each Chaldron); and the said Fitters or Coal Factors respectively, any Sum not exceeding One Penny Halfpenny for every Chaldron of such Coals or Cinders (such Measure as aforesaid); and so in Proportion for any greater or less Quantity; the said respective Sums to be fixed from Time to Time at the Commissioner's General Meeting, held in *July* yearly, previous to which said General Meeting, Notice shall be given in One of the Newspapers published at *Newcastle-upon-Tyne*, of the Intention of the said Duties being to be taken into Consideration, and Sums to be fixed for the ensuing Year at such General Meeting.

LII. Provided always, and be it further enacted, That the said Commissioners shall have Power to recover and receive such Duties as shall be due at the Time of passing this Act, and which shall arise or become due under the said recited Act of the Twenty-fifth Year of His present Majesty, until the Thirtieth Day of *June* next inclusive, for all Coals or Cinders brought or led to the said River, and delivered at any Staith or Staiths in the several Limits last aforesaid, or either of them; and shall have the like Powers for ascertaining, collecting, levying, and raising the same, as herein-after is given for ascertaining, collecting, levying, and raising the Duties hereby made payable, any Thing herein contained to the contrary notwithstanding.

Commissioners may collect Duties already due.

LIII. And

For ascer-
taining the
Quantities of
Coals liable
to Duty.

LIII. And, for the better Discovery of the true and exact Quantities of such Coals, and Cinders, and that the Duties hereby granted and made payable for the same, may be duly collected, be it further enacted, That the said Commissioners shall and may, if they think fit, by their Warrant or Warrants, or Summons under their Hands, Twice in every Year, summon or cause to be summoned, and they are hereby authorized to summon the Staithman and Staithmen of such Coal Owners, or any other Person or Persons employed or concerned in and about the Management of any Collieries, or in keeping the Books of Account relating thereto, to appear before them at such Day and Place as they shall appoint (whereof Summons or Notice by the Space of Ten Days at the least at their last Place of Abode shall be given), then and there to be examined on Oath by the said Commissioners, touching the Quantities of Coals and Cinders respectively from Time to Time cast or delivered on board of any Ship, Boat, Keel, Barge, Lighter, or other Vessel as aforesaid, by each Staithman, or such other Person or Persons so employed or concerned respectively as aforesaid, and the several Rates and Duties made payable by this Act, for and in respect of such Coals and Cinders respectively, shall be deemed due and payable for and according to the Quantities which, upon such Examination, shall appear to have been so cast or delivered respectively as aforesaid.

Representa-
tives liable to
Duties.

LIV. And be it further enacted, That the Representatives of the said Coal Owners, and Coal Fitters or Factors respectively, shall be liable to the Duties due at the Death of such Coal Owners, or Fitters, or Coal Factors, respectively, as shall die before the Quantities of Coals and Cinders respectively shall be ascertained, or the Payment of the said Duties shall be made.

Exemption
from Duties.

LV. Provided also, That all Cinders to be burnt from Coals subject to the Duties herein-before mentioned, shall not be liable to or pay the Duties hereby imposed or made payable for Cinders on their being put on board of any Ship, Boat, Keel, or other Vessel, in order to their being exported or water-borne to any other Place; and also, that no Duty or Sum of Money shall be paid for any such Coals or Cinders that shall be lost in any Keel or Boat sunk in the said River or Port, or within Seven Fathoms at low Water beyond the Bar of the said River, within the Limits first-herein-before mentioned, or for any Coals that shall be used or consumed in making Salt, Glass, Glass Bottles, Vitriol, Copperas, Earthen Ware, Bricks, Tiles, and burning Lime-stone into Lime, within the Limits of the said River, Port, or Haven, so as the Owners, Proprietors, or Consumers of such Coals and Cinders shall and do respectively, on their being thereunto respectively required by his or their own Oath or Oaths, or the Oath or Oaths of any other Person or Persons, to the Satisfaction of the said Commissioners, at their public Meetings respectively prove that such Cinders, so exempted as aforesaid, were burnt from Coals for which such Duties as aforesaid were or had been paid, or that such Coals or Cinders so exempted as aforesaid were lost as aforesaid, or were or had been used or consumed in making Salt, Glass, Glass Bottles, Vitriol, Copperas, Earthen Ware, Bricks, Tiles, or in burning Lime-stones into Lime, within the Limits of the said River, Port, or Haven.

LVI. And

LVI. And if such Staithman or Staithmen, or other Person or Persons respectively so to be summoned to appear before the said Commissioners at their next public Meeting, shall refuse or neglect to appear, or refuse to be examined on Oath before the said Commissioners, then and in such Case the said Commissioners shall and may, and are hereby empowered to administer an Oath to the Owners, Fitters, or Consumers of such Coals, or any of them, in case they shall be willing to take the same; and also to any other Person or Persons, touching the Quantities of such Coals and Cinders so led and delivered or consumed; and if such Coal Owners, Fitters, or Consumers, shall refuse or neglect to take such Oath, that then the said Commissioners shall and may charge such Coal Owners, or the Masters of such Staithmen, and also the Fitters or Consumers, with such Sum and Sums of Money as the said Commissioners shall think fit, not exceeding the Sum of One Shilling and Sixpence *per* Chaldron upon such Coal Owners and Consumers, and Sixpence *per* Chaldron upon such Fitters, for any Quantity not exceeding Fifty thousand Chaldrons, upon any one Coal Owner, Fitter, or Consumer, in any one Year, as the said Commissioners shall think fit, to be raised, levied, and applied as Penalties are hereinafter directed to be raised, levied, and applied.

What shall be done if Staithmen, &c. do not appear.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as they shall appoint in that Behalf, from Time to Time, on every Voyage, to demand and take, or cause to be demanded and taken, of and from every Master or Owner of every Ship or Vessel entering or coming into or using the said Port of *Sunderland*, (except only such Ships or Vessels as shall enter and come into the said Port of *Sunderland* for Safety and Refuge only, and shall depart again from the same Port without taking in any fresh Loading there), a Rate or Duty of One Penny for every Ton of the Burthen of every such Ship or Vessel, (the Amount of the Number of Tons of each and every of such Ships or Vessels to be ascertained according to the Rules laid down by an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*), and which said Rate or Duty shall not be paid or payable for the same Ship or Vessel oftener than Three Times in any one Year, commencing on the First Day of *July*; and the same shall be payable and paid, exclusive of and over and above any other Rates or Duties which are hereinafter imposed or made payable by virtue of this Act; and that the said Rate or Duty so to be paid by Owners and Masters of Ships and Vessels as aforesaid, shall be applied by or under the Direction of the said Commissioners, for the Purpose of scouring and deepening the said River, and placing and repairing Buoys and Moorings within the same, and also for placing and repairing Buoys and Moorings for Vessels used in the Lime Trade, and for the other Purposes of this Act, which said Rate or Duty shall be paid at the Office of His Majesty's Customs for the said Port of *Sunderland*; and no Ship or Vessel shall be cleared at or depart from the said Port of *Sunderland* before the said Rate or Duty is paid.

Tonnage Duty on Ships using the Port.

Tonnage to be ascertained as directed by 26 G. 3.

Application of the Money.

LVIII. And forasmuch as the Money to be raised by virtue of this Act will not be sufficient for the speedy effecting the Works aforesaid, and it

[*Loc. & Per.*]

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will

Power to borrow Money.

will be necessary for the Commissioners to borrow and take up at Interest Money for the more effectual and speedy carrying on, completing, and finishing the same; be it therefore further enacted, That the said Commissioners or any Five or more of them, (whereof the Chairman for the Time being to be one), shall and may, and they are hereby authorized and empowered, from Time to Time, by Writing under their respective Hands and Seals, to grant, assign, make over, or charge the Duties hereby granted or made payable, or any Part or Parts thereof (the Costs and Charges of making and assigning of which to be paid out of the Duties aforesaid), for all or any Part of the Time or Term for which the same are granted and made payable, as a Security for the Sum or Sums of Money to be by them borrowed for the Uses and Purposes herein mentioned, to such Person or Persons, or his or their Trustee or Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with Interest for the same, not exceeding the Interest allowed to be taken on borrowed Money.

Assignment
of Duties.

LIX. And be it further enacted, That the Form of every Assignment of the Duties arising by virtue of this present Act, as a Security for any Sum or Sums of Money to be borrowed on the Credit of the said Act, shall be in the Words following, or by any other Words to that Purpose; *videlicet,*

‘ BY virtue of an Act passed in the Forty-ninth Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled, [*here set forth the*
 ‘ *Title of this Act*] We *C. D. E. F. and G.* Five of the Commissioners ap-
 ‘ pointed by or in pursuance of the said Act, do, in Consideration of the
 ‘ Sum of _____ advanced and lent
 ‘ by *A. B.* upon the Credit and for the Purposes of the said Act, hereby
 ‘ assign one _____ Part of the Duties arising by virtue of the same Act,
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns, to have,
 ‘ hold, and enjoy the same from henceforth, as a Security for and until the
 ‘ said Sum of _____ with Interest after the
 ‘ Rate of _____ *per* Hundred Pounds for One Year, shall
 ‘ be repaid.’

And all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Commissioners, shall be equally entitled to his or their Proportion of the said Duties, according to their respective Sums in such Assignments mentioned to be advanced, to secure the Re-payment thereof, with such Interest as therein specified, without any Preference by reason of Priority of Assignment, or any other Matter whatsoever; and Entries or Memorandums of every such Assignment, containing the Dates, Names of the Parties, and Sums borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Treasurer, and shall and may be inspected at all seasonable Times by all Persons whomsoever, without Fee or Reward; and all and every Person and Persons to whom such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer or assign over his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security,

curity, or other Writing to be annexed thereto, signed in the Presence of and attested by Two or more credible Witnesses in the Words following, or to the like Effect:

‘ I Do transfer this (or the annexed) Assignment, with all my Right and Title to the Principal Money hereby (or thereby) secured, and all the Interest now due to C. D. his Executors, Administrators, or Assigns. Dated this Day of A. B. Witnesses E. F. G. H.’

Form of Transfer of Security.

Which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer for the Time being, who shall register and enter the same in the said Book or Books to be kept for entering the same original Assignment, for doing whereof he shall be paid One Shilling by the Person requesting the same; and after such Entry thereof made, and not till then, every such Transfer shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may in like Manner transfer or assign again, and so *toties quoties*, such Transfer being entered and paid for as aforesaid; and it shall not be in the Power of such Person or Persons who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Money due thereon.

LX. And be it further enacted by the Authority aforesaid, That the said Commissioners shall make or cause to be made, fair and regular Entries in one or more Book or Books to be by them kept for that Purpose, of all Rules, Orders, Decrees, Judgements, and Constitutions, Acts, Matters, and Things, that shall be made, had, and done in pursuance or by virtue of this Act; and that true Copies of such Entries remaining with the proper Officer or Officers, duly proved, shall be good and sufficient Evidence of the said Entries, and of the several Acts, Matters, and Things therein contained, in all Courts of Record and other Courts whatsoever; and that they the said Commissioners shall keep or cause to be kept, fair, distinct, and regular Accounts of the Receipts and Disbursements of all and every Sum and Sums of Money, which shall be at any Time hereafter received and disbursed by them, or any Officer or Officers to be by them appointed and employed; and that all and every Person and Persons whatsoever shall and may, at proper and seasonable Times, have the Inspection of all or any of such Book or Books, without paying any Fee or Reward for the same; and Copies thereof may be taken by any Person or Persons whomsoever, paying to the Clerk of the Commissioners Sixpence for every One hundred Words; provided that no Order or Proceedings to be made or had by virtue of this Act, in relation to the Premises, shall be quashed or vacated for want of Form only.

Proceedings to be entered.

Proceedings not to be quashed for want of Form only.

LXI. And, for the preventing Ballast Keels being sunk in the said River from their being overloaded, or the Keelmen being under the Necessity of casting out of or from the same, a Part of the Loading thereof, into the River, Port, or Haven, be it further enacted, That every Ballast Keel, and every Boat or other Vessel used in the said River, Port, and Haven, for the carrying and unloading of Ballast, shall, when loaded, swim at least

To prevent Skippers, &c. from over-loading their Keels used for Ballast.

Twelve

Twelve Inches above the Water, from the Upper Edge of the Bind in every Part thereof; and if any Owner or Owners, Skipper or Skippers, of such Ballast Keels or other Vessels shall load or take on board, or cause, permit, or suffer to be loaded or taken on board his or their respective Ballast Keels or Vessels, such and so great a Quantity of Ballast, Sand, Gravel, Rubbish, or other gross Matter, that the same when loaded shall not swim at least Twelve Inches above the Water from the Upper Edge of the Bind, in every Part thereof, he and they shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Licence to be granted to Skippers of Ballast Keels.

LXII. And, for the preventing of Ballast being cast and unloaded from and out of Ballast Keels, and other Vessels carrying Ballast, into the said River or on the Land adjoining thereto, below the full Sea and Tide Mark, be it further enacted, That the Owner and Skipper of every such Keel or Vessel shall take out a Licence, under the Hand of the Chairman of the Commissioners for the Time being, which the said Chairman is hereby authorized and empowered to grant; and in case any Owner or Skipper, or any Person or Persons having the Command of any such Keel or Vessel, shall take on board or permit or suffer to be loaded or taken on board his or their Keel or Vessel, any Ballast, Sand, Gravel, Rubbish, or other gross Matter, in order to convey or navigate the same on the said River, without first obtaining such Licence, shall forfeit and pay not exceeding the Sum of Ten Pounds.

Skippers, &c. to give Security.

LXIII. And be it further enacted, That every such Owner and Skipper shall, at the Time of obtaining such Licence, enter into and give Bond to the Chairman of the said Commissioners for the Time being, in the penal Sum of Fifty Pounds, that they or either of them shall not cast or unload, nor shall or will permit or suffer to be cast or unloaded, out of or from his or their Keel or Vessel, any Ballast, Sand, Gravel, Rubbish, or other gross Matter, into the said River, within the Limits of this Act, or on the Lands contiguous thereto, save upon the Lands above the full Sea or Tide Mark, or upon some Quay or Staith already built higher than the Flux of the Tide; and on breach of the Condition of the said Bond, the Commissioners may put the same in Suit in the Name of the said Chairman, his Executors or Administrators; and the Penalty of such Bond, when recovered, to be applied and disposed of as other Penalties and Forfeitures are herein-after directed to be applied and disposed of.

Owner's Name to be on the Keel.

LXIV. And be it further enacted, That the Owner, Master, or Skipper of every Ballast Keel, or other Vessel carrying Ballast, shall cause the Christian and Surname or Names of the Owner to be set thereon in Capital Letters, with White Paint, on some conspicuous Part on each of the Outfides thereof, and higher than the same shall sink into the Water when loaded; and every such Owner, Master, or Skipper, neglecting or refusing so to do, or using any Ballast Keel, or such other Vessel, not having the same thereon, shall forfeit and pay any Sum not exceeding Forty Shillings.

Ballast Keels to be weighed.

LXV. And be it further enacted, That every Ballast Keel and other Vessel used for carrying Ballast, shall be weighed, when required by any Person

Person interested, in the Presence of the Engineer of the said Commissioners, and have Nails placed therein to distinguish the Weight, and shall, when not loaden, swim below the Nails placed lowest therein; and if any Owner or Owners, Master or Masters, Skipper or Skippers, of such Keels or other Vessels, shall use or navigate the same on the said River, without their being so weighed, or if, when the said Keels or Vessels are not loaden, the same shall swim above the said lowest Nails, or shall remove, or permit or suffer to be removed, the said Nails, after being so placed therein as aforesaid, every Person so offending in any of the said Cases shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LXVI. And be it further enacted, That every Keel, Boat, Barge, Lighter, or other Vessel, used for carrying and conveying of Coals down the said River to the said Port of *Sunderland*, shall be entered in the Office of the Engineer, and have such Mark and Number placed thereon as the said Commissioners shall think fit and direct, in the most conspicuous Part thereof, for the knowing the same to be used for the carrying of Coals, for discovering and convicting the Owner or Skipper thereof offending against this Act; and if any Owner or Skipper shall make use of any Keel, Boat, Barge, Lighter, or other Vessel, for the carrying of Coals on the said River, not being so marked and numbered, or if any Person shall wilfully deface the said Mark or Number so placed as aforesaid, or shall carry, or permit or suffer Ballast to be carried therein, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Coal Keels to be entered, marked, and numbered.

LXVII. And be it enacted, That if any Person or Persons whomsoever, upon any Pretence whatsoever, shall and do cast and unload out of or from any Ship, Keel, Boat, or other Vessel, any Ballast, Sand, Stones, Rubbish, Wreck, Filth, Gravel, or other gross Substance into the said Haven, nearer to the Mouth of the said River than *Rock Lodge* on or towards the North-east, or *Hendon Lodge* on or towards the South, or within Five Fathoms at low Water, between the said *Rock Lodge* and *Hendon Lodge* aforesaid, or within the Limits of this Act, or any other Part of the said Port, or shall cast out of or from any Ship, Boat, or other Vessel, or out of or from any Carriage whatsoever, or of or from any Quay, Yard, Place or Ground adjoining to or near the said River, into the said River or Port within the same Limits, or shall dig and remove from out of one Part of the said River and cast into another Part thereof, any Soil, Ballast, Sand, Stones, Rubbish, Wreck, Filth, Gravel, Coal Ashes, or other gross Substance whatsoever, save upon the Land above the full Sea and Tide-mark, or upon some Quay or Staith already built or hereafter to be built higher than the Flux of the Tide, that then and in every such Case, as well the Person having the Command or Rule of any Ship, or Skipper of any Keel, Boat or other Vessel, out of or from which any Ballast, Sand, Stones, Rubbish, Wreck, Filth, Gravel, Coal Ashes, Cinders, or other gross Matter, shall be cast or unloaded as aforesaid, as the other Person or Persons so offending, shall, for every such Offence, forfeit and pay a Sum not exceeding Ten Pounds.

To prevent Ballast being cast so as to come into the River.

To prevent
casting Ballast
without a
Port Sail.

LXVIII. And be it further enacted, That all and every Person and Persons who shall, from and after the passing of this Act, cast or unload out of any Ship, Keel, Boat, or other Vessel, any Gravel, Stones, Rubbish, Ballast, Wreck, Filth, or other gross Substance; and all and every Captain, Master, or Person or Persons having the Command or Rule of any Ship, or any Skipper of any Keel, Boat, or other Vessel, out of or from which any Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance shall be cast or unloaded into any Keel or other Vessel, or upon any Wharf, Staith, or Ballast, or other Quay within the said River, Port, or Haven, not having a Wooden Stage or Port Sail sufficiently large, fastened from such Ship or Ships, Keel or Keels, or other Vessel or Vessels, to the upper Edge or highest Part of the Wharf, Staith, or Ballast Quay, or other Quay or Quays; or any Keel, Boat, or other Vessel into which such Ballast and other gross Substance shall be so cast or unloaded, during the Time of his or their casting or unloading, so as to prevent the falling of any Sand, Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance into the said River, Port, or Haven, within the Limits aforesaid, shall forfeit and pay for the first Offence, a Sum not exceeding Forty Shillings, and for the second and every other Offence a Sum not exceeding Five Pounds.

To prevent
Ballast lying
on the Quays
too near the
Edge.

LXIX. And be it further enacted; That all and every Occupiers or Tenants of Ballast Quays, or other Quay or Quays adjoining the said River, within the Limits aforesaid, who shall suffer or permit Gravel, Sand, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance, to be cast or placed thereon, to be or remain nearer the Edge or Front of the said Ballast Quay, or other Quay or Quays, than Three Feet after the Time of casting or placing the same, and after such Stage or Port Sail shall be removed from the said Quay, or Quays, or shall cause to be cast, thrown, or laid in or so near any Runner or Watercourse upon or adjoining to the said Quay or Quays, as that the same may be washed into the River, to the Prejudice thereof, he or they shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

To prevent
Ballast Hills
being placed
too near the
River.

LXX. And be it further enacted, That no Occupier or Occupiers of any Ballast Quay or Quays adjoining the said River, within the said Limits, shall lay or place any Ballast, Sand, Stones, Rubbish, Wreck, Filth, or other gross Substance, in large Quantities, or where the same is intended to remain in Hills or Heaps, nearer to the Front of the said Quay or Quays than Ten Yards; and no Occupier or Occupiers of any Lands adjoining or contiguous to the said River, shall lay or place any Ballast, Sand, Stones, Rubbish, Wreck, Filth, or other gross Substance in Manner aforesaid, upon their respective Lands, nearer than Twenty Yards above the High-water Mark; and every Occupier or Occupiers of such Quay or Quays, or of such Lands respectively, laying or placing the same nearer the Front of the said Quay or Quays, or nearer to the High-water Mark than the above Distances respectively, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

LXXI. And be it further enacted, That it shall be lawful for the Engineer of the said Commissioners, and such Person or Persons as he shall appoint, by the Direction of the said Commissioners, from Time to Time to remove all such Sand, Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance, which shall be cast, laid, or placed on any Ballast Quay, or other Quay or Quays, or Place or Places adjoining to the said River *Wear*, in case the Occupier or Tenant or Occupiers or Tenants of the said Ballast Quay, or other Quay or Quays, or Place or Places where the same shall happen to be, shall neglect to remove the same within the Space of Three Days next after the same Sand, Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance shall be so cast, laid, or placed upon any Ballast Quay, or other Quay or Quays, or Place or Places adjoining to the said River *Wear*, (the Charges of removing the same being settled by the said Commissioners), shall be paid by such Occupier or Tenant, or Occupiers or Tenants neglecting or refusing to remove such Sand, Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other gross Substance as aforesaid, to be recovered in such Manner as Fines and Penalties are hereafter directed to be recovered.

Engineer to remove Ballast, &c.

LXXII. And be it further enacted, That no Ship, Keel, Boat, or other Vessel in the said River, Port, or Haven, shall be moored to, nor have any Rope or Ropes made fast or fixed to any Buoy or Buoys fixed or placed, or to be fixed or placed in the said River, Port, or Haven, or to the small Chain or Chains from the Buoy to the great mooring Ring; and every Master or other Person having the Rule or Command of any Ship, Keel, Boat, or other Vessel so moored, or having the Ropes made fast or fixed to any of the said Buoy or Buoys, Chain or Chains, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Ships and Keels not to have Ropes fastened to the Buoys or Chains.

LXXIII. And, for preventing Damage to the Ships and Vessels in the said River, and to the Town of *Sunderland* by Fire, and other Accidents that may happen by the discharging or firing of Cannon and other Guns on board of Ships or Vessels in the said River, be it further enacted, That no Cannon or Cannons, or other Gun or Guns, shall be fired or discharged on board of any Ships or Vessels when in the said River, Port, or Haven; and that the Master, or other Person or Persons having the Command or Rule of any Ship or Vessel on board of which any Cannon or other Gun shall be so fired, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Cannon or Guns not to be fired from Ships or Vessels in the River.

LXXIV. And be it further enacted, That the said Commissioners shall and may erect and build in such convenient Place, near the Mouth of the said River *Wear*, as they shall think fit, a Storehouse or Magazine for the placing and safe keeping of Gunpowder belonging to Ships or Vessels to be laid up to Winter in the said River and Port of *Sunderland* aforesaid, and to pay and defray the Expence thereof out of the Duties granted and made payable by this Act; and every Owner, and Person or Persons having the Rule or Command of Ships

Gunpowder not to remain on board of Ships wintering in the River, but to be deposited in a Storehouse to be built for that Purpose.

and

and Vessels within the said River and Port, laid up therein for the Winter, shall deposit the Gunpowder which shall be on board of his and their said Ships and Vessels, in going into the said River and Port, within the said Storehouse or Magazine during the Winter; and any Owner, Master, or Person or Persons having the Rule or Command of any Ship or Vessel which shall come into the said River and Port, and proceed up the River to her Station for the Winter, without having first deposited the Gunpowder which shall be on board of the said Ship or Vessel in the said Storehouse or Magazine, shall pay and forfeit a Sum not exceeding the Sum of Ten Pounds.

Pitch, &c. not to be heated or boiled on board Vessels.

LXXV. Be it further enacted, That in case any Person or Persons having the Rule or Command of any Ship or Ships, Vessel or Vessels, lying or being in the said River, shall heat or boil, or permit or suffer to be heated or boiled, any Pitch, Tar, or Rosin, or any Composition of that Nature on board of his or their respective Ship or Ships, Vessel or Vessels, otherwise than with an Iron Instrument commonly called a Loggerhead, he or they shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

For weighing and raising Vessels sunk.

LXXVI. And be it further enacted, That if any Ship, Boat, Keel, or other Vessel shall happen to be sunk in the said River, Port, or Haven, and the Owner, Master, or Person or Persons having the Care or Management thereof, do not, within the Space of Twenty-four Hours, weigh or draw up the same again, and hale the same out of the Way of other Vessels passing and repassing in the said River, Port, and Haven, or within that Time give sufficient Security to the Chairman of the said Commissioners for so doing, and remove the same within Seven Days, or at the next Spring Tides, then it shall be lawful for the Engineer or Haven Master, Agent or Agents, Servant or Servants of the said Commissioners, to weigh, draw up, and hale the same out of the Way of other Vessels passing and repassing in the said River, Port, and Haven, and to detain and keep the same, and her Rigging, Tackle, and Loading, if preserved, till Payment of all Expences occasioned thereby; and if Payment thereof be not made in Five Days after the same shall be so drawn or weighed up, then it shall be lawful for the said Engineer or Haven Master, Agent or Agents, Servant or Servants, to sell such Vessel, her Rigging and Tackle, or a competent Part thereof, for reimbursing the said Expences and other Charges of weighing and drawing up and haling out of the Way, detaining, keeping, and selling the same, returning the Overplus, if any, to the Owner, Master, or Person or Persons having the Management of such Ship, Boat, Keel, or Vessel before she was sunk.

To prevent Ships being misled by Fire of Lime Kilns.

LXXVII. And whereas the Lights by and from the several Lime Kilns on the Land adjoining the Sea near to the said Port of *Sunderland* may mislead Masters, Mariners, and Pilots having the Care of Ships and Vessels belonging to and using the said Port, whereby great Damage and Loss may be occasioned to such Ships and Vessels; be it

it therefore enacted, That it shall be lawful for the said Commissioners, and their Servants and Workmen, to enter into and upon the said Lands, to build, or cause to be built, sufficient Wall or Walls before such Lights there, so as to prevent the said Lights from being seen at Sea, and the Occupiers of such Lands shall keep the said Walls in repair so long as such Lime Kilns shall be used; and in case the Owners or Occupiers shall obstruct or hinder the said Commissioners, or their Servants or Workmen, in entering into and upon the said Lands, or in building such Wall or Walls, or shall not keep the same, after built, in Repair as aforesaid, he, she, or they shall forfeit a Sum not exceeding Ten Pounds.

LXXVIII. And be it further enacted, That if any Person or Persons whomsoever shall at any Time or Times obstruct, hinder, or molest the Engineer, Haven Master or Haven Masters, Workman or Workmen, Labourer or Labourers, or other Person or Persons whatsoever, who is or shall be employed or acting in Performance or Execution of their Duty under this Act, or in the Works to be done and carried on in pursuance thereof, or in any other Matter relating thereto, (other than as herein-before provided for and with respect to the Appointment, Regulation, Direction, and well-conducting of Ships and Vessels into, out of, or whilst within the said River, and the Keels, Boats, and other Vessels therein), every such Person so offending, for the first Offence shall forfeit the Sum of Five Pounds, and for the second Offence the Sum of Ten Pounds, and for the third and every other Offence, the Sum of Twenty Pounds.

Obstructing
Officers or
Workmen.

LXXIX. Provided always, and it is hereby enacted, That if any Commissioner shall by virtue of this Act be accused before the Commissioners present at any of their Public Meetings for any of the Offences herein mentioned, such Commissioner so accused shall not sit, vote, or otherwise act as a Commissioner in any such Case, or in any Case when or where he or his Interest shall be any way concerned.

Commissioner
not to sit
or vote in his
own Case.

LXXX. And be it further enacted, That each of the said Commissioners, who shall be a Justice of the Peace for the County of *Durham*, may and is hereby empowered to act as a Justice in the Execution of this Act, notwithstanding his being at the same Time a Commissioner.

Commissioner
being a Justice
may act as
such.

LXXXI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may take the Affidavit or Oath of any of the Sheriffs Bailiffs, or the Bailiff of the said Commissioners, or any other Person or Persons, or any Officer or Officers, Agent or Servant of the said Commissioners, for or concerning the due Service or Execution of Processes, Warrants, Summonses, or Orders which shall or may be made or awarded by or entered or filed before the said Commissioners or any Five of them.

Commissioners
may administer
Oaths,
to prove serving
of Processes, &c.

LXXXII. And be it further enacted, That all and every Person and Persons who, in any Examination, or upon any Oath directed to be taken and made by virtue of this Act, shall swear falsely before any Person or Persons hereby empowered to take such Examination or administer such Oath, shall and may be prosecuted for the same, and being convicted thereof shall be subject and liable to such and the same Pains, Penalties,

Persons giving
false Evidence
to be
subject to
Perjury.

[*Loc. & Per.*]

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Punishments,

Punishments, and Forfeitures, as any Person or Persons can, shall, or may be subject or liable to, for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

For reward-
ing Informers.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, to reward any Informer or Informers as they shall think proper, so as no such Reward do exceed the Penalty or Forfeiture, if under Five Pounds, and do not exceed one Moiety of the Penalties and Forfeitures if above Five Pounds, arising from the Information of such Informer or Informers, any Thing herein contained to the contrary notwithstanding.

Information
to be given in
Six Months,
and Prosecu-
tion in 12
Months.

LXXXIV. Provided nevertheless, That no Person or Persons whomsoever shall be punished for any of the Offences above mentioned, by him or them committed or done, contrary to this Act, unless Information thereof, on the Oath of One or more credible Witness or Witnesses, be made and given within the Space of Six Calendar Months, and the Prosecution for such Offence be within the Space of Twelve Calendar Months next after such Offence be committed.

No Order to
be repealed
unless Eleven
Commission-
ers present.

LXXXV. And be it further enacted by the Authority aforesaid, That no Order made by the said Commissioners, for or concerning the Execution of the Trusts, Powers, and Authorities of this Act, shall be revoked, repealed, or set aside by any subsequent Order of the said Commissioners, unless Twenty Days previous Notice shall be given in One of the Newspapers published at *Newcastle-upon-Tyne*, of the Time and Place for taking the said Order into Consideration, as to the Propriety of revoking, repealing, or setting aside the same, and Eleven Commissioners shall be present at the Meeting for that Purpose.

The Manner
of levying
Penalties.

LXXXVI. And be it further enacted by the Authority aforesaid, That all Monies due at the Time of passing this Act, in respect of the Duties payable under the said former Acts, or any of them, and also all Monies which shall become due in respect of the Duties payable under and by virtue of this Act; and also all and every the Penalties, Sum and Sums of Money, which shall have been forfeited or become payable under the said former Acts or any of them, or shall become due or payable by virtue of this present Act, shall and may from Time to Time be levied by Distress and Sale of the Goods and Chattels of the Offender, or other Person or Persons liable thereto, or who should or ought to pay the same, or of any such Ship or Vessel in respect of which any of the said Rates and Duties are or shall be due and payable respectively, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of one or more Justice or Justices of the Peace for the said County of *Durham*, to be directed to the Constable of the Place where such Offence shall be committed, or such Duties, Penalties, Sum or Sums of Money shall become due or are hereby made payable, or to the Bailiff of the said Commissioners, or any other Person or Persons whom the said Justice or Justices shall think proper; and in case the Party offending, or refusing or neglecting to pay, shall not pay the Money for which such Goods and Chattels so to be distrained, and reasonable Charges of distraining and keeping the same, within Three Days after such Distress, on Proclamation made that such

Distress is to be sold, the said Goods and Chattels so to be distrained shall and may be forthwith sold by the Person or Persons making such Distress, thereout to raise and pay the Money so to be charged and payable, and the Surplus thereof; if any (after deducting the reasonable Charges of such distraining, keeping, and selling) shall be tendered and paid to the Owner of the Goods so to be distrained, in which case no Replevin shall be granted or grantable; and in case a sufficient Distress cannot be found, then the said Justice or Justices may, and is and are hereby authorized and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the common Gaol of the said County, there to remain without Bail or Mainprize until such Penalties and Sum or Sums of Money so to be charged, with reasonable Expences occasioned by the Non-payment thereof, shall be fully paid and satisfied, or the said Offenders shall compound with the said Commissioners and pay such Composition Money and Charges, which Composition the said Commissioners are hereby empowered to make and receive: Provided always, that no Person shall be confined in the said Gaol above the Space of Six Months for any of the Offences aforesaid.

LXXXVII. Provided nevertheless, That no Order, Warrant, or other Proceedings to be had or made by or before any Justice or Justices of the Peace relating to the said Duties, or to any of the Penalties, Sum or Sums of Money which shall be forfeited, or shall become due or payable by virtue of this Act, shall be quashed or vacated for want of Form only; and that it shall and may be sufficient for such Justice and Justices to draw the Conviction of any Offender against this Act in the Form or to the Effect following:

Proceedings not to be quashed for want of Form only.

‘ Durham } BE it remembered, That on the Day of Form of
 ‘ to wit. } in the Year of our Lord Conviction.
 ‘ is [or are] convicted before
 ‘ One of His Majesty’s Justices of the Peace for the County of *Durham*
 ‘ (specify the Duties, and when the same became due, or the Offence,
 ‘ Penalty, Time, and Place, when and where the Offence was committed,
 ‘ as the Case shall be). Given under my Hand and Seal, or our Hands and
 ‘ Seals, the Day and Year first aforesaid.’

LXXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form, &c.

LXXXIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days

Plaintiff not to recover unless 14 Days Notice before Action brought, &c.

Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the behalf of the Defendant or Defendants, before such Action shall have been brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants, in such Action, by the Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Offenders
withdrawing.

XC. And be it further enacted, That if the Captain, Master, or Person or Persons having the Rule or Command of any Ship or Vessel, or any other Person or Persons offending against any Part of this Act, or any Person or Persons liable to the said Duties hereby made payable, shall withdraw or retire, so as that no Warrant or Warrants can be served upon him, her, or them, it shall be lawful for the said Commissioners to commence and prosecute an Action at Law in any Court of Record in the Name of their Chairman for the Time being, against the Captain, Master, or Person or Persons so offending, or Person or Persons liable to the said Duties or any of them, for the Recovery of the respective Penalties, Forfeitures, Duties, and Sums of Money.

Application
of the Monies.

XCI. And be it further enacted, That all and singular the Duties hereby granted, the Monies to be borrowed by Mortgage, and all Fines, Penalties, Forfeitures, and Sums of Money to be set, imposed, paid, or levied by virtue of this Act, not otherwise hereby directed to be applied or disposed of, shall be paid to such Person or Persons as by the said Commissioners shall be appointed and authorized to receive the same, and shall be applied in the first Place in Payment and Discharge of all Expences incurred in and about the procuring and passing of this Act, and the Remainder of such Monies shall, from Time to Time, be applied in executing the several Works by this Act authorized to be done, and in Discharge of all necessary Expences in putting this Act in Execution, and in repaying the Money already borrowed or to be borrowed, and the Interest thereon, and all other Debts or Sums of Money due or to become due under the Authority of the former Acts or of this Act, or for the Purposes of this Act; and the several Duties and Sums of Money herein-before granted and made payable shall, for and during the Term by this Act granted, be and remain subject and liable to the Payment of all Sums of Money which upon the passing of this Act shall be due and owing upon the Credit of the said recited Acts, or either of them; and also to the Payment of all Sums of Money which shall or may hereafter be borrowed or become due on the Credit of this present Act, together with all Interest then due, and which shall or may from Time to Time hereafter become due and payable for the same respectively.

Power to
make Bye
Laws

XCII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any General Meeting appointed by this Act, to make, ordain, and establish such Bye-Laws, Rules, Orders, Regulations,

lations, and Ordinances, for the better regulating of the said Port, and for the Security and Safety of the Works made and done by virtue of the said recited Acts, or to be made and done in pursuance or by virtue of this Act; and for the Appointment, Regulation, Direction, and well conducting of Ships and Vessels into, out of, or whilst within the said River and Port, and of the Keels, Boats, and other Vessels therein; and for raising Money sufficient for the Repair, Support, and Maintenance of the Haling Paths, by an equal Rate on the Owners or Skippers of all and every the Keels or Lighters on the said River, or any other Matter or Thing not herein-before particularly specified, as shall from Time to Time appear to be necessary and proper; and to alter, vary, and repeal the same, as Occasion shall be or require, and to impose reasonable Fines and Forfeitures for the Breach or Non-performance of such Bye Laws, Rules, Orders, Regulations, and Ordinances, so as no one Penalty or Forfeiture shall exceed Ten Pounds, which Fines and Forfeitures shall be recovered and levied as other Fines and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied; and that all such Bye Laws, Rules, Orders, Regulations, and Ordinances, and the Fines and Forfeitures for the Breach or Non-performance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up, either in Print, or in Writing in a clear legible Hand, in the Custom House of the said Port of *Sunderland*, and in such other Place or Places as the said Commissioners shall appoint; and, upon Application, a Copy thereof shall be delivered to the Owner, or Person or Persons having the Rule or Command of any Ship or Vessel requiring the same, on Payment to the Haven Masters or one of them, of the Sum of Sixpence for the same; provided such Bye Laws, Rules, Orders, Regulations, and Ordinances be not inconsistent with, or repugnant to, the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to the Directions in this Act contained; all such Bye Laws, Rules, Orders, Regulations, and Ordinances, and all Convictions for Offences against the same, shall be subject to Appeal to the Quarter Sessions in the Manner herein-after provided.

XCIII. And whereas the Commissioners acting in the Execution of the said recited Act of the Twenty-fifth Year of His present Majesty's Reign, have erected and built with Stone a Light House on the North Pier at *Sunderland* aforesaid, and have also erected and fixed with Wood a Light House on the South Pier at *Sunderland* aforesaid; from which said Light House the Owners, Masters, and Persons having the Command of Ships and Vessels trading to and using the said Port of *Sunderland*, have received, and may hereafter receive, considerable Benefit and Advantage; and have also received, and may hereafter receive, considerable Benefit and Advantage from the said Port of *Sunderland*, as a Place of Safety and Refuge in case of Storms or otherwise; be it further enacted, That for the Support and Maintenance of the said Light Houses and Lights, and for executing the Trusts of and concerning the same, and for carrying the other Purposes of this Act into Effect, it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as they shall appoint in that Behalf, to demand and take, or cause to be demanded and taken, of and from every Owner or Master, or Person or Persons having the Rule and Command of every Ship or Vessel which shall enter and come into the said River *Wear*, or Port of *Sunderland*, once in every Voyage, the Duty or Sum of One Shilling for each such Ship or Vessel, and also the Sum of

Light House
and Refuge
Duties.

[Loc. & Per.]

9 U—X

One

One Farthing for every Two Tons of the Burthen of every such Ship or Vessel, to be ascertained as herein-before is directed with respect to Ships and Vessels liable to the other Tonnage Duties imposed by this Act, save and except as herein-after is provided with respect to Ships or Vessels employed in the Lime Trade; and also to demand and take, or cause to be demanded and taken of and from the Master or Owner of every Ship or Vessel whatsoever, which shall enter and come into the said River *Wear*, or Port of *Sunderland*, for Safety or Refuge only, and shall depart again from the same Port without taking in any fresh Loading there, a Rate or Duty of Three Halfpence for every Ton of the Burthen of every such Ship or Vessel, to be ascertained as aforesaid, when and as often as the same shall so enter and come into the said River *Wear* or Port of *Sunderland* for Safety or Refuge only, and shall depart again from the same Port without taking in any fresh Loading there as aforesaid, which said last-mentioned Rates or Duties shall be paid at the Office of His Majesty's Customs for the said Port of *Sunderland*; and no Ship or Vessel liable to the said last-mentioned Rates or Duties shall be cleared at or depart from the said Port of *Sunderland*, till the same Rates or Duties are paid; and the same shall be applied in the Support and Maintenance of the said Light Houses and Lights respectively, and for the other Purposes of this Act; provided, that the Owners of Ships or Vessels engaged in the Lime Trade shall and may make an Annual Composition for each Ship or Vessel so employed with the said Commissioners, and the said Commissioners are hereby authorized and required to compound with such Owners accordingly.

Collector to keep Accounts of Money received.

XCIV. And, to the Intent that the several Rates and Duties by this Act imposed and made payable at the Office of His Majesty's Customs at the said Port of *Sunderland* may be effectually collected and received, for the Purposes aforesaid, be it further enacted, That the said Commissioners, or any Eleven or more of them, shall from Time to Time appoint at the said Port of *Sunderland* a Collector of the Rates and Duties by this Act granted, which Collector is hereby required to collect and receive the same; and such Collector shall keep a fair and true Account thereof, and once in every Three Months, if required, pay the same to such Person or Persons as the said Commissioners shall appoint or direct to receive the same; and if any Collector so appointed as aforesaid shall refuse or neglect to collect, or shall make any wilful Default in collecting the said Rates or Duties, or any of them, or shall not keep a fair and true Account thereof as aforesaid, or shall not pay the same over from Time to Time, according to the Directions of this Act, then and in every such Case such Person so offending shall forfeit and pay not exceeding Fifty Pounds for every such Neglect or Default, to be recovered, levied, and applied in Manner by this Act directed.

Collector to enter into and admeasure Ships.

XCV. And be it further enacted, That in case the Collector for the Time being of the said Rates or Duties, and the Master or other Person having the Charge or Command of any Foreign Ship or Vessel, charged with the said Rates or Duties, cannot otherwise agree about and adjust the Tonnage of such Ship or Vessel, that then, and so often it shall be lawful for the said Collector from Time to Time, and at all Times convenient and seasonable, to enter into such Ship or Vessel, and to admeasure the same according to the Directions of this Act; and if any Commander or other Officer of any Ship or Vessel, or any other Person whomsoever, shall obstruct or hinder any

Persons obstructing the Measure of Ships to be fined.

any Person or Persons employed by the said Commissioners, or by the said Collector, to admeasure any Ship or Vessel in pursuance of this Act, in order to ascertain the Duty hereby charged, such Commander or other Person shall, for every such Offence, forfeit the Sum of Ten Pounds, to be recovered and levied and disposed of in Manner herein-before mentioned.

XCVI. And be it further enacted and declared, That the said Navigation shall be a free Navigation from the said *South Biddick* or *Biddick Ford*, to and through the said River, Port, and Haven of *Sunderland*, and from thence into the Sea; and all the King's Subjects shall and may have, and lawfully enjoy, free Passage along, in, through, or upon the same, with and for Boats, Barges, Lighters, Keels, and other Vessels, and also the Use of the Haling Paths, and all other Rights and Benefits, in as full and ample Manner as the same have been hitherto used, and other Works and Conveniences which have been made by virtue of the said former Acts, or shall be made or maintained by virtue of or in pursuance of this present Act, for navigating in and upon the said River, and the said Port and Haven, without Let, Hindrance, or Obstruction from any Person or Persons whomsoever; subject nevertheless to the Payment of all Rates, Tolls, and Duties, and to such Penalties and Forfeitures for Offences committed, as are inflicted or authorized to be imposed by this Act, or as may be inflicted by any Bye Law to be made in pursuance thereof, without Partiality, and for the general Regulation of all Boats, Keels, Barges, Lighters, and other Vessels using the said Navigation.

Navigation to be free.

XCVII. Provided always, and it is hereby declared by the Authority aforesaid, That nothing in this Act contained shall extend anyways to destroy or prejudice any Right which the Lord Bishop of *Durham*, and his Successors, and his and their Lessees, of the Beaconage and Anchorage of the said River, Port, and Haven, or the Proprietors and Owners of *Sunderland* Ferry Boat and *Hilton* Ferry Boat, or any other Ferry Boat or Boats upon the said River, now have, or would or might have, or lawfully claim in or upon the said River, or within the said Port or Haven and Town of *Sunderland*, or otherwise howsoever, in case this Act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving to the Lord Bishop of Durham, and others.

XCVIII. Provided always, and it is hereby enacted, That every Person who shall think him or herself aggrieved by any Bye Law, Rule, Order, Regulation, or Ordinance made in pursuance of this Act, or by the Conviction of any Offence against the same, or by any other Matter or Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, may appeal to the Justices of the Peace for the County of *Durham*, at any General Quarter Sessions of the Peace to be holden within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Twenty Days Notice at least, in Writing, to the Clerk to the said Commissioners, of his or her Intention to bring such Appeal, and of the Matter thereof, and, within Six Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions, upon due Proof of such Notice being given as aforesaid,

Persons aggrieved may appeal to Quarter Session.

aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way; and, if they see Cause, may mitigate any Penalty, or vacate or set aside any Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs to the Parties appealing or appealed against, as to them the said Justices shall seem just; which Order and Determination shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Limitation of
Actions.

XCIX. Provided always, and be it further enacted, That if any Suit or Action shall be brought or prosecuted against any Person or Persons for any Act, Matter, or Thing done, or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Durham* and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or shall be brought in any other County, that then and in such Case or Cases the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

C. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being pleaded specially.

Term
granted.

CI. And be it further enacted, That this Act shall commence and take place on the Thirtieth Day of *June* next, and shall be in force and have Continuance for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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