



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 27.

An Act for paving, lighting, watching, and cleansing the Town of *Sunderland* near the Sea, in the County of *Durham*; for removing the Market; for building a Town Hall or Market House; and for otherwise improving the said Town; and for establishing a Watch on the River *Wear*. [6th April 1810.]

WHEREAS the Town of *Sunderland* near the Sea, in the County of *Durham*, is very populous, and is a Place of considerable Trade as a Sea Port: And whereas the Streets, Lanes or Alleys, public Ways and Passages within the said Town, are not properly cleansed, paved, or lighted, and are also subject to various Incroachments, Obstructions, Nuisances, and Annoyances, and are in many Parts thereof so narrow as to be incommodious and dangerous to the Inhabitants of the said Town and others resorting thereto, and the Market Place in the Centre of the principal Street of the same Town is in an inconvenient Situation, and the Market thereof not properly regulated: And whereas it would tend greatly to the Benefit and Safety of the Inhabitants and Persons resorting to the said Town, if the Streets, Lanes or Alleys, public Ways or Passages were well paved and lighted, and an able and well regulated Watch established therein, and also upon the River *Wear* adjoining to the same Town, and if some of the said public Ways and Passages were widened and rendered more commodious, and if the Market Place, and all Obstructions, Incroachments, Nuisances and Annoyances in the said Town were removed, and one or more convenient Market or Markets established in the said Town of *Sunderland*;

[Loc. & Per.] 7 E

Commissioners.

derland; but these beneficial Acts cannot be obtained without the Aid of Parliament: 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 *Edward Aiskell, Henry Alderson, Joseph Ashton, Thomas Arlott, Anthony Almond, William Armstrong, William Armstrong the younger, Christopher Bramwell, Benjamin Bray, George Bramwell, Robert Brown, James Burnett, Hewitt Burnett, George Binns, William Beckwith, William Bulman, Francis Septimus Burn, James Bell, Robert Bewick, William Brass, William Brass the younger, Thomas Blackett, William Burn, William Bell, James Braid, Thomas Cooke, James Crosby, Thomas Milner Cummings, John Carr of Stockton, Thomas Cassop, William Cockerill, Thomas Cockerill, Thomas Clarke, Solomon Chapman, Richard Dowell, William Dunn, Richard Denton, John Elstob, Thomas Ellerby, William Eden, Stevenson Eden, John Edmunds, George Fenwick, Addison Fenwick, Robert Fenwick, James Graham, Robert Gray D.D., Chipchase Grey, John Gray, James Gowen, William Gardner, John Hampson Clerk, Thomas Hindmarsh, William Haswell, William Haddock, William Haddock the younger, Robert Hodgson, Abney Hopton, Thomas Hunter, John Hunter, James Hogg, Avery Hornsby, John Harrison, Michael Hick, Michael Hutchinson, Thomas Horn, William Horn, Thomas Horn the younger, Nathan Horn, Thomas Kilvington, John Lamb, James Lamb, William Lincoln, Michael Laws, Thomas Laws, Ralph John Lambton Esquire, John George Lambton Esquire, Richard Markham, Richard Markham the younger, Sir Ralph Milbanke Baronet, George Markham, William Middleton, William Forster Middleton, John Mounsey, William Mounsey, William Masterman, Thomas Masterman, Richard Mitcalf, John Martin, John Middleton, Joseph Morton, John Ness, Jackson Natrass, William Jackson Natrass, Matthew Nesham, George Newby, Bernard Ogden, William Bernard Ogden, John Biss Ogden, Thomas Oliver, John Oliver, William Orton, Thomas Parker, Timothy Parker, John Penman, William Potts, George Robinson, John Renner, Thomas Reed, Thomas Reed the younger, Thomas Rutherford, Michael Rowe, William Robson, Thomas Robson, John Ranson, Bracey Robson, John Skirving, James Stonehouse, Thomas Satchell, Robert Spoor, John Swinburn, Andrew Simpson, Matthew Shout, John Smith, Gowland Summers, Christopher Thornhill Thornhill, Thomas Thompson, James Thompson, James Taylor, John Taylor, Sir Henry Vane Tempest Baronet, John Vipond, George Wheatley, John Wright, John Wood, Richard Wharton Esquire, William Walton, Caleb Wilson, Stephen Watson, John Wilson, George Wylam, Charles Wardle, Roger Watson, Thomas Wilson, Jonathan Willey, Andrew Young, John Young, and Thomas Young, shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act and the several Powers therein contained into Execution.*

Qualification of Commissioners.

II. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall, either in his own Right or in the Right of his Wife, be at the Time of his acting, seised of or entitled to and be in the actual Possession or Receipt of the Rents and Profits of Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Twenty Pounds above Reprizes, or shall be the Occupier of Messuages, Lands, Tenements, or Hereditaments situate within the said Town of *Sunderland*, of the clear annual Value of Thirty Pounds above Reprizes, or shall be an Inhabitant of the said Town of *Sunderland*, and

be possessed of, and entitled in his own Right to a clear Estate either Real or Personal or both of the Value of One thousand Pounds; and if any Person not being so qualified shall presume to act as a Commissioner, (except in administering the Oath or Affirmation herein-after mentioned), every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Suit, or Information in any Court of Record.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before any Two or more of the said Commissioners at a Meeting to be holden by virtue of this Act, who are hereby required and authorized to administer to each other the same Oath or Affirmation in the Words or to the Effect following:

‘ I *A. B.* do swear (or affirm) that I am truly and *bonâ fide* in my own
 ‘ Right, or in the Right of my Wife, seised of or entitled to Freehold, Commissioners Oath.
 ‘ Copyhold, or Leasehold Messuages, Lands, Tenements or Hereditaments,
 ‘ of the clear yearly Value of Twenty Pounds above Reprizes, or am the
 ‘ Occupier of Messuages, Lands, Tenements or Hereditaments, situate
 ‘ within the Town of *Sunderland* near the Sea, in the County of *Durham*,
 ‘ of the clear annual Value of Thirty Pounds above Reprizes, or am an
 ‘ Inhabitant of the said Town of *Sunderland*, and possessed of or entitled
 ‘ in my own Right to Personal Estate of the Amount of One thousand
 ‘ Pounds clear of all Deductions; and that I will truly and impartially,
 ‘ according to the best of my Skill and Judgment, execute and perform
 ‘ all and every the Powers and Authorities reposed in me by virtue of an
 ‘ Act passed in the Fiftieth Year of the Reign of His present Majesty King
 ‘ *George* the Third, intituled [*here set forth the Title of this Act*].
 ‘ So help me GOD.’

IV. Provided always, and be it further enacted, That all Acts and Proceedings by any Person touching the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, and whether he shall or shall not have taken the Oath hereby required as aforesaid, be as valid and effectual as if such Person had been duly qualified according to the Direction of this Act.

V. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at some convenient House in the Town of *Sunderland*, on the First Day of *May* One thousand eight hundred and ten, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to put this Act into Execution, and shall at such Meeting adjourn themselves, and afterwards meet from Time to Time at the Place aforesaid, or at some other convenient Place within the said Town, as the said Commissioners, or any Five or more of them, shall from Time to Time appoint; and that all Proceedings of the Commissioners under this Act shall be had and determined at public Meetings to be holden by virtue of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, on each Day of the Meeting, and not otherwise; and that not less than Five Days previous Notice in Writing, signed by the Clerk

Proceedings of Commissioners to be had at public Meetings, whereof Five Days previous Notice shall be given.

Commissioners not present the Clerk to appoint another Day of Meeting.

Clerk to the said Commissioners, shall be given of every such Meeting, such Notice to be affixed on one of the principal Doors of the Parish Church of *Sunderland*; and if it shall happen that there shall not be Five Commissioners present at any such Meeting, then and in that Case the Clerk to the said Commissioners shall appoint the said Commissioners to meet at the same Place where the last Meeting was appointed to have been holden as aforesaid, at the End of Three Weeks then next following, or on any other Day before the Expiration of the last Fourteen Days of the said Three Weeks; and that the said Commissioners shall at all their said Meetings pay their own Expences, and that no Commissioner shall be capable of being appointed or employed as an Officer under the said Commissioners, or of holding or enjoying, or of acting in any Office under them, either by himself or any other Person in Trust for him; and all Matters and Things to be done at any of the Meetings in pursuance of this Act, shall from Time to Time be ordered and determined according to the Vote of the Majority of the Commissioners then present and actually voting, and that the same shall be entered in a Book by the Clerk of the said Commissioners, to be appointed as hereinafter mentioned; and that no Commissioner shall be capable of acting or voting in any Case wherein he is accused before the said Commissioners at any Public Meeting to be holden in pursuance of this Act, of any Offence against this Act, or where his Interest is concerned.

On Death of Commissioners new ones to be chosen.

VI. And be it further enacted, That at any Time after the Death of any of the said Commissioners, or Notice of his or their Disqualification, Incapacity or Refusal to act in the Execution of the Powers and Authorities hereby in them vested, it shall be lawful for the other of the said Commissioners, or any Seven or more of them, from Time to Time to elect and appoint such other Person or Persons duly qualified as aforesaid to be a Commissioner or Commissioners in the Place or Places of such Commissioner or Commissioners so dying, or becoming disqualified, or incapable or refusing to act as aforesaid, as they shall think fit, such Election to be entered in a Book to be kept for that Purpose; and that every such Commissioner so from Time to Time elected and appointed shall have the same Powers and Authorities in all Respects as if he had been originally nominated and appointed a Commissioner in and by this Act.

Commissioner not to vote in the Appointment of Officers unless he have acted within 12 Months.

VII. Provided always, and be it further enacted, That no Commissioner shall vote for, or join in, the Removal or Appointment of the Treasurer, Clerk, Collector or Collectors, Surveyor or Surveyors, or any other Person or Persons to be appointed or employed by virtue of this Act, who hath not acted as a Commissioner at one Public Meeting of the said Commissioners at least within Twelve Calendar Months next before such Removal, or next before such Office or Offices shall have become vacant.

Commissioners being Justices may act as such.

VIII. Provided also, and be it further enacted, That it shall and may be lawful for such of the Commissioners for the Purposes of this Act, as shall be in the Commission of the Peace for the County of *Durham*, to act as Justices in the Execution of this Act, in the same Manner as if he or they had not been nominated or appointed a Commissioner or Commissioners by virtue thereof.

IX. And

IX. And be it further enacted, That the said Commissioners, or any Twelve or more of them, shall and may and they are hereby empowered by Writing under their respective Hands to appoint a Treasurer, Clerk, and One or more Collector or Collectors; and also that the said Commissioners, or any Seven or more of them, shall and may and they are hereby empowered to appoint a Surveyor of the Market or Markets, and all such other Officer and Officers as they the said Commissioners or any Seven or more of them shall think proper, for carrying into Execution and Effect the Purposes of this Act; and that they the said Commissioners, or any Twelve or more of them, shall and may and they are hereby empowered from Time to Time to remove such Treasurer, Clerk, and Collector or Collectors, and any Seven or more of them to remove such Surveyor and other Officers so to be appointed, or any of them; every such Treasurer and Clerk so to be removed having Twenty Days Notice, and every Surveyor and other Officer Seven Days Notice duly given him, or left at his usual Place of Abode, before the Time of voting for his Removal; and to appoint any other Person or Persons in the Room of such of them as shall be removed, or shall die, or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act, to make such Allowance to the said Officers so to be appointed and employed in the Execution of this Act, as they the said Commissioners or any Seven or more of them shall think reasonable; and the said Commissioners or any Seven or more of them shall and may and they are hereby directed and required to take sufficient Security from their Treasurer and Collector or Collectors so to be appointed, or from some other Person or Persons, or his or their Surety or Sureties, for the due Execution of their respective Offices.

Appointment
of Officers.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Twelve or more of them, in case and after they shall have agreed with the Person or Persons severally entitled to or interested in the Stalls fixed in the present Market for the Purchase of the same, but not otherwise, to erect and build, and maintain, or cause to be erected, built, and maintained, One or more Market-House or Market-Houses, Town-Hall or Town-Halls, and such Stalls, Booths, Slaughter-Houses, and Erections of such Size, Form, Materials, and Quality, and with such vacant Space on the Outside of the same as they shall judge most eligible and convenient, as a Market or Markets for the Sale of Butchers Meat, Poultry, Fish, Corn, Fruit, Vegetables, and other Provisions, Goods, Wares, or Merchandizes; and for this Purpose to purchase, under the Powers and Authorities herein contained, such Grounds and Tenements as they the same Commissioners shall think expedient; and also that it shall and may be lawful for the said Commissioners, or any Twelve or more of them, and they are hereby authorized, to fix and regulate the Sizes, Dimensions, Situations, Orders, and Arrangements of all Stalls, Booths, Benches, Erections, and other Things now placed or used in the present Market in the said Town of *Sunderland*, or hereafter to be placed or used therein, or in any Market or Markets hereafter to be established by the Authority of this Act, for the Purposes of selling, or exposing to Sale or View, any Corn or Grain, Butchers Meat, Fish, Poultry, Milk, Butter, Eggs, Vegetables or Provisions, Goods or Wares, taken thither for Sale or Shew, and to make and establish such Rules and Regulations for preserving Order, Regularity, and Cleanliness in the present or such intended Market or Markets, as they the said Com-

Commissioners after Purchase of the Stalls at present in *Sunderland* Market, to erect a new Market and Town Hall.

Penalty on Persons exposing Goods for Sale, &c. out of the Limits appointed for such Purpose.

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missioners,

missioners, or any Twelve or more of them, shall from Time to Time judge requisite, necessary, or proper; and if any Person shall sell or expose for Sale any Corn or Grain unground, or any Goods, Wares, or Merchandizes in the said Town of *Sunderland*, except in some House or Shop, or shall erect or place any Booth, Bench, Stall, or other Convenience for that Purpose in any open and public Place of the same Town, without Licence for that Purpose first had and obtained from Twelve or more of the said Commissioners, or shall offend against any of the Orders or Regulations to be prescribed by the said Commissioners, or any Twelve or more of them, respecting such Market or Markets, or the Time and Manner of holding the same, he or they shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds: Provided always, that such Orders or Regulations be not repugnant to or inconsistent with the Provisions of this Act, or the Laws of that Part of the United Kingdom called *England*, and that all such Bye Laws and Regulations shall be printed and affixed on some conspicuous Part or Parts of the said Market-House.

XI. And be it further enacted, That all and every the Place and Places which shall be so set out for such new Market or Markets as aforesaid, shall be inclosed by a Wall or Walls having a sufficient Number of convenient Footways and Passages through the same, communicating with the Streets or public Lanes or Passages of the said Town of *Sunderland*.

After the erecting of the Market House, Commissioners may remove the Market Cross and Stalls, &c.

XII. And it is hereby further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Commissioners or any Twelve or more of them, and they are hereby required to remove or cause to be removed and taken away, at such Time or Times as they shall deem most expedient, the present Market Cross in *Sunderland* aforesaid, and the Stalls fixed in the present Market Place there, and to appropriate the same for the Purposes of the said intended Market or Markets so far as may be found necessary or useful; or otherwise to sell and dispose of the same, Compensation having been first made by them for the same as herein-after is directed, to the Owner or Owners thereof respectively, and to apply the Money therefrom arising in the same Manner and for the same Purposes as the other Money hereby directed to be raised and levied is made applicable.

Tolls.

XIII. And it is hereby further enacted, That from and after any Market or Markets so to be established by the Authority of this Act as aforesaid, shall be made, erected, and finished and opened, the following Tolls and Duties shall and may be demanded and taken in the same Market or Markets respectively, by such Person or Persons as the said Commissioners, or any Twelve or more of them, shall from Time to Time appoint; *videlicet*,

For any Cart in which there may be any Thing exposed to Sale, any Sum weekly not exceeding Sixpence:

And for every Stall on which there may be exposed for Sale Vegetables, Roots, Fruit, Fish, Butter, Cheese, and Bacon, any Sum weekly not exceeding One Shilling:

And for every Stall on which there may be exposed for Sale any Cloths, Wares, or any other Goods or Merchandize, any Sum weekly, not exceeding Two Shillings:

And for every Boll of Corn or Grain exposed for Sale therein, One Penny:

And

And if any Person or Persons hereby made subject to the Payment of any of the same Tolls shall after Demand made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the same or any Part thereof, it shall and may be lawful for such Collector or Collectors by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and detain any Goods or Articles upon or in respect of which any such Tolls are by this Act imposed, and either to detain and keep such Goods or Articles so seized and distrained until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or otherwise at any Time after the Expiration of Five Days after the Day of making such Seizure and Distress, at the Election of the Person or Persons so seizing and distraining, to sell all or any of the Goods or Chattels so seized and distrained, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold, if any, upon Demand, to the Owner thereof, after such Toll and all reasonable Charges occasioned by such Distress and Sale shall be deducted; and all such last-mentioned Tolls, Duties, and Forfeitures shall be from Time to Time paid by the Collector or Collectors thereof to the Treasurer for the Time being of the said Commissioners, to be applied and disposed of to and for the same Uses, Intents and Purposes, as the Rates and Assessments herein-after authorized to be imposed on Houses, Buildings, or Tenements, are made applicable.

Power of
Distress on
Non-pay-
ment.

XIV. Provided always, and it is hereby further enacted, That it shall be lawful for the said Commissioners or any Twelve or more of them, and they are hereby required, at any Time or Times after examining and inspecting the Accounts to be kept of and concerning the said Market or Markets, to be by them made, erected, and maintained by virtue and in pursuance of this Act, to reduce or discontinue all or any of the said Tolls and Duties herein-before granted and made payable to the said Commissioners and their Successors, in case such Tolls and Duties are more than sufficient for the Purposes of this Act, and also to advance or revive such Tolls or Duties again in such Manner as to them shall from Time to Time seem meet and expedient, so as the said Tolls or Duties when so advanced or revived again do not exceed the Tolls or Duties herein-before granted, and the Tolls or Duties so reduced or revived shall and may from Time to Time be collected, recovered, and received by such Ways and Means as the original Tolls or Duties herein-before granted are authorized to be collected, revived, and received,

Empowering
Commission-
ers to reduce
and again to
raise the
Tolls so as
they shall not
be higher
than those
granted by
this Act.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners hereby appointed or to be appointed by virtue of this Act, to let all such Shambles, Shops, Stalls, Buildings, or other Conveniences, to be erected, built, or set up by them in the said Market or Markets established in pursuance of this Act, to and for the Use of Butchers or other Persons keeping the said Markets, at or for such Rents and under such Terms, and subject to such Conditions, Rules, and Regulations, as they the same Commissioners or any Seven or more of them shall judge expedient, and that the Rents and Profits to arise therefrom shall be received and applied by them for the same Purposes as the Tolls herein-before authorized to be demanded and taken are made applicable by this Act.

Power for
the Com-
missioners to
let the Sham-
bles, Stalls,
&c. to be
erected
under this
Act.

XVI. And be it further enacted, That the said Commissioners or any Seven or more of them shall, and they are hereby authorized and required,

Power to
Commission-
ers to make
OR Assessments

once in a Year not exceeding One Shilling and Sixpence in the Pound.

on the First Day of *May* in every Year after the passing of this Act, to settle and fix the gross Amount of the Assessment which they shall deem necessary to be made for the then ensuing Year, upon the Occupiers of Houses, Shops, Workshops, Manufactories, Warehouses, Lofts, Cellars, Maltings, Brewhouses, Glasshouses, Docks, Wharfs, and Quays in the said Town of *Sunderland*, not exceeding One Shilling and Sixpence in the Pound upon the Rental or yearly Value of such respective Premises, such yearly Value to be from Time to Time settled according to the respective Value at which such Hereditaments and Premises shall respectively be rated for the Relief of the Poor of the said Town; and shall do at the same Time, or at any other Time or Times as Occasion may require, nominate and appoint one able and sufficient Inhabitant of the said Town of *Sunderland* to be Assessor within the same Town, and in like Manner to nominate and appoint Four able and sufficient Inhabitants of the said Town of *Sunderland* to be Collectors within the same Town for the Purposes of this Act.

Assessors to make Rate conformably to the Poor Rate.

XVII. And be it further enacted, That the said Assessor shall and he is hereby empowered and required to make an equal yearly Pound Rate upon all and every Occupier and Occupiers of every House, Shop, Warehouse, Workshop, Manufactory, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, or other Tenements or Hereditaments, or any Part of any House, Shop, Workshop, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, or Quay, or other Tenements or Hereditaments, situate within the said Town of *Sunderland* (whether such Occupier or Occupiers do or shall reside within such Town or elsewhere), according to the respective annual Rents or Values at which the same Premises respectively shall from Time to Time be actually rated to the Poor Rate.

XVIII. And be it further enacted, That the said Assessors shall sign their said Rate or Assessment, and deliver the same to the said Commissioners at such Time as the said Commissioners appointing such Assessors shall direct in that Behalf, and also at the Time of delivering their said Rate or Assessment to the said Commissioners, shall make Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized and required to administer), that the Rate or Assessment so delivered by them upon all and every Occupier and Occupiers of any House, Shop, Workshop, Manufactory, Warehouse, Loft, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, and Quay, situate within the said Town of *Sunderland*, is made according to the Value or Rental at which such Premises are respectively actually rated to the Poor's Rate in the said Town: And the said Rate or Assessment so to be made as aforesaid shall be allowed and signed by the said Commissioners, or any Seven or more of them, and no Rate or Assessment shall be valid until it shall be so allowed and signed as aforesaid.

XIX. And be it further enacted, That the first Year for which such Rate or Assessment shall be made, shall commence and be computed from the First Day of *May* One thousand eight hundred and ten: And for the better enabling the said Commissioners and Assessors respectively to fix and make such Assessments respectively, the Churchwardens and Overseers of the Poor of the said Town of *Sunderland* shall, and they are hereby required, at all reasonable Times, to permit the Treasurer to the said Commissioners, or any other Person to be appointed by them the said

Commissioners, or any Five or more of them; and also the said Assessors, or any of them, to peruse and inspect the Rates and Assessments made at any Time within Seven Years then next preceding, for the Relief of such Poor, and to take a Copy thereof; and that if any such Churchwarden or Overseer shall refuse or neglect to permit any such Perusal or Inspection, or the taking of any such Copy, he or they shall for every such Refusal or Neglect forfeit and pay the Sum of Forty Shillings, to be recovered before any One of His Majesty's Justices of the Peace for the said County of *Durham*, in like Manner as the other Penalties are herein-after directed to be recovered.

XX. And be it further enacted, That if the Occupier of any House, Shop, Workshop, Manufactory, Warehouse, Cellar, Malting, Brewhouse, Glasshouse, Dock, Wharf, or Quay, or other Tenements or Hereditaments, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates and Sums of Money which shall be so rated or assessed as aforesaid for the Space of Seven Days after the same shall be due, and Demand thereof made, by Notice in Writing, under the Hand of the Collector of the said Rates, to be delivered to such Occupier, or left at his or her Dwelling-house or usual Place of Abode, in case such Occupier resides in the said Town of *Sunderland*, or otherwise left upon the Premises, in respect of which such Rate or Assessment shall be made, then upon Proof thereof upon Oath, before any Justice of the Peace for the said County of *Durham*, which Oath such Justice is hereby empowered and required to administer, the same shall and may be levied, recovered by Distress and Sale of the Goods and Chattels of every such Occupier, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, to the Owner of such Goods and Chattels, after deducting all reasonable Costs and Charges attending such Distress and Sale.

XXI. Provided always, and be it further enacted, That if any Occupier hereby directed to be rated or assessed as aforesaid shall, by Reason of his or her Poverty, be excused from Payment of the Rates made for the Relief of the Poor of the said Parish; or if he or she shall not on that Account be charged therewith, then and in every such Case the Tenant or Occupier so to be rated or assessed as aforesaid shall be excused from paying the Rates or Assessments under this Act.

To be excused
on account
of Poverty.

XXII. Provided always, and be it further enacted, That if the said Assessors shall at any Time or Times hereafter, in any Rates or Assessments by them to be made, by virtue or in pursuance of this Act, neglect or omit to rate or assess themselves, or any other Person or Persons liable to pay or be charged to such Rates or Assessments, or shall under-rate or over-rate in such Assessment any Person or Persons so liable to such Rates or Assessments; then and in every such Case, it shall be lawful for the said Commissioners, or any Five or more of them, at any Meetings to be holden in pursuance of this Act, to rate and assess such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated, and reduce such Person or Persons so over-rated, according to the true Intent and Meaning of this Act: And that the said Commissioners, or any Five or more of them, shall and may, and they are hereby empowered to strike out the Name or Names of any Person or

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Persons

Alterations
to be valid.

Persons whom they shall find, on sufficient Proof, to have been excused on account of Poverty from the Payment of the Rates made for the Relief of the Poor; and that all such Additions to, or Alterations in, or Exemptions from the Old Rates or Assessments shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the Original or Old Rates or Assessments; any Statute, Law, Usage or Custom to the contrary in anywise notwithstanding.

After Rate
signed, Col-
lector to re-
ceive once
in a Month,
who shall pay
over such
Monies to
the Persons
so appointed;

XXIII. And be it further enacted, That after any such Rate or Assessment shall be so made, allowed, and signed as aforesaid, the Money thereby made payable shall be collected and received by the Collectors to be appointed as aforesaid, as soon as may be, of and from the respective Persons who shall be so rated, charged, or assessed; and the said Commissioners, or any Five or more of them shall, from Time to Time, as soon as may be, after such Rate or Assessment shall be made, allowed, and signed as aforesaid, transmit a Duplicate thereof under their Hands to the said Collector or Collectors, and the said Commissioners, or any Five or more of them, shall also issue their Order to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and such Collector or Collectors is and are hereby authorized to collect and receive the same accordingly, by equal Monthly Instalments; and every such Collector shall and is hereby required to pay the Money or the Monies so to be collected and received by him, by virtue of this Act, to such Person or Persons, and at such Times as the said Commissioners, or any Five or more of them, shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-after mentioned: And all and every such Collector and Collectors shall, at the Time of making every such Payment of the Money collected by him and them as aforesaid, and upon the Request of the Person or Persons empowered to receive the same, deliver to him or them a true and exact Copy or Duplicate of the Rate or Assessment, whereby the same was collected, together with an Account of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment which shall remain uncollected (if any such there be), together with the Reasons why the same had not been collected, to the End that it may appear whether such Nonpayment happen through the Insolvency of the Party rated, or through the Default of the Collector or Collectors, or otherwise.

and shall de-
liver to such
Person a
Duplicate of
Assessment.

How Rate to
be paid by
Tenant quit-
ting and
entering.

XXIV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Premises rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rates or Assessments in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed or quitted the same; and in all such Cases, where any Person or Persons who shall come into or occupy any Premises rated or assessed, or be liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment were empty or unoccupied, the Person or Persons coming into or occupying the same shall, for and in respect of his, her, and their future Occupation thereof, be liable to pay a proportional Rate or Assessment, according to the Time that he, she, or they shall occupy the same, in like Man-
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ner as if he, she, or they had been originally rated or assessed for such Premises, which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners, or any Five or more of them, in such Manner as they shall judge reasonable.

XXV. Provided also, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, may apply for Relief to the said Commissioners, at any Meeting to be holden within Twenty-one Days next after Demand of such Rate or Assessment; but if no Meeting shall be holden within such Time, then at the next Meeting which shall be afterwards holden; and the said Commissioners, or any Five or more of them, are hereby authorized and empowered, if they shall think such Person or Persons, Bodies Politic or Corporate aggrieved, to give such Relief in the Premises as to them may seem reasonable.

Persons aggrieved by the Rate may apply to the Commissioners.

XXVI. And for raising such Funds as may be necessary for supporting and maintaining a Watch to be established on the River *Wear*, between the Pier on the East, and *Rector's Gill* on the West, and on the Shores and Quays thereof, and for lighting the same respectively; be it further enacted, That the following Rates or Duties shall be raised and paid the First Voyage once in every Year, for each and every Ship or Vessel which shall enter into or pass out of the Port or Harbour of *Sunderland*, excepting Vessels trading with Lime, (that is to say), any Sum not exceeding in the Whole the Sum of One Penny for every Ton Burthen which such Ship or Vessel shall contain, according to the Certificate of Registry thereof respectively; and which said last mentioned Rates or Duties shall be paid to such Person or Persons as the Commissioners, or any Five or more of them shall from Time to Time direct or appoint, by the Master or Person having the Command or Charge of every such Ship or Vessel (except as aforesaid) which shall enter into or pass out of the said Port or Haven of *Sunderland*: And the Master or Commander thereof shall not be entitled to his Clearance at the Custom-House of the same Port, for such Ship or Vessel, until he shall have paid the same; and if any Master or Commander of any Ship or Vessel upon which the Rates or Duties are hereby imposed, shall refuse or neglect to pay the same Rates or Duties upon Demand; to such Person or Persons so appointed to receive the same, then and in every such Case it shall and may be lawful for such Person or Persons to seize and distrain upon any of the Tackle, Furniture, Sails, Guns, or other Apparel or Materials of or belonging to any such Ship or Vessel; and in case of Refusal, Neglect, or Delay in Payment of such Rates or Duties, with the reasonable Charges of such Distress taken, then to cause the Tackle, Furniture, Sails, Guns, or other Apparel, or other Materials so distrained upon, to be appraised by Two sworn Appraisers, and afterwards to sell the same, or a competent Part thereof, and to retain out of the Money arising by such Sale, the Rates or Duties hereby imposed, together with the reasonable Charges of taking, keeping, and selling such Distress, rendering the Overplus (if any) of such Monies to the Master or Commander of such Ship or Vessel, and all such Sums of Money so collected and received shall be paid over to such Person or Persons as the said Commissioners or any Five of them shall appoint to receive the same:

Rates on Ships entering the Port.

Provided

Provided always, that the said Tonnage Duty so to be collected as aforesaid shall be solely applied to the support and maintaining of the Watch hereinafter directed to be established upon the River *Wear*, between the Pier on the East and *Rector's Gill* on the West, and on the Shores and Quays thereof, and for lighting the same respectively; and the said Commissioners, or any Five or more of them, are hereby authorized to establish a Watch upon that Part of the River *Wear* between the Pier on the East, and the *Rector's Gill* on the West, and on the Shores and Quays thereof within those Limits, and to light the same respectively.

Exempting
His Majesty's
Ships and
others.

XXVII. Provided also, That nothing in this Act contained shall extend or be construed to extend, to charge any Ships or Vessels belonging to His Majesty, or that shall or may be employed in his Service, or in the Service of the Commissioners of His Majesty's Customs or Excise respectively, or in the Service of His Majesty's Postmasters General, with any of the Rates or Duties imposed by this Act.

Empowering
Commissioners
to reduce
and raise the
Rates, &c.

XXVIII. Provided always, and it is hereby further enacted and declared, That it shall be lawful for the said Commissioners, or any Twelve or more of them, and they are hereby required at any Time or Times after examining and inspecting the Accounts to be kept of or concerning the said Watch to be established on the said River *Wear*, and on the Shores and Quays thereof, within the Limits before mentioned, and for lighting the same respectively, in pursuance of this Act, to reduce or discontinue all or any of the said Rates or Duties last herein-before granted and made payable to the said Commissioners and their Successors, in case such Rates and Duties are more than sufficient for such Purposes, and also to advance or revive such Rates or Duties again in such Manner as to them shall from Time to Time seem meet and expedient, so as the said Rates or Duties when so advanced or revived again do not exceed the Rates or Duties last herein-before granted; and the Rates or Duties so reduced or revived shall and may from Time to Time be collected, recovered, and received by such Ways and Means as the original Rates or Duties last herein-before granted are authorized to be collected.

Power to
compel Pay-
ment of the
Rates.

Officers to
account, &c.

XXIX. And be it further enacted, That such Person or Persons as is or are by this Act made liable to pay the several Rates or Sums of Money and Duties hereby granted, shall pay the same to such Officer or Officers as shall from Time to Time be so appointed as aforesaid to collect and receive the same, according to the true Intent and Meaning of this Act; and also, that all such Officers so collecting or receiving the said Rates or Sums of Money, shall under their respective Hands (at such Time and Times and in such Manner as the said Commissioners or any Five or more of them shall direct) deliver to such Commissioners, or such other Person or Persons as they or any Five or more of them shall for that Purpose appoint, true and perfect Accounts in Writing, of all the Receipts and Payments of them the said Officers, and of all other Matters committed to their Charge by virtue of this Act, and particularly how much of the said Rates or Sums have been expended, and for what Purpose, together with the proper Vouchers for such Payments; and such Officers shall pay all such Money or Balance as shall remain in their respective Hands to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall for that Purpose appoint; and all the said Officers shall upon

Oath, if thereunto required by the said Commissioners, or any Five or more of them (which Oath the said Commissioners, or any Two or more of them, are hereby empowered to administer), verify their said Accounts; and that if any such Officer shall not make and render, or shall refuse to verify upon Oath such his Account, or to produce or deliver to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall for that Purpose appoint, within Ten Days after being thereunto required by any Five or more of such Commissioners, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Money as upon the Balance of his said Account or Accounts shall appear to be in his Hands, to the said Commissioners, or any Five or more of them, or as they shall direct or appoint, then, and in any of the Cases aforesaid, such Commissioners or any Five or more of them may, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against the Officer or Officers so neglecting or refusing as aforesaid, or against his or their Surety or Sureties, in order to recover the Money or Balance which shall be in the Hands of such Officer or Officers respectively; or that if Complaint shall be made by the said Commissioners, or by any Five or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County of *Durham*, such Justices may, and they are hereby authorized and required by a Warrant or Warrants under their respective Hands and Seals, to cause such Officer or Officers so refusing or neglecting as aforesaid to be brought before them, and upon his and their appearing or not appearing, being first duly summoned for that Purpose, to hear and determine the Matter in a summary Way; and that if upon the Confession of the Party or Parties, or by the Testimony or Oath of any credible Witness or Witnesses, which Oath such Justices are hereby empowered to administer, it shall appear to such Justices that any of the Money which shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Officers, such Justices may, and they are hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods any Chattels of such Officer or Officers; and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same, then and in any of the Cases aforesaid such Justices shall and may, and they are hereby empowered to commit every such Officer to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize, until he shall give and make up a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make, and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any Five or more of them: Provided always, that no such Officer shall be detained or kept in Prison by virtue of this Act, for want of sufficient Distress only, for any longer Time than Six Months.

[*Loc. & Per.*]

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Commissioners may appoint Collectors, etc.

XXX. Provided always, and be it further enacted, That when and as often as any Collector of the Money to be raised by virtue of this Act shall die, resign his Office, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Commissioners, although they shall not be assembled at any Public Meeting pursuant to this Act, by any Writing or Writings under their Hands, to appoint any other Person of sufficient Responsibility to collect such Money; and such Person shall continue to collect the same until the said Commissioners shall, at a Public Meeting to be holden in pursuance of this Act, duly appoint a Collector of such Money to succeed him; any thing herein contained to the contrary notwithstanding.

Officers not to take any Fees except as allowed by this Act.

XXXI. And be it further enacted, That if any Person employed by the said Commissioners as a Clerk, Treasurer, Collector, or Surveyor, or in any other Office or Capacity for carrying this Act or any of the Powers thereof into Execution, shall, over and above such Salary, Allowance, and Reward, as shall be appointed, allowed, and approved of by the said Commissioners, or any Five or more of them, and over and above such Fees and Charges as may accrue or belong to the Clerk of the said Commissioners, acting in the Capacity of a Solicitor, Attorney, or Conveyancer for the Purposes of this Act, exact, take, or accept any Fee or Reward whatsoever, for or on account of any thing done or to be done by virtue of this Act, or on any account whatsoever, relative to the Execution thereof, or shall be in any manner concerned in Interest in any Bargain or Contract made or to be made by the said Commissioners, or any Five or more of them, for the Purpose of carrying this Act into Execution, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall also forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, in which said Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Proceedings to be entered in Books.

XXXII. And be it further enacted, That the said Commissioners shall provide and keep, or cause to be provided and kept, a proper Book or Books, and shall enter or cause to be entered in such Book or Books in a fair and regular manner, the Names of all the Commissioners who shall duly qualify in pursuance of this Act, and all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and the Names of all such Commissioners as shall be present at their respective Meetings; and One or more of the said Commissioners shall always subscribe his or their Name or Names at the End of the Proceedings of the said Commissioners at every such Meeting; and that all Entries, Orders, and Proceedings entered and signed in such Book or Books as aforesaid, shall be deemed good and legal Evidence in all Cases, Suits, and Actions relative to any Matter therein mentioned and expressed; and that such Book or Books shall at any of the Meetings of the said Commissioners, and at all other convenient and seasonable Times under the Direction of the Commissioners, be open to the Inspection of all and every the said Commissioners, and all and every the Persons rated and assessed for the Purposes of this Act, and of all and every the Creditors and Annuitants on the Tolls, Duties, and Assessments hereby granted and made payable.

XXXIII. And be it further enacted, That from and after the said First Day of *May* One thousand eight hundred and ten, the Office of Surveyor of the Highways for the Town of *Sunderland* shall cease and determine, so far as relates to the public Roads or Highways to be kept in repair by virtue of this Act; and that the Houses, and all other the Premises assessed or rated for the Purposes of this Act, shall from thenceforth be exempt from all Highway Cess.

Office of Surveyor (where no Roads) to cease.

XXXIV. And be it further enacted, That the Treasurer for the Time being appointed by the said Commissioners shall and may, and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all Sums of Money which the said Commissioners, or any Five or more of them, shall from Time to Time draw upon him for or order him to pay; and the said Treasurer shall, and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose by him provided and kept, of all and every his Receipts and Payments under or by virtue or in pursuance of this Act; and his Account shall on the First *Wednesday* in the Month of *January* and the First *Wednesday* in the Month of *July* in every Year, or at the First Meeting of the said Commissioners then next following, be audited; and in case the same appear to be just and true, shall be allowed by the said Commissioners, or any Five or more of them, and be so certified under their Hands; and after the Accounts shall have been so audited, allowed, and certified, such Allowance and Certificate shall be valid, and a full Discharge to the Treasurer for all Monies therein stated to have been by him received, paid, and applied for the Purposes of this Act.

Treasurer to pay Money as Commissioners direct, and keep an Account of such Payment.

Accounts to be audited in January and July in each Year.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Twelve or more of them, and they are hereby empowered from Time to Time, when they shall judge necessary for the Purposes of carrying this Act into Execution, to borrow and take up at Interest any Sum or Sums of Money upon Security of the Tolls, Duties, and Assessments hereby granted or made payable, or any of them, not exceeding in the Whole the Sum of Three thousand Pounds; and by any Writing or Writings under their Hands and Seals to mortgage, demise, grant, or assign such Tolls, Duties, or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance and lend such Money, or his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Security shall be in the Words and to the Effect following; (*videlicet*),

Commissioners may borrow and take up Money at Interest,

and may assign over Tolls as Security.

BY virtue of an Act passed, &c. [*here insert the Title of this Act*]; We being Seven of the Commissioners appointed by and in pursuance of the said Act, in Consideration of the Sum of this Day advanced and lent by upon the Credit and for the Purposes of this Act, do grant, bargain, sell, and demise unto the said his (*or her*) Executors, Administrators, and Assigns, such Proportion of the Tolls, Duties, and Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or charged upon the Credit of the Tolls, Duties, and Assessments

Form of Security.

Assessments granted by the said Act, to be had and holden from this
 Day of , until the said Sum of
 with Interest at *per Centum per Annum* for the same,
 shall be repaid and satisfied. In Witness whereof we have hereunto set
 our Hands and Seals, the Day of in the
 Year of our Lord One thousand eight hundred

Persons lend-
 ing equally
 Creditors.

And all Persons to whom such Mortgages or Securities shall be made,
 or who shall be entitled to the Money thereupon due, shall, in propor-
 tion to the Sums thereby respectively secured, be Creditors on the said
 Tolls, Duties, and Assessments equally one with another, without any
 Preference in respect of the Priority of advancing any such Money, or the
 Dates of any Mortgages or Securities.

Before any
 Money bor-
 rowed,
 Advertise-
 ment to be
 inserted in
 Newcastle
 Papers.

XXXVI. Provided nevertheless, That before any Money shall be bor-
 rowed as aforesaid, Fourteen Days Notice at the least shall be given,
 signed either by the said Commissioners, or any Five or more of them, or
 by their Clerk or Treasurer for the Time being, by Advertisement in
 one of the Newspapers published at *Newcastle-upon-Tyne*, of the Time
 and Place of the Commissioners Meeting for the Purpose of borrowing
 such Money.

XXXVII. And be it further enacted, That it shall and may be lawful
 for the Persons entitled to any of the Securities for the Money borrowed
 or raised by Mortgage, and their respective Executors, Administrators, or
 Assigns, at any Time by Writing under their respective Hands and Seals,
 to transfer such Securities to any Person or Persons whomsoever; which
 Transfer may be in the Words or to the Effect following; *videlicet*,

Form of
 Transfer of
 Security.

I being entitled to the Sum of
 secured to me, my Executors, Admini-
 strators, and Assigns, by virtue of a Mortgage or Security bearing Date
 the Day of under the Hands and Seals of
 being
 of the Commissioners acting in the Execution of a certain Act made in
 the Fiftieth Year of the Reign of His Majesty King *George* the Third,
 intituled [*here insert the Title of this Act*], upon the Credit of the Tolls,
 Duties, and Assessments granted by the said Act, do hereby transfer all my
 Right and Title in and to the same, and all Interest or other Money now
 due and owing thereupon, unto his (*or her*)
 Executors, Administrators, and Assigns. Witness my Hand and Seal
 the Day of in the Year One thousand eight hun-
 dred

And all Mortgages or Securities which shall be made in pursuance of this
 Act, and all Transfers thereof, shall be entered by the Clerk to the said
 Commissioners in a Book to be kept for that Purpose, which Entry shall
 specify and contain the Dates of such Securities, Names of the Parties,
 and the Sums of Money thereby secured, to which Book any Person or
 Persons shall at all reasonable Times have Access, and he, she, and they
 shall have free Liberty to inspect the same without Fee or Reward; and for
 the Entry of every such Transfer the said Clerk shall be paid by the Person
 to whom such Transfer shall be made, the Sum of One Shilling and no more;
 and after such Entry made, and not till then, every such Transfer shall
 entitle

entitle the Person to whom the same shall be made, and his, her, or their respective Executors, Administrators or Assigns, to the Benefit of the Security thereby transferred; and it shall not be in the Power of such Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon.

XXXVIII. And be it further enacted, That all Monies to be raised or collected by virtue or under the Authority of this Act, shall be and the same are hereby vested in the said Commissioners; and out of the first Money arising from the Rates, Tolls, and Duties which shall be collected by virtue of this Act, or out of the Money which shall be borrowed on the Credit of the said Tolls, Duties and Assessments, the said Commissioners, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act, and in the next Place shall pay and discharge the Interest of the Principal Money which shall be borrowed in pursuance of this Act, and shall apply the Remainder of the Money so raised in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and to such other Purposes as are hereby directed.

All Monies raised by this Act vested in Commissioners.

XXXIX. And whereas by virtue and in pursuance of an Act of Parliament made and passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for building a Bridge across the River Wear, from the Bank or Shore thereof in the Parish of Bishopwearmouth, in the County of Durham, to the opposite Shore in the Parish of Monkwearmouth in the same County*, all Tolls due and payable for all or any Goods or Commodities sold or vended in the Borough of *Sunderland* aforesaid, and the Profits and Duties upon Salt, Fruit, Roots and Victuals, and other Merchandizes sold by any Manner of Metage, imported to the Port or Haven of *Sunderland* aforesaid, (excepting the Metage of all Fruits, Roots, Victuals and other Merchandize there imported for the Use of the Lord Bishop of *Durham*), are now vested in the Commissioners for carrying the said last-mentioned Act into Execution: And whereas for effecting the Purposes of this Act, it will be expedient for the said last-mentioned Commissioners to be authorized to sell the Tolls, Profits, and Duties so vested in them, and for the said Commissioners appointed by this Act to be authorized to purchase the same: Now therefore be it enacted, That it shall and may be lawful to and for the said Commissioners appointed by the said recited Act, or any Seven or more of them, to contract to sell and convey unto the Commissioners hereby appointed, and their Successors, and for them the same Commissioners, or any Seven or more of them, to agree to purchase by any Contract in Writing for that Purpose, all the Tolls, Profits, and Duties last mentioned, or any Part thereof, in Consideration of such yearly Sum to be paid to the said Commissioners appointed by the said recited Act and their Successors for ever, as shall be agreed to be a fair Equivalent for the same Tolls, Profits, and Duties; the same yearly Sum to be paid free from Taxes and clear of all Deductions whatsoever, on Two Days or Times in the Year, (that is to say), the First Day of *May* and the First Day of *November* in every Year, by equal Portions, the first Payment thereof to begin and be made on such of the same Two Days as shall first happen next after the said last-mentioned Contract shall be entered into; and the same yearly Sum shall be charged upon and raised

Recital of Act for building Wear-mouth Bridge.

Commissioners under that Act may sell Tolls therein specified, &c. to Commissioners under this; in Consideration of such yearly Sum as may be agreed upon.

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and paid out of the Tolls, Duties and Assessments hereby directed to be raised and levied; and from and after the said last mentioned Contract shall be made and entered into, all the Tolls, Profits and Duties so agreed to be purchased, shall be thenceforth absolutely vested in the Commissioners appointed by this Act, and their Successors, for the same Purposes as are hereby declared respecting the Tolls, Duties and Assessments granted by this Act, or shall at the Election of such of them as shall so contract for the Purchase thereof cease and determine; and the said yearly Sum to be paid to the said Commissioners appointed by the said recited Act, and their Successors, shall be for ever thereafter paid to them for the same Uses and Purposes as the Tolls, Profits and Duties by them to be sold as aforesaid are by the same Act appropriated or made applicable.

To enable the Commissioners to purchase the Stalls, Rents, Tolls, and Dues of the present Market.

XL. And whereas, for the better Regulation and Support of the said Market or Markets, it is expedient that the Rights and Interests of the Person or Persons entitled unto or interested in all or such and so many of the Butchers' Stalls, Rents, Tolls, Profits, Duties, Metage, and Premises, as are or arise, or become due and payable either within the Market-place or Streets in the Borough or Parish of *Sunderland* aforesaid, or from being imported into the Harbour or Haven of *Sunderland* aforesaid, should, with the Consent of the said Parties interested therein, be vested in the said Commissioners hereby appointed and their Successors; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, or any Twelve or more of them, to contract and agree with all and every Bodies Politic, Corporate or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons whether Tenants for Life, or Tenants in Tail General or Special, and to and for all and every Person or Persons whomsoever, for the Purchase of their several and respective Rights and Interests, and who are hereby authorized to sell and convey all such their several and respective Rights, Estates, and Interests of and in all, or such and so many of the said Butchers' Stalls, Rents, Tolls, Profits, Duties, Metage, and Premises, as are or do, or shall arise or become due or payable, either within the Market-place or Streets of the Borough or Parish of *Sunderland* aforesaid, or from being imported into the Harbour or Haven of *Sunderland*, unto the said Commissioners and their Successors for the Purposes of this Act, at such Sum or Sums of Money or Price as shall be agreed upon between such Person or Persons, and Body or Bodies Politic or Corporate, Spiritual or Lay, respectively, and the said Commissioners or their Successors.

XLI. And be it further enacted, That the said Butchers' Stalls, Rents, Tolls, Profits, Duties, Metage, and Premises so to be purchased as aforesaid, shall immediately after the same shall be conveyed or assigned to the said Commissioners, be vested in them and their Successors for the Purposes of this Act, and all and every such Body or Bodies Politic, Corporate or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians,

Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert; and also all Femes Coverts who are or shall be seised in their own Right, and all Persons whether Tenants for Life, or Tenants in Tail General or Special, and all and every Person or Persons whomsoever, are hereby indemnified for what they shall do by virtue of this Act; and all such Contracts, Bargains and Agreements, Sales and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all the Right, Estate, and Interest, Use, Property, Claim, and Demand of their several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding.

XLII. And be it further enacted, That the said Commissioners, or any Twelve or more of them, shall have full Power and Authority to treat, contract, and agree with all and every Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and with all Femes Covert who are and shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail General or Special, and to and with all and every Person or Persons whomsoever, for the Purchase of their several and respective Rights and Interests, and who are hereby authorized to sell and convey all such their several and respective Rights, Estates, and Interests of and in all or such and so many of the several Houses, Buildings, Tenements, or Grounds, situate in the Parish of *Sunderland* aforesaid, as they the said Commissioners shall at any Time or Times hereafter judge necessary to be purchased, for the Purpose of making and establishing One or more Market or Markets, and of erecting One or more Market-House or Market-Houses, Town-Hall or Town-Halls, and such Stalls, Booths, Slaughter-houses, and Erections as they shall judge most eligible and convenient for exposing to Sale Butchers' Meat, Poultry, Fish, Fruit, Vegetables, Roots, and other Provisions; Goods, Wares, and Merchandizes, and for otherwise improving the said Town of *Sunderland* in Manner by this Act directed, at such Sum or Sums of Money or Price as shall be agreed upon between such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay respectively, and the said Commissioners or their Successors, and to cause such Houses, Buildings, Tenements, and Grounds, or so much thereof as they shall judge necessary, to be taken down, and the Scite thereof, and the Ground so to be purchased as last aforesaid, to be appropriated in such Manner and for the Purposes last hereinbefore mentioned and directed.

Empowering Commissioners to purchase Houses, &c. for erecting a new Market, &c.

XLIII. And

XLIII. And be it further enacted, That the said Houses, Buildings, Tenements, and Grounds, so to be purchased as aforesaid, shall immediately after the same shall be conveyed or assigned to the said Commissioners, be vested in them and their Successors, for the Purposes of this Act; and all and every such Body or Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also all Femes Covert who are or shall be seised in their own Right, and also all Persons, whether Tenants for Life or Tenants in Tail General or Special, and all and every Person or Persons whomsoever, are hereby indemnified for what they shall do by virtue of this Act; and also such Contracts, Bargains, Agreements, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all the Right, Estate, and Interest, Use, Property, Claim, and Demand of their several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary in anywise notwithstanding: Provided nevertheless, that the Houses, Buildings, Tenements, and Grounds to be purchased for making the said intended Market or Markets, Market-House or Market-Houses, Town-Hall or Town-Halls, and Butchers' Stalls, Booths, Slaughter-houses, and Erections, shall be situate in the Township of *Sunderland* aforesaid.

Notice to be given in Newcastle Newspapers of Meeting to purchase Houses, &c.

XLIV. Provided always, and be it further enacted, That the said Commissioners shall not have Power to purchase any such Houses, Buildings, or Grounds within the said Parish of *Sunderland*, by virtue of this Act, unless Eight Days Notice be previously given in One of the Newspapers published at *Newcastle-upon-Tyne* of a Meeting to be holden for that Purpose, nor shall any Houses or other Buildings be pulled down, or Grounds thrown open, in consequence of any Order for that Purpose, unless Three Months Notice in Writing at the least shall be given to or left at the usual Place of Abode of the Owners or Occupiers thereof.

For making Satisfaction to the Owners of Houses, &c. which shall be damaged.

XLV. And be it further enacted, That in case any House or Building shall be damaged or injured by or in the taking down of the Houses or Buildings to be taken down for the Purposes aforesaid, the said Commissioners or any Five or more of them shall and may, and they are hereby required, out of the Money to be raised by virtue of this Act, to make the Owners and Occupiers of such Houses and Buildings so damaged and injured, such Compensation and Satisfaction for such Damage as they the said Commissioners shall in their Judgment think reasonable; and in case the Owners or Occupiers shall think the said Satisfaction not sufficient, then the same to be settled by a Jury in Manner herein-after provided for ascertaining the Value of Premises taken and used for the Purposes of this Act.

XLVI. And

XLVI. And be it further enacted, That for the Purpose of making the narrow Parts of the said Streets, Lanes, and other public Passages safe and commodious for Carriages and Passengers, and for opening proper Communications between the said Streets, Lanes, and other public Passages and Places and the said intended Market or Markets, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public Passages and Places, or any of them, and for otherwise improving the said Town of *Sunderland* in Manner by this Act directed, it shall be lawful for the said Commissioners, or any Twelve or more of them, to treat and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay respectively, as shall be or be deemed to be Owner or Owners of or interested in any such Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments within the said Town of *Sunderland*, as they the said Commissioners shall think right and proper to be taken or used for the Purposes of this Act, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act, and to take down or alter all or any of such Buildings, Erections, Projections, Encroachments, Tenements, or Hereditaments to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Enabling Commissioners to alter, widen, and improve Streets, &c.

XLVII. And be it further enacted, That if any such Bodies Politic or Corporate, or other Person or Persons as aforesaid, interested in such Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, upon due Notice to them given, or left in Writing at the Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, or at the House of the Tenant or Tenants in Possession of the said Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, or any Part thereof, so to be taken down and made or converted into or used for making the narrow Parts, public Ways, and Passages safe and commodious for Carriages and Passengers, and for opening proper Communications between the said Streets, Lanes, or Alleys, public Ways or Passages, and the said intended Market or Markets, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public Ways and Places, or any of them, shall, at the Expiration of One Calendar Month next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners, or any Five or more of them, shall cause to be enquired into and ascertain by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Durham*, (which Oath any One or more of the said Commissioners hereby appointed, or any Justice of the Peace for the County of *Durham*, is hereby empowered to administer); what Recompence or Satisfaction shall be made to such Owner or Owners, Occupier or Occupiers, Proprietor or Proprietors, or other Persons, for or on account of the said Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, to be taken and used for the aforesaid Purposes of this Act; and in order to

To ascertain Value by Jury.

[Loc. & Per.]

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ascertain

ascertain such Recompence and Satisfaction, the said Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any One or more of the said Commissioners, or any Justice of the Peace for the County of *Durham*, is hereby required and empowered to administer), and they the said Commissioners shall also order and cause the said Jury to view the same Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments (if they shall think proper), and use all other lawful Ways and Means the better to enable the said Jury to judge and determine in the Premises, and after the said Jury shall have so enquired of and ascertained and settled such Recompence and Satisfaction, they the said Commissioners, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so ascertained by the said Jury to be paid to the Owners or Proprietors of or Persons interested in the said Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments accordingly, which said Verdict, Judgement, Order, or Determination so had and made, shall be final and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever claiming in Possession, Reversion, Remainder, Expectancy or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Idiots, Lunatics, Cestuique Trusts, and Persons under any Disability whatsoever, Bodies Politic or Corporate; and all and every Person and Persons interested in such Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so ascertained as aforesaid, be thereby and from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property, in, to, or out of the same.

Warrant to
summon a
Jury.

XLVIII. And be it further enacted, That for the summoning and returning of such Jury or Juries, the said Commissioners, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Durham*, thereby requiring him to impanel, summon, and return an indifferent and disinterested Jury of Forty-eight Persons to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required to impanel, summon and return Forty-eight such Persons as aforesaid, and the Names of the Forty-eight so returned shall be written upon Pieces of Paper and put into a Box, and the first Twelve Persons drawn of the Forty-eight attending shall be Jurymen; and the said Commissioners, or any Five or more of them, shall cause such Jurymen to be sworn before them the said Commissioners, or any Five or more of them, (which Oath they shall have Power to administer), or before a Justice of the Peace for the said County of *Durham*, and which Twelve Jurymen shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff shall return other indifferent and disinterested Men of the Standers-by, or that can speedily be procured to attend that Service, so as to compose the Number of Twelve.

XLIX. Provided

XLIX. Provided nevertheless, That the said Commissioners, or any Five or more of them, and also the Parties interested in the Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments so to be purchased, may have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array of the Panel. Challenge of Jurymen.

L. Provided nevertheless, That if instead of forming the Jury to be drawn by Lot as aforesaid, the Owners or Proprietors of the Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments to be purchased for the Purposes of this Act, or any Person on their Behalf, shall elect and chuse Six out of the Forty-eight Persons to be returned by the Sheriff as aforesaid, and the said Commissioners, or any Five or more of them, shall elect and chuse other Six out of the same Forty-eight Persons, in such Case the Twelve Persons so to be elected as last mentioned shall be the Jury, and shall be sworn for the Purposes and in Manner aforesaid.

LI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, to impose a reasonable Fine, not exceeding the Sum of Five Pounds for One Offence, on such Sheriff making Default in the Premises; and on any of the Persons who, after being duly summoned and returned, shall not appear, or who shall refuse to be sworn on any such Jury, or being sworn thereon, shall refuse to give or shall not join in giving a Verdict thereon, or in any other Manner neglect his Duty therein, contrary to the true Intent and Meaning of this Act: And the said Sheriff shall be allowed the Sum of Ten Shillings for impannelling and returning the said Jury, and each Jurymen shall be paid the Sum of Two Shillings and Sixpence for his Attendance each Day, in Manner herein-after mentioned: And if any Person or Persons, who being required to give Evidence before the said Jury, touching the Premises, shall refuse to be examined or to give Evidence accordingly, the said Commissioners, or any Five or more of them, shall and may impose such Fine or Fines, Penalty or Penalties, not exceeding the Sum of Five Pounds on each Person so refusing, as they shall think fit, to be levied, recovered, and applied in Manner herein-after mentioned. Penalty of Five Pounds on Sheriff not returning Jury, &c. Penalty of same on Jurymen, &c.

LII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, than shall have been agreed to be given, and shall have been offered by the said Commissioners, or any Five or more of them, before the summoning and returning of the Jury and Witnesses; the Costs and Expences of summoning and returning the said Jury, and attending the hearing and determining of the Matter in question, shall be borne and paid by or under an Order of the said Commissioners, or any Five or more of them, out of the Money to be collected by virtue of this Act; but if any Jury or Juries to be summoned and sworn as aforesaid shall How the Expence of the Jurors is to be paid.

shall give in and deliver a Verdict for no more or for less Money than shall have been agreed to be given, and shall have been offered by the said Commissioners, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in the Premises, that then the Costs and Expences herein-before mentioned shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, to be recovered as herein-after mentioned: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Commissioners, such Costs and Charges shall be borne and paid by such Commissioners as aforesaid.

Upon Payment of the Purchase Money, Conveyance to be executed.

LIII. And be it further enacted, That upon Payment of such Sum or Sums of Money, so agreed for, or awarded by the Jury to be paid for the Purchase of the said Premises or any Part thereof, or by depositing the same in the Bank of *England*, as the Case may be, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever, in Law or Equity, of all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Commissioners; and they the said Commissioners shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever; either at Law or in Equity, to all Intents and Purposes, as fully and effectually as if all and every Person or Persons having any Estate, Right, Title, Trust, Interest, Dower, Right or Title of Dower and Equity of Redemption, of, in, to, from, or out of the same Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other Conveyance whatsoever.

Payment being made, the Commissioners may enter into Possession.

LIV. And be it further enacted, That from and immediately after Payment made for the Houses, Buildings, and Grounds, to be purchased as aforesaid, it shall be lawful for the said Commissioners, or any Five or more of them, to enter upon the Premises, and every Part thereof, and to convert the same to the Purposes of this Act.

Commissioners, &c. may contract for Purchase of the whole House.

LV. And be it further enacted, That where it shall be thought necessary for the Purposes of this Act, that a Part of any House, Building, or Ground, shall be purchased for the Purposes of this Act, and the Owner or Proprietor, or Owners or Proprietors of any such House, Building or Ground, shall be minded or desirous to sell and dispose of the Whole of such House, Building or Ground, and of his, her, or their Mind or Desire shall give Notice in Writing to the Clerk or Treasurer for the Time being, to be appointed in pursuance of this Act, then and in such Case the said Commissioners, or any Five or more of them, shall and they are hereby required to purchase the Whole of such House, Buildings, and Ground; the Value thereof, in case of Difference, to be ascertained in Manner aforesaid.

LVI. And

LVI. 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 of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Femes Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal 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 there *ex parte* the said Commissioners, 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, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, sood 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 invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities 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 of Chancery to be sold for the Purposes aforesaid, the Dividends and the 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, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

As to Application of Money when equal to 200l.

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments

As to Application of Money when less than 200l. and exceeding 20l.

[*Loc. & Per.*]

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ditaments

ditaments so purchased, 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 of *England*, in the Name and with the Privity of the 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 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 therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without requiring or being required to obtain the Direction or Approbation of the said Court of Chancery.

As to Application of Money when less than 20l.

LVIII. Provided also, That where such Money so agreed or awarded to be paid as last mentioned shall be less than the Sum of Twenty Pounds, then and in 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, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid 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.

In case of not making out Titles, &c.

LIX. 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, Tenements, or Hereditaments, to be purchased by virtue of this Act, 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 such Person or Persons to whom 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, Tenements, 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, or any Five or more of them, to order the said 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, Tenements, or Hereditaments (describing 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 or 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

mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LX. 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, Tenements, or Hereditaments; or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, 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, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Right to such Money, &c.

LXI. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, 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 Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all 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, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

LXII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made unto the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (*videlicet*),

‘ I *A. B.* of
 ‘ of
 ‘ for improving the Town of *Sunderland*, acting by virtue of an Act of
 ‘ Parliament made in the
 ‘ King, intituled [*here insert the Title of this Act*], do
 ‘ hereby grant and convey to the said Commissioners and their Successors,
 ‘ all [*here describe the Premises to be conveyed*] and all my Right, Title,
 ‘ and

Form of Conveyance.

shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be, but in case such Person or Persons shall be desirous of repurchasing the same, and he, she, or they and the said Commissioners shall differ, or not agree, with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Commissioners in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Commissioners, (*mutatis mutandis*); and that it shall be lawful for the said Commissioners or any Seven or more of them, to plan, design, and lay out in what Manner the Front of any new House or Houses, or Edifices to be erected upon such Piece or Pieces of Ground so to be purchased, shall be built or erected, and the Money to arise by Sale of such Piece or Pieces of Ground shall be applied to the respective Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Non-application or Misapplication of such Money.

LXV. And be it further enacted, That the Right and Property of the present and future Pavements, Sewers, and Drains in the said Streets, Lanes, or Alleys, public Ways and Passages, as well in the Footpaths as Carriage Ways, and of all Lamps, Lamp Irons, and Posts now erected or which shall hereafter be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things which shall be purchased for the Purposes thereof, shall belong to and the same are hereby vested in the said Commissioners; and they the said Commissioners, or any Five or more of them, are hereby authorized and empowered to cause an Action or Actions to be brought, or Bill of Indictment to be preferred (as the Case shall require), against any Person or Persons who shall steal, take, and carry away, detain, injure, or destroy any Part thereof; and the said Commissioners, or any Five or more of them, are hereby authorized and empowered to sell and dispose of any Part of the old Materials to any Person or Persons who shall be willing to purchase the same.

Pavements,
Sewers, and
Drains vested
in the Com-
missioners.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and at all Times when and so often as they shall think proper, to cause, order, and direct all or any of the present or future Pavements in the said Streets, Lanes, or Alleys, public Ways and Passages, as well in those Parts used by Carriages as those used by Foot Passengers, to be taken up, and the said Streets, Lanes, or Alleys, public Ways and Passages to be paved, repaired, raised, lowered, or altered, and also the Sewers, Drains, or Watercourses to be cleansed, altered, and amended in such Manner as they shall think proper, and also such Footpaths, where practicable, to be paved with Flag Stones, or smooth Pavement; and all the Horse Ways and Carriage Ways with good Rag Stones, Pebbles, or such other Materials as the said Commissioners, or any Five or more of them, shall think proper; and also to cause, order, and direct the said several Lanes, Streets, or Alleys, public Ways and Passages, to be cleansed and lighted, and all Annoyances, Obstructions, Nuisances, and Encroach-

Commissioners
may order
Streets, &c.
to be paved,
lighted, and
Sewers and
Drains made.

ments to be removed, and proper Sewers, Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from the said several Streets, Lanes, or Alleys, public Ways and Passages, and the several Houses and other Buildings within the said Town of *Sunderland*, in such Manner as the said Commissioners, or any Five or more of them, shall think proper, and the Persons to be appointed by them for the Purposes aforesaid shall be and they are hereby empowered to do the same.

Commissioners may contract with Persons for Paving.

LXVII. And be it further enacted, That the said Commissioners, or any Five or more of them, may and they are hereby empowered, from Time to Time, at any of the said Meetings as Occasion shall require, to contract with any Person or Persons for paving, raising, lowering, amending, repairing, cleansing, and lighting the said Streets, Lanes, or Alleys, public Ways and Passages, or any Part or Parts thereof; which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties in case of Non-performance thereof; and shall be signed by the said Commissioners, or any Five or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, Fourteen Days Notice shall be given in one of the Newspapers published at *Newcastle-upon-Tyne*, expressing the Intention of such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners, or any Five or more of them, at a certain Time and Place in such Notice to be mentioned.

Surveyors to inspect Works.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint, and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished at or within the Time or Times at which the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may bring an Action in any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts; and upon proving the signing of the said Contract or Contracts, and the Non-performance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Penalties as therein expressed, and Damages with Costs of Suit; which Penalties and Damages when recovered shall be applied for the Purposes of this Act.

Power to dig Gravel and get Materials.

LXIX. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or he shall employ or appoint, having an Order in Writing, under the Hands of the said Commissioners, or any Five or more of them for that Purpose, may, and is and are hereby empowered to search for, dig, gather, take, and carry away any Stones, (Flag Stones, Curb Stones, and Stones in use excepted,)

ed), Gravel, Sand, or other Materials proper for the raising and repairing of the said Streets, Lanes, or Alleys, public Ways and Passages, out of and from the Sea Beach or Shore, or any River, Rivulet, or Brook, or any Waste Ground or Common in any Parish, Township, or Place adjoining to the said Town of *Sunderland*, without making any Compensation for the same.

LXX. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder or molest any Surveyor or Surveyors, or other Officer or Officers, Workman or Workmen, Person or Persons whomsoever, who is or shall be employed in the Performance or Execution of their Duty under this Act, every such Person so offending shall, for the first Offence, forfeit any Sum not exceeding the Sum of Twenty Shillings, for the Second Offence any Sum not exceeding Thirty Shillings, and for every other Offence any Sum not exceeding the Sum of Three Pounds.

Penalty for interrupting Watchmen.

LXXI. And be it further enacted, That no Person shall at any Time make or cause to be made any Alteration in the Form of the Pavement of any Street, Lane, or Alley, public Way or Passage, within the said Town of *Sunderland* without the Consent and Approbation of the said Commissioners, or any Five or more of them, assembled at some of their Meetings first had and obtained, upon forfeiting any Sum not exceeding Ten Pounds for every such Offence.

Alteration not to be made in Pavements, &c. without Consent of Commissioners.

LXXII. And be it further enacted, That no Person or Persons shall without Leave and Licence of the said Commissioners, or any Five or more of them, make or branch any Drain or Drains into any of the said public Sewers, Drains, or Vaults, made or to be made by virtue of this Act; but if any Person or Persons shall without such Leave or Licence make or branch any such Drain or Drains, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Branches into Drain not to be made without Leave.

LXXIII. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made, within any of the public Streets, Lanes, or Alleys, public Ways and Passages within the said Town of *Sunderland*, and which do or shall issue into or communicate with any of the public Sewers, Drains or Vaults, shall be repaired and cleansed under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Houses, Lands, or Tenements, to which the said private Drains do or shall respectively belong.

Private Drains to be repaired and cleansed under the Inspection of the Surveyor at the Expence of the Owners.

LXXIV. And be it further enacted, That all and every Person or Persons within the said Town of *Sunderland* shall, as soon as the Foot Pavement in the Front of or adjoining to his, her, or their House, or other Tenement respectively, is by virtue of this Act made and completed, sweep, scrape, and cleanse, or cause to be swept, scraped, and cleansed, Three Times at least in every Week, on different Days, the Footpaths or Pavement extending all along the Front of their respective Houses, Buildings,

Foot Pavement to be swept.

Buildings, and Walls, between the Hours of Six and Nine in the Forenoon (*Sundays* excepted), and shall clear away all Ice and Snow, upon pain of forfeiting any Sum not exceeding the Sum of Five Shillings for every Neglect therein.

Contractors to cleanse the other Parts of the Streets.

LXXV. And be it further enacted, That the Person or Persons contracted with for cleansing the said Streets, Lanes or Alleys, public Ways and Passages, shall sweep, cleanse, and carry away, or cause to be swept, cleansed, and carried away all the Dirt, Dung, and Soil out of and from all the said Streets, Lanes, or Alleys, public Ways and Passages, within the said Town of *Sunderland*, not less than Two Times in every Week, or such Day as shall be appointed by the said Commissioners, or any Five or more of them, and shall clear away all Ice and Snow, upon pain of forfeiting Ten Shillings for every Neglect therein; and such Person or Persons so contracted with as last-mentioned, or the said Commissioners, or any Five or more of them, shall and may sell and dispose of the Dirt, Dung, or Soil, and the Money therefrom arising shall be applied to and for the Purposes of this Act.

Streets to be watered.

LXXVI. And be it further enacted, That it shall be lawful to and for the said Commissioners, or any Five or more of them, to cause such of the said Streets, Lanes, Passages and Places, as they shall think proper, to be from Time to Time watered in such Manner and at such Seasons of the Year as they the said Commissioners, or any Five or more of them, shall direct and appoint.

No other Person except the Contractor may take or carry away any Ashes, &c.

LXXVII. And be it further enacted, That no Person or Persons (excepting the Person or Persons to be appointed for this Purpose in pursuance of this Act) shall take or carry away, or cause to be taken and carried away, any Ashes, Dust, Dirt, Mire, Dung, or Manure which shall be made in any of the said Streets, Lanes, or Alleys, public Ways and Passages, from or out of the same, upon pain of forfeiting any Sum not exceeding the Sum of Twenty Shillings for every such Offence.

LXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, which any of the Inhabitants of the said Town of *Sunderland* shall think fit to preserve and keep within their own respective Houses, Gardens, or Yards, but the same shall respectively belong to the Person or Persons so reserving the same, so as such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, be not laid down or placed in any of the said Streets, Lanes or Alleys, public Ways and Passages in the said Town, for any longer Time than shall be necessary for the loading of Carts or Carriages with, and carrying away the same; but in case such Person or Persons so reserving such Ashes, Dust, Dirt, Mire, Soil, Dung, or Rubbish, shall continue to keep and preserve the same for One Day after Notice in Writing given to him, her, or them, under the Hands of the said Commissioners, or any Five or more of them, or of their Surveyor, or left at such Person or Persons Place of Abode, to remove the same, every such Person shall forfeit and pay any Sum not exceeding the Sum of Ten Shillings a Day, for every Day

such Ashes; Dust, Dirt, Mire, Soil, Dung, or Rubbish shall be permitted to remain, next after such Notice given as aforesaid.

LXXIX. Provided always, That no Person shall be subject to the last-mentioned Penalty for any Rubbish or Dirt lying in the said Streets, Lanes, or Alleys, public Ways and Passages, or any of them, before the House or Tenement of such Person, which shall be occasioned by the repairing or pulling down of such House or Tenement, or rebuilding the same, so as there be convenient Room left in the same Street, Lane or Alley, public Way and Passage, where such Rubbish or Dirt shall lie, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Dirt or Rubbish, nor for the making up of any Lime into Mortar in any of the said Streets, Lanes, or Alleys, public Ways and Passages, so as sufficient and convenient Room be left for Foot Passengers and Carriages; and so as such Lime be inclosed before such House or Building, about which the same shall be used, and so as the Owner or Owners of such House or Tenement before which such Rubbish or Lime shall lie, shall cause the same to be removed therefrom at his or their own Costs and Charges within a reasonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their Place of Abode for that Purpose in Writing, to be signed by the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors, and so as that whilst the same shall be lying in the said Street, Lane, or Alley, public Way or Passage, such Owner or Owners shall set up a Rail or Fence, and maintain a sufficient Light, upon or against the same every Night during the whole Night from the Time it becomes dark, to prevent any Mischief happening thereby to Passengers.

Penalty not to extend to Rubbish occasioned by Buildings, so as convenient Room be kept for Carriages, &c.

Lime used about Buildings to be inclosed, &c. and to be removed at a reasonable Time on Notice in Writing.

LXXX. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the Lamps which shall be erected by virtue of this Act, or any of the Posts, Irons, or other Furniture thereof, or any other Materials used for the Lighting and Paving of the said Town, and Complaint thereof shall be made by the said Commissioners, or any Five or more of them, or by their Surveyor or any other Person, to any Justice or Justices of the Peace, acting for the said County of *Durham*, it shall be lawful for such Justice or Justices, and he and they is and are hereby required on Oath made of the Commission of any such Offence, (which Oath the said Justice or Justices is and are hereby required and empowered to administer), to issue a Warrant or Warrants for apprehending the Party or Parties accused; and that it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act to convey him, her, or them before the said Justice or Justices, to be dealt with as herein-after is directed; and the Party or Parties so accused being brought before such Justice or Justices, or on Oath being made before such Justice or Justices, that such Offender or Offenders cannot be found or apprehended, (which Oath the said Justice or Justices is and are hereby required and empowered to administer), the said Justice or Justices shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid he, she, or they so convicted shall for the first Offence forfeit and pay

Penalty for breaking Lamps, &c.

On Conviction.

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any Sum not exceeding Twenty Shillings, over and above the Damage done, and for the second Offence any Sum not exceeding the Sum of Thirty Shillings, and for the third and every other subsequent Offence any Sum not exceeding the Sum of Forty Shillings; and full Satisfaction shall also be made to the said Commissioners by such Offender or Offenders, for the Damage so by him or them done as aforesaid.

Justice
to award
Penalty.

LXXXI. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps so to be set up as aforesaid, or the Posts, Irons, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful for any one Justice of the Peace for the said County of *Durham*, upon Complaint made to him upon Oath, by One or more credible Person or Persons, to summon the Person or Persons so complained of to appear before him to answer to such Complaint; and upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Person or Persons so complained of and summoned, without sufficient Excuse being alledged for such Non-performance, such Justice shall award such Sum and Sums of Money as he shall think reasonable, not exceeding the Sum of Twenty Shillings for any One Offence; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded within Three Days after Demand thereof, the same shall be levied and recovered in Manner herein-after mentioned.

Persons kill-
ing, &c. any
Beast in
the public
Streets, &c.
to forfeit Ten
Shillings for
each Offence.

LXXXII. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or dress any Beast or Swine, Calf, Sheep, Lamb, or other Cattle, in the *High Street, Low Street, or Church Street* in the said Town of *Sunderland*; or shall hoop, fire, cleanse, wash, or scald any Cask; or hew or saw any Stone, Wood, or Timber; or bind, make or repair any Wheel; or shoe, bleed, or farry any Horse, Mare, or Gelding in any of the Streets, Lanes, Alleys, public Ways, or Market Places of the said Town of *Sunderland*, except in Cases of Accident, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Shillings.

Commission-
ers may take
down Signs.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, at any Time after the said First Day of *May* One thousand eight hundred and ten, to cause the Names of the several Streets, Lanes, or Alleys, public Ways and Passages in the said Town of *Sunderland*, to be painted in large Characters on a conspicuous Part of some House, Building, or Wall, at the Entrances of the same respectively; and that the Number of each House in the said Streets, Lanes, Alleys, public Ways or Passages, be painted on the Door Posts thereof respectively, and to take down, remove, alter, and regulate, in such Manner as they shall think proper, all the projecting Signs or other Emblems used to denote the Profession, Trade, Occupation, or Calling of any Person or Persons; and all the projecting Sign Posts, Pent Houses, Shew Boards, Spouts, Gutters, Stalls, Porches, Sheds, Butchers' Gallows and Crooks, projecting Window Blinds, Cellar Windows, Flaps, Dwarf Walls, Posts, Rails, Pallisadoes, and Frames of Wood, Iron, Bricks, Stones, and other Materials, Steps, and all other Erections, Projections, Encroachments, Nuisances, and Annoyances whatsoever, in the said Town of *Sunderland*, which they the said Commissioners or any Twelve or more of them

them shall adjudge to obstruct or incommode or render inconvenient the Footway or Carriageway of or in all or any of the said Streets, Lanes, or Alleys, public Ways and Passages in the said Town, and to leave the Materials so to be taken down or removed, or the Residue of such Materials, in case of regulating the same only on the Spot, or as near thereto as conveniently may be for the Use of the Person or Persons who may be entitled to the same; and the Expences attending the taking down, removing, altering, or regulating the same, shall be borne and defrayed out of the Money to be raised by virtue of this Act: Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Adjudication, or Judgment, made or given by the said Commissioners, or any of them, relating to any Matter or Thing in this Clause mentioned or contained, then and in every such Case such Person or Persons may appeal therefrom to the Justices of the Peace in the like Manner and Form as is herein-after directed as to Appeals which may be made against any Rates or Assessments to be made or Penalties imposed by or in pursuance of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

LXXXIV. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter convey Water from his, her, or their House or Houses to the Channels of the Carriageways, in any other Manner than by Drains under the Footways as far as the same can be done; or shall hang, place, erect, or build, or make any Sign, Sign-post, or other Post, Sign-Iron, Pent-house, Shew-board, Spout, Gutter, Stall, Bow-window, Window, Window-shutter, projecting Window-blind, Porch, Shed, Butchers'-gallows and Crook, Cellar-window or Dwarf-window, Shamble-post, or other Erection, Projection, Encroachment, Nuisance, or other Annoyance whatsoever; or cause or permit the same to be done contrary to the Directions aforesaid, every Person so offending shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, and that it shall be lawful for the said Commissioners, or any Five or more of them, to order the same to be taken down, removed, carried away, altered, or regulated in such Manner as they or any Five or more of them shall think proper; and the Person or Persons so ordered shall and may make, take down, remove, carry away, alter, or regulate the same accordingly, after Ten Days Notice, or Warning given to the Owner or Owners, Tenant or Tenants, Occupier or Occupiers, to take down, remove, carry away, alter, or regulate the same, and the Expences thereof shall be borne by the Owner or Owners, Tenant or Tenants, or Occupier or Occupiers, of the same Premises respectively.

Penalty on certain Nuisances,

and Power to remove the same.

LXXXV. And be it further enacted, That if after the said First Day of *March* One thousand eight hundred and ten, any Cart, Dray, Waggon, or other Carriage shall be left, remain, stand, or continue in any Street, Lane, Way, public Passage or Place in the said Town of *Sunderland*, or in any Part or Parts thereof, with or without Horses or other Cattle, longer than shall be necessary to load and unload the same; or if any Stage Coach, Diligence, Fly, Post Chaise, or other Carriage let to hire, shall be left to stand and remain in any of the Streets, Lanes, or Alleys, public Ways and Passages aforesaid, with or without Horses, for any longer Time than shall be necessary for the taking up and setting down of the Passengers, and for loading or unloading; or if any Swine, Asses, or other Beast or Cattle, shall be permitted to wander in or about any of the said Streets, Lanes, or Alleys, public Ways and Passages; or if

For preventing Carts, &c. standing in the Streets.

if any Timber, Bricks, Lime, Mortar, Sand, Stones, Slate, Hay, Straw, Wood, Faggots, Tiles, Coals, Boards, Tubs, Manure, or Dung, Goods, Wares, Merchandizes, or other Material or Things whatsoever, shall be laid or placed, and left to remain in any of the Streets, Lanes, or Alleys, public Ways and Passages, for any longer Time than shall be necessary for moving and housing the same; or if any Coals, Coal-ashes, Rubbish, or other Nuisance or Annoyance whatsoever, shall be thrown, cast, or laid in any of the said Streets, Lanes, or Alleys, public Ways and Passages, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Coach, Diligence, Fly, Post Chaise, or other Carriage, and the Owner of any such Swine, Asses, or other Beast or Cattle, and of any such Bricks, Manure, or Dung, Goods, Wares, Merchandizes, Materials, or Things which shall be left or suffered to remain in any of the said Streets, Lanes, or public Ways and Passages; and the Person or Persons who shall throw, cast, or lay, or cause to be thrown, cast, or laid any Coals, Coal-ashes, Rubbish, or other Nuisance or Annoyance whatsoever as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Twenty Shillings over and above the Expences of removing the same.

No Wheelbarrows, &c. to be rolled on the Foot-Pavement.

LXXXVI. And be it further enacted, That if any Person or Persons shall at any Time after the said First Day of *May* One thousand eight hundred and ten, run, drive, or draw, or cause to be run, driven, or drawn, on any Foot Pavement within the Town of *Sunderland*, any Wheel or Wheels, Sledge, Wheelbarrows, or Carriage whatsoever, or shall roll any Cask, or wilfully ride, draw or lead, or cause to be ridden, driven, or led, any Horse or other Cattle on any of the said Foot Pavements, other than and in Cases of absolute Necessity, or shew or expose to view any Stone-Horse or Stallion in the said Streets, Lanes, or Alleys, public Ways and Passages, or any of them (excepting such Streets, Lanes, Ways, Passages or other Places, as shall for that Purpose be appointed in pursuance of this Act), or shall permit or suffer any Bull Dog or Mastiff Dog to go unmuzzled in the said Streets, Lanes, or Alleys, public Ways and Passages, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings; provided that no Person or Persons shall be liable to such Penalties for rolling any Cask on the Foot Pavement, unless the same shall have been rolled thereon for the Space of Ten Yards.

To prevent Accidents by driving Carriages.

LXXXVII. And be it further enacted, That if any Person shall at any Time after the said First Day of *May* One thousand eight hundred and ten, drive any Cart, Dray, Waggon, Truck, or other Carriage for the Conveyance of Goods in or through any of the Streets, Lanes, or Alleys, public Ways or Passages in the said Town of *Sunderland*, without some Person on Foot leading the Shaft or Thill Horse by a Halter or Rein fixed to the Head of such Horse, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Ten Shillings.

LXXXVIII. And whereas in some of the Houses or Tenements within the said Town of *Sunderland* there are Cellars, Coal-holes, Vaults, and subterraneous Apartments communicating with the Street, which when the Doors, Port-holes, or Hatchways thereof are left open, are very dangerous to Passengers; be it therefore enacted, That every Occupier of any such House or Tenement having a Cellar, Vault, or subterraneous
Apartment

Apartment under or communicating with the Street, who shall leave the Door, Port-hole, Hatch-hole, or Hatchway thereof open between Sun-set and Sun-rise, or in the Day-time without being sufficiently guarded, shall forfeit and pay any Sum not exceeding the Sum of Ten Shillings for every such Offence, the same to be recovered upon Proof thereof, before any One or more Justice or Justices of the Peace for the County of *Durham*, upon the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer).

LXXXIX. And be it further enacted, That the said Commissioners, or any Twelve or more of them, shall and may, and they are hereby authorized and required to appoint such a Number of able-bodied Watchmen and Night Constables, respectively, as they shall judge necessary to be employed to watch within the said Town of *Sunderland*, or any Parts thereof, (and also upon that Part of the River *Wear* between the Pier on the East and the Rector's Gill on the West, and on the Quays and Shores thereof, for and during such Periods in every Year, and for such Wages as the said Commissioners, or any Twelve or more of them, shall think fit); and the said Commissioners, or any Twelve or more of them, shall likewise direct and appoint how and where the several Watchmen and Night Constables shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, and the Limits of the same, and how long they shall continue upon Duty; and shall and may also erect and provide proper Places, Boxes, and Boats, and Watchhouses for the Use and Reception of such Watchmen and Night Constables as aforesaid, and shall make all such Orders and Regulations as the Nature of the respective Services shall to the said Commissioners, or any Seven or more of them, appear to require, and as shall be necessary for preserving and maintaining Peace and Order, and an effective Police, within and for the Safety of the Inhabitants of the said Town of *Sunderland*, and of Persons employed or having Property upon the said River *Wear*, within the Limits aforesaid; and such Watchmen and Night Constables shall, and they are hereby authorized and required to keep Watch and Ward within the said Town and upon the said River within the Limits aforesaid, and to arrest, apprehend, and detain in the Watchhouse or some other convenient Place or Places of Security within the said Town, to be provided and appointed by the Commissioners, all disorderly Persons, Vagrants, Beggars, and all Disturbers of the public Peace; and such Watchmen shall take them within Twenty-four Hours (or as soon after as conveniently may be) before any One of His Majesty's Justices of the Peace for the said County of *Durham*, to be examined and dealt with according to Law.

To appoint Watchmen, &c.

and fix their Wages.

Where to be stationed and how armed;

and may erect Watchhouses, &c.

Watchmen to apprehend disorderly Persons.

XC. And be it further enacted, That if such Watchmen and Night Constables, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid, by the said Commissioners, or any Five or more of them, or shall in any Manner neglect their Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence, any Sum not exceeding Forty Shillings, and shall, if the said Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty for not performing Duty.

XCI. Provided always, and be it further enacted, That no Person who shall be appointed or employed as a Watchman by virtue or in pursuance

Persons appointed Watchmen

[*Loc. & Per.*]

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of

not to gain Settlements by being so employed.

of this Act shall, by Means or on account of his being so employed and acting in that Service or Duty, gain or be entitled to any Settlement in the said Parish of *Sunderland*.

General Power to levy Penalties.

Application.

XCVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of *Durham*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or Parties, or upon the Information of any one or more credible Witness or Witnesses upon Oath, which Oath such Justice is hereby empowered to administer; and the Penalties and Forfeitures when recovered shall be paid to the Treasurer or such other Person as the said Commissioners, or any Five or more of them, at any of their Meetings, shall appoint for that Purpose, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied: Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, when and so often as they shall think fit, to give all or any of the Penalties and Forfeitures which shall be incurred by reason of any Offence or Offences against this Act, to the Informer or Informers of such Offender or Offenders.

Limitation of Penalties.

XCVII. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information be given of such Offence or Offences within One Calendar Month next after the Offence committed, save and except the Penalties in and by this Act inflicted for Non-payment of the Rates or Assessments in and by this Act directed to be made.

Form of Conviction.

XCVIII. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Words or to the Effect following; *videlicet*,

‘ **B**E it remembered, That on this Day of
 ‘ in the Year of our Lord *A. B.* is duly convicted
 ‘ before of His Majesty's Justices of the Peace for the
 ‘ County of *Durham*, of having [*here state the Offence against the Act, as*
 ‘ *the Case may be*] contrary to the Form of the Statute in that Case made
 ‘ and provided; and I [*or we, as the Case may be*] do declare and adjudge
 ‘ that *A. B.* hath forfeited for his [*or her, as the Case may be*] said Offence
 ‘ the Sum of Given under my Hand [*or*
 ‘ our Hands, *as the Case may be*] the Day and Year first above written.’

Commissioners may sue and be

XCV. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their Clerk; and that

that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners, or any Five or more of them; but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be, except as herein-before is provided: Provided always, that every such Clerk in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by this Act, all such Costs and Charges as by the Event of any Proceedings he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein.

sued in the Name of their Clerk.

XCVI. 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 Commissioners, unless Twelve or more of the said Commissioners do make and sign an Order for the commencing and proceeding in the said Action or Actions, or preferring such Indictment or Indictments.

No Action to be brought, &c. but by Order of Twelve Commissioners.

XCVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant within the said Town of *Sunderland* shall be deemed incompetent to give Evidence by reason of his or her being charged with and liable to pay and paying any Rate or Assessment, Duty or Toll by virtue of this Act.

Inhabitants may be Witnesses.

XCVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be made, or Penalty imposed by or in pursuance of this Act, such Person or Persons may appeal to the Justices at the first General Quarter Sessions of the Peace to be holden for the said County of *Durham* next after the Expiration of One Calendar Month from the Time such Matters of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Clerk to the said Commissioners; and the Justices in such Sessions are hereby authorized and required, to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper, and such Determination shall be final, binding, and conclusive to all Parties, and to all Intents and Purposes whatsoever.

Appeal against Rates and Penalties to Sessions.

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

Distress not to be deemed unlawful for want of Form.

Notice to be given before commencing Actions.

C. Provided always, That no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespass or other wrongful Proceedings, unless Notice in Writing shall be given Twenty-one 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 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 in any such Action by 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 or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for want of Form.

CI. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding made, touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or Court of Pleas at *Durham*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Limitation of Actions.

CII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty-one Days Notice thereof be given to the Treasurer or Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the said County of *Durham*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially, or the General Issue, 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 be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Notice, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Public Act.

CIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.