



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. cvi.

An Act to explain and amend an Act of the Forty-ninth Year of His present Majesty, for repealing an Act of the Twenty-fifth Year of His present Majesty, for the Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County Palatine of *Durham*; and for the more effectual Preservation and further Improvement of the same River, Port, and Haven. [21st June 1819.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His present Majesty King George the Third, intituled *An Act for repealing an Act passed in the Twenty-fifth Year of His present Majesty, for the Improvement of the River Wear, and Port and Haven of Sunderland, in the County Palatine of Durham, and for the more effectual Preservation and further Improvement of the same River, Port, and Haven*: And whereas by the said recited Act it is amongst other Things enacted, that the Commissioners thereby appointed should be, and they were thereby empowered from Time to Time, as and when they should see proper, to summon before them and examine upon Oath, if they should think fit, all and every the Officers and Persons employed in or intrusted with the Receipt, Disbursement, or Application of all or any of the Money raised or to be raised by virtue of the former Acts therein specified, or any of them, or to be raised by virtue of the said recited Act; and every

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such Officer employed or intrusted as aforesaid, was thereby required to render to the said Commissioners, or any Five or more of them, a true, exact, and perfect Account in Writing of all and every Sum and Sums of Money so by him respectively received or expended, disbursed, or applied as aforesaid; and in case any such Officer or Person so employed or intrusted as aforesaid, should be found in Arrear, and refuse to pay the same, or should refuse to account, then and in either of the said Cases, it should be lawful for any Justice of the Peace for the said County, by Warrant under his Hand and Seal, to levy by Distress and Sale of the Goods of such Person so in Arrear and refusing to pay the same, or refusing to account, such Sum and Sums of Money as he should be so found in Arrear, and should refuse to account for; and for Want of sufficient Distress, such Justice might and should, by the like Warrant, cause such Offender to be committed to the Common Gaol of the said County, there to remain without Bail or Mainprize, until he should have paid all such Money as he should have been so found to be in Arrear as aforesaid, or should make up his Account and pay all such Sums as should be found due thereupon, or should have compounded for the same, and paid such Composition Money as they the said Commissioners should think fit; and which Composition they were thereby empowered to make and receive; or the said Commissioners might, and they were thereby empowered to bring or cause to be brought, any Action or Actions in the Name of their Chairman for the Time being, against such Officer or Person so refusing, neglecting, or making Default as aforesaid, for the Recovery of the Money which should be in his Hands: And whereas by the said recited Act, it is amongst other Things enacted, that the Commissioners thereby appointed might sue or be sued in the Name of their Chairman or Clerk, and that no Action or Suit that might be brought or commenced, or Indictment that might be preferred or prosecuted by or against the Commissioners or any of them, in the Name of their Chairman or Clerk, should abate or be discontinued by the Death or Removal of such Chairman or Clerk; or by the Election of any other Person to be Chairman or Clerk, or by the Act of such Chairman or Clerk, without the Consent of the said Commissioners, but the Chairman or Clerk for the Time being should always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, or Indictment, as the Case should be; provided always, that the said Chairman or Clerk in whose Name or against whom any such Action or Suit should be brought or Indictment preferred, should always be indemnified and reimbursed and paid out of the Monies to be raised by virtue of that Act, all such Costs, Charges, and Expences as he should be put to or become chargeable with, by reason of his being made a Plaintiff, Prosecutor, or Defendant in such Action, Suit, or Prosecution: And whereas by the said recited Act it is further enacted, that the Committee of Survey thereby appointed, or any Five or more of them, should, at their First Survey and View of the said River, Port, and Haven, after the passing of that Act, or at some subsequent Survey and View thereof, set down or cause to be set down and fixed, and afterwards maintained, Meer Stones or Posts, to ascertain the High-water Mark in the said River, Port, and Haven, within the Limits of the said recited Act, in such Parts thereof and Places as the said Committee should think proper; and any Person or Persons who should remove, displace, break, cut, injure, or destroy any of the Meer Stones or Posts which should be so set down or fixed as aforesaid, should forfeit and pay for every such Offence a Sum not exceeding Five Pounds: And

whereas by the said recited Act it is further provided and enacted, that the said Commissioners or any of them, should not have any Right, Power, or Authority, by virtue of that Act, by themselves or any Person or Persons authorized by, from, or under them or any of them, at any Time thereafter, to remove, pull down, destroy, demolish, or alter all or any of the Quays, Wharfs, or Staiths which at the Time of passing the same Act were built, erected, or standing on any Part of the said River, Port, or Haven, nor to obstruct or hinder any Person or Persons from erecting or building any Quay or Quays, Wharf or Wharfs, Staith or Staiths, near or upon the said River, Port, or Haven, or any Part thereof; but that all and every Person and Persons should and might at any Time thereafter erect or build such Quays, Wharfs, or Staiths as they might have done if the same Act had not been made, so as the Person or Persons intending to erect or build the same, did cause Notice of such his Intention to be given to the Engineer of the said Commissioners Two Months previous to his erecting or building the same, and so as they should be built so high that the Water might not overflow the same, and from Time to Time kept flanked, and in good Order and Repair, as therein-before is mentioned, and so as the same should not be any Obstruction or Hindrance to the Navigation of the said River as aforesaid, or the Improvements intended to be made, by virtue of the said recited Act: And whereas by the said recited Act it is further enacted, that if any Person or Persons whomsoever, should at any Time or Times obstruct, hinder, or molest the Engineer, Haven Master or Haven Masters, Workman or Workmen, Labourer or Labourers, or other Person or Persons whatsoever, who was or should be employed or acting in Performance or Execution of their Duty under the said recited Act, or in the Works to be done and carried on in pursuance thereof, or in any other Matter relating thereto (other than as therein-before provided for, and with respect to the Appointment, Regulation, Direction, and well conducting of Ships and Vessels into, out of, or whilst within the said River, and the Keels, Boats, and other Vessels therein) every such Person so offending, for the First Offence, should forfeit the Sum of Five Pounds, and for the Second Offence the Sum of Ten Pounds, and for the Third and every other Offence the Sum of Twenty Pounds: And whereas by the said recited Act it is further provided and enacted, that if any Commissioner should, by virtue of the said recited Act, be accused before the Commissioners present, at any of their public Meetings, for any of the Offences therein mentioned, such Commissioner so accused should not sit, vote, or otherwise act as a Commissioner, in any such Case, or in any Case when or where he or his Interest should be in any way concerned: And whereas by Means of the Powers given by the said recited Act of Parliament, the said Port and Haven of *Sunderland* have been very greatly improved, and the Commerce carried on at the said Port hath of late Years greatly increased, and it is therefore highly expedient that the Navigation of the said River *Wear*, and the said Port and Haven, should be maintained and preserved, and for that Purpose it is necessary that the Tide should continue to flow into and up the said River, in as beneficial a Manner as it was accustomed to do at the Time of the passing of the said recited Act, and that all Obstructions thereto should be removed, and that all Encroachments thereon at any Time hereafter should be prevented; and it is therefore expedient, and will be of great Advantage to the Navigation of the River *Wear*, and of much public Utility, if the Powers and Provisions of the said recited Act

Act were altered, amended, and enlarged; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Clauses and Enactments contained in the said recited Act be and the same are hereby repealed.

Recited
Clauses in
49 G. 3.
repealed.

Commis-
sioners.

II. And be it further enacted, That the several Persons named as Commissioners in and by the said recited Act, and the several Persons who under and by virtue of the Powers in the same Act could have been appointed Commissioners to execute the Powers of the same Act, and the Survivors of them, shall be and they are hereby authorized and empowered to carry into Execution the said recited Act and this Act; and for that Purpose to use, exercise, and enforce all the Powers, Authorities, and Provisions therein and herein respectively contained, in the same Manner and as effectually to all Intents and Purposes as if all the same Commissioners had been originally named and appointed in and by the said recited Act.

Commis-
sioners may sue
or be sued in
the Name of
their Chair-
man or Clerk;

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

but such
Chairman or
Clerk, or any
other Person
acting by
Order of the
Commis-
sioners, indem-
nified from all
Costs.

Meer Stones
to be the
Limits of
Navigation.

Penalty on
destroying
them.

IV. And be it further enacted, That the Meer Stones or Posts to be set down and fixed, by Order of the Surveyor to be nominated by the Commissioners for executing the Office of Lord High Admiral of *Great Britain* as herein-after mentioned, shall be the Limits of the Navigation of the said River *Wear*, on the Sides thereof; and that any Person or Persons who shall cover up, remove, displace, break, cut, injure, or destroy, any of the Meer Stones or Posts to be set down or fixed as aforesaid, shall forfeit and pay for every such Offence, in lieu of the Penalty imposed by the said recited Act, any Sum not exceeding Fifty Pounds.

V. And

V. And be it further enacted, That as soon as conveniently may be, and within Three Calendar Months, if possible, next after the passing of this Act, a full and complete Survey of the said River, Port, and Haven, as far up the said River as a Place called *Biddick Ford*, and the Creeks or Inlets of Water into the same, as far as the Equinoctial Spring Tides flow, shall be made by *John Rennie* Esquire, or by such other Person as shall be nominated by the Right Honourable the Board of Admiralty, on which Survey it shall be the Duty of the said *John Rennie*, or such other Person as aforesaid, and he is hereby required to obtain all the Information in his Power respecting, and to ascertain with as much Certainty as possible, the State, Condition, and Extent of the said River, Creeks, and Inlets of Water, at the Time of the passing of the said recited Act, and that a full and accurate Map or Chart shall be made of the said River, Port, and Haven, and of the said Creeks and Inlets of Water into the same, upon Vellum or Parchment, according to such Survey; and on the said Map or Chart shall be particularly delineated, described, and marked out the Line or Flow of the ordinary Spring Tides in the said River, Port, and Haven, and the Creeks or Inlets of Water into the same, and the extreme Line of the equinoctial Spring Tides therein, and also a sufficient Number of longitudinal and transverse Sections of the Channel of the said River, Creeks, and Inlets of Water, as to ascertain and shew accurately the State, Condition, and Extent thereof at the Time of making such Survey; and that in the said Map or Chart shall be correctly shewn and described, the Situation in which the Meer Stones or Meer Posts have been or ought to have been placed, under or by virtue of the Powers in the said recited Act contained; and in the said Map or Chart shall be also particularly delineated, marked out and described, a certain Line or Boundary on each Side of the main Channel of the said River, at such Distance therefrom as the said *John Rennie* Esquire, or such other Person as aforesaid shall think necessary or expedient, for the better Preservation of the free Navigation of the said River, and to be called *The Quay Line*, on which said Quay Line Meer Posts may be put and placed by the said Commissioners, if they shall think fit, to mark the same; and beyond which said Quay Line, that is to say, towards the main Channel of the said River, it shall not be lawful for any Person or Persons to erect, build, or make any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection whatsoever, or to make or construct any Embankment or Inclosure, or other Obstruction to the free Course of the said River; but between which said Quay Line and the said Meer Stones it shall and may be lawful for the Owners and Occupiers of Lands adjoining the said River to make or erect any Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, and to make and construct any Embankments or Inclosures which he or they otherwise might in Law be entitled to make, subject nevertheless to such Limitations, Restrictions, Regulations, and Provisions, as are herein-after contained.

Survey and
Map to be
made.

VI. And be it further enacted, That as soon as the said Survey shall be made, and the said Map or Chart completed, the said Map or Chart shall be deposited and placed in the Hands of the Engineer to the said Commissioners under the said recited Act, together with a Specification and Plan to be made and drawn by the Engineer making the said Survey, which shall particularly point out and describe the Situation and Position in which any Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, may be placed or erected between the said

Plan to be
delivered with
Map, how
Wharfs, &c.
constructed
within the
Line.

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Quay

Quay Line and the said Meer Stones, and the Mode in which such Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, shall be constructed, and the Measures to be adopted by such Persons as shall be desirous of building, erecting, or making the same, so as to prevent the same from becoming injurious to the free Navigation of the said River and to the said Port and Haven; and which said Map or Chart, and Specification and Plan, being so deposited with the Engineer to the said Commissioners, shall be kept and preserved by him, and considered as public Documents, to which any Person or Persons desirous of inspecting the same, shall have free Access at all proper and seasonable Times, by Application to the said Engineer, at the Office of the said Commissioners in *Sunderland* aforesaid; and a Duplicate of the said Map or Plan also upon Vellum or Parchment to be made by the said *John Rennie*, or such other Person as aforesaid, shall be deposited with and in the Office of the Clerk of the Peace for the said County of *Durham*, and shall at all seasonable Times be open to the Inspection of all and every Persons and Person interested therein, or requiring to see the same, on Payment of One Shilling.

No Erection
to go on till
the Survey is
completed.

VII. And be it further enacted, That until the said Survey shall be made and the said Map or Chart completed, no Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, nor any Embankment or Inclosure shall be made, erected, or constructed within the said Port or Haven, or the said River, Creeks, or Inlets of Water, or on the Flat Lands and Salt Marshes adjoining the same, over which the Tide was accustomed to flow at the Time of the passing of the said recited Act; and all Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, which shall have been commenced in or upon the same since the passing of the said recited Act, and which are not yet completed, shall be discontinued; and if any Person or Persons, Body or Bodies Politic or Corporate, shall commence building or erecting, or continue to build or erect any such Work, Dock, Basin, Quay, Wharf, Staith, Jetty or other Erection, Embankment, or Inclosure, before the said Survey shall be made, and the said Map or Chart completed, it shall and may be lawful for the Clerk or Engineer to the said Commissioners to give Notice to such Person or Persons, Body or Bodies Politic or Corporate, to remove such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or Erection, Embankment, or Inclosure, or such Parts thereof as shall have been built, erected, or made since the passing of this Act; and in case such Person or Persons, Body or Bodies Politic or Corporate shall omit or refuse so to do for the Space of Twenty-eight Days next after the Receipt of such Notice, that then and in every such Case it shall and may be lawful for the said Engineer, and the Persons to be by him employed, to take up and remove all and every such Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, or such Parts thereof as shall have been built, erected, or made, since the passing of this Act, and the Person or Persons, Body or Bodies Politic or Corporate, so omitting or refusing to take up or remove any such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, or such Part thereof as shall have been built, erected, or made, since the passing of this Act, and the Materials thereof, shall pay the Costs, Charges, and Expences which shall be sustained or incurred by the said Engineer in the taking up and removing the same, to be recovered by Action in any of His Majesty's Courts at *Westminster*,
by

by or in the Name of the Chairman or Clerk of the said Commissioners, against the Person or Persons so omitting or refusing as aforesaid.

VIII. And be it further enacted, That if after the passing of this Act, and after the said Map or Chart and the said Plan or Specification shall be completed, any Person or Persons, Body or Bodies Politic or Corporate, shall be desirous of constructing, erecting, or building between the said Quay Line and the said Meer Stones as aforesaid, in and upon any Part of the Shores, Flat Lands, or Salt Marshes adjoining the said River, Creeks, or Inlets of Water, or Lands over which the Tide was accustomed to flow at the Time of the passing of the said recited Act, any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, such Person or Persons, Body or Bodies Politic or Corporate, shall give Two Months previous Notice thereof in Writing to the Engineer of the said Commissioners, at their Office in *Sunderland*, declaring his or their Intention to build such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, and the Situation of the same, and shall at the same Time deliver with the said Notice a Plan of such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, specifying the Mode in which it is intended to construct, erect, and build the same, and that the same is in conformity with the said Plan and Specification; and the said Commissioners shall thereupon order and direct their Engineer to view the Place whereon such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, shall be proposed to be constructed, erected, or built, and to report to the said Commissioners whether the same would be between the said Quay Line and the said Meer Stones as aforesaid, and in conformity with the said Plan or Specification, and also whether the same would be injurious, or likely to be injurious, to the Navigation of the said River, or to the said Port or Haven; and if the Engineer of the said Commissioners as aforesaid shall report that the same is not between the said Quay Line and the said Meer Stones as aforesaid, or that the same would not be in conformity with the said Plan or Specification, or would be prejudicial to the Navigation of the said River, or to the said Port or Haven, then and in every such Case it shall be lawful for the said Commissioners to give Notice of such Report to the Person or Persons, Body or Bodies Corporate or Politic, proposing to construct, erect, and build such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment or Inclosure, and to require him or them to transmit to the Clerk of the said Commissioners, within Twenty-one Days after such Notice, the Opinion and Report in Writing of some competent Engineer, certifying that such intended Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure would be between the said Quay Line and the said Meer Stones as aforesaid, and in conformity with the said Plan or Specification, and that the same would not be injurious or likely to be injurious to the Navigation of the said River, or to the said Port or Haven, which said Opinion and Report, if so transmitted as aforesaid and not satisfactory to the said Commissioners, the said Commissioners shall, and they are hereby required so to do, within Twenty-one Days after the Receipt thereof, to forward the same, together with the Opinion and Report of their Engineer, to the said *John Rennie*, or to such other Person as shall be nominated as aforesaid, for his Opinion, Determination, and Award thereon, in Writing, which said Opinion, Determination, and Award,

Notice to be given of Intention to build Wharfs.

If Engineer of the Commissioners reports against the Work, Person to deliver a Report of his Engineer, and both to be referred to Mr. Rennie.

Award, when delivered to the said Commissioners, together with all Directions contained therein respecting such intended Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, shall be final to all Intents and Purposes whatsoever; and in every such Opinion, Determination, and Award, shall be specified the Situation and Manner in which the Excavations herein-after mentioned shall be made, if any Excavation shall be necessary to be made: Provided always nevertheless, that it shall be lawful for the said *John Rennie*, or the said other Person, before making his Determination and Award, or giving his Opinion thereon, to examine such Evidence and make such Inquiries on the Subject as to him shall seem expedient or proper in that Behalf: Provided always, that if the said *John Rennie*, or such other Person as aforesaid, shall be of Opinion that no such Excavations are necessary, then it shall be lawful for the said *John Rennie*, or such other Person as aforesaid, to order and direct that none shall be made.

Persons refusing to deliver an Opinion in favour of the Work, to lose the Benefit of Notice; if such Opinion delivered, the Work to be suspended, till Mr. Rennie's Opinion obtained.

IX. And be it further enacted, That if the said Person or Persons, Body or Bodies Politic or Corporate, being so desirous of constructing, erecting, and building such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, shall refuse or neglect to transmit such Opinion and Report of such competent Engineer as aforesaid, within Forty Days after being so required by the Commissioners as aforesaid, then and in every such Case, such Person or Persons, Body or Bodies Politic or Corporate, shall lose all Benefit and Advantage from having given such Notice as aforesaid, and it shall in nowise be lawful for the said Person or Persons, Body or Bodies Politic or Corporate, to erect, construct, or build such Work, Dock, Basin, Quay, Wharf, Staith, Jetty or other Erection, Embankment, or Inclosure, between the said Quay Line and the said Meer Stones as aforesaid; and in case any Person or Persons, Body or Bodies Politic or Corporate, shall give such Notice as is by this Act required, and deliver such Plan as aforesaid to the said Engineer of the said Commissioners, and transmit, if required, such Opinion and Report as aforesaid, the Erection, building, or constructing of such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, shall be suspended until the Decision of the said Commissioners, or of the said *John Rennie*, or such other Person, if the same shall be referred to him, shall be made and delivered.

Costs of Reports and Reference.

X. And be it further enacted, That in all Cases in which the Opinions and Reports of the said Engineers shall be so required as aforesaid, the fair and reasonable Expences of the said Engineers shall be borne and paid by each of the said Parties respectively, the said Commissioners paying the Expences of their said Engineer, and the said Person or Persons, Body or Bodies Politic or Corporate paying the Expences of their Engineer; and in all Cases where such Opinions and Reports shall be referred to the said *John Rennie*, or such other Person as aforesaid, that in every such Case the Expences of referring the same to the said *John Rennie*, or such other Person as aforesaid, shall be borne and paid in equal Moieties by the said Commissioners, and the Person or Persons, Body or Bodies Politic or Corporate having given such Notice as aforesaid.

Excavations to be made.

XI. And be it further enacted, That in all Cases when any Person or Persons, Body or Bodies Politic or Corporate, shall, pursuant to the Directions

tions in this Act contained, make, erect, or build any Work, Dock, Basin, Wharf, Quay, Staith, Jetty, or other Erection, Embankment, or Inclosure, in and upon any of the Shores, Flat Lands, or Salt Marshes adjoining the said River, Creeks, or Inlets of Water, over which the Tide was accustomed to flow at the Time of the passing of the said recited Act, a Space according to the said Specification or Plan, in such Situation, and of such Dimensions and in such Manner as shall have been so prescribed by the said *John Rennie*, or such Person as aforesaid, or as the said *John Rennie*, or such other Person as aforesaid, shall on Reference to him as aforesaid direct and appoint, unless the said *John Rennie* or such other Person shall think the same unnecessary, shall be provided by the said Person or Persons, Body or Bodies Politic or Corporate, and excavated by him or them, between High and Low Water Mark of the said River, or in such other Part of the said River or adjoining thereto, as the said *John Rennie* or such other Person as aforesaid may point out; such Space to be so excavated as aforesaid to be pointed out and described in the Notice so to be delivered to the said Commissioners as aforesaid, as a Receptacle for so much Tide Water as shall be obstructed by such Building or Erection as aforesaid, so that the scouring Effects of the said Tide Water in the said Harbour of *Sunderland*, and River *Wear*, shall not thereby be diminished nor its Effects lessened; in scouring and preserving the Depth of the said River, Port, and Haven; and that the said Space shall at all Times be kept and continued clear and excavated, by the Person or Persons, Body or Bodies Politic or Corporate, who shall be in Possession and Occupation of such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, in respect of which such Excavation shall have been so made as aforesaid; and in all Cases in which any Space so excavated as aforesaid, shall be reported by the Engineer of the said Commissioners, not to be kept clear and excavated as aforesaid, it shall be lawful for the said Commissioners to give Notice to the Person or Persons, Body or Bodies Politic or Corporate, in Possession and Occupation of such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, in respect of which such Excavation shall have been so made as aforesaid, to clear out and renew such Excavation; and in default thereof by him or them, within One Calendar Month after such Notice, to cause the same to be cleared out and renewed as aforesaid; and the Costs, Charges and Expences of the cleansing and renewing such Excavation, shall be recovered by the said Commissioners from the Occupier or Occupiers of the said Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure as aforesaid, by Action in any of His Majesty's Courts of Law at *Westminster*, by or in the Name of the Chairman or Clerk of the said Commissioners, against the Person or Persons so omitting or refusing as aforesaid.

XII. And be it further enacted, That no Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, between the said Quay Line and the said Meer Stones as aforesaid, in and upon any of the Shores, Flat Lands, or Salt Marshes, adjoining the said River, Creeks, or Inlets of Water, over which the Tide was accustomed to flow at the Time of the passing of the said recited Act, shall be erected, built, constructed, or made contrary to the said Specification or Plan so to be made and deposited as aforesaid; and all Works, Docks, Basins,

No Wharfs to be erected contrary to the Specification, and Wharfs erected since 49 G. 3. to be removed, except Engi-

[Local.]

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Basins,

neer thinks
they may be
continued.

Basins, Quays, Wharfs, Staiths, Jetties or other Erections, Embankments, or Inclosures, erected, built, constructed, or made since the passing of the said recited Act, or begun to be erected, constructed or made, in and upon the said River, Creeks, and Inlets of Water, or the Flat Lands or Salt Marshes adjoining the same, where the Tide was accustomed to flow at the Time of the passing of the said recited Act, shall, within Twenty-eight Days after Notice in Writing delivered by the Engineer of the said Commissioners, or affixed on such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, be pulled down, taken up, and removed, by and at the Expence of such Person or Persons, Body or Bodies Politic or Corporate, as shall have erected the same: Provided nevertheless, that if upon such Survey as aforesaid, the said *John Rennie*, or such Person as aforesaid, making such Survey, shall be of Opinion that any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, made or erected, or begun to be made or erected, since the passing of the said recited Act, in, upon, over, or across any of the Flat or Marsh Lands, Shoals, or other Places, where the ordinary Spring Tides have been accustomed to flow, have been built between the said Quay Line and the said Meer Stones, and are not contrary to the general Plan intended to be laid down as aforesaid, and that the same are not injurious to the Navigation of the said River or to the said Port and Haven, then and in such Case it shall and may be lawful for such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, to remain and continue, subject nevertheless to such Provisions, Conditions, and Restrictions, in all respects, as are in this Act contained and provided, with relation to any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, hereafter to be made.

If when found
prejudicial,
Reference to
the Engineer
nominated
by the Ad-
miralty.

XIII. And be it further enacted, That if at any Time after any such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, or Embankment or Inclosure as aforesaid, shall have been erected or constructed as aforesaid, it shall be found that the same is in any Way prejudicial or injurious to the free Navigation of the said River, or to the said Port or Haven, and the same shall be reported to the said Commissioners by their Engineer, to be injurious to the said free Navigation of the said River, or to the said Port or Haven, the said Commissioners shall in such Case, forward and convey the said Report to the said *John Rennie*, or such Person as shall be nominated by the said Board of Admiralty, for his Opinion and Decision thereon, giving One Calendar Month's previous Notice thereof to the Person or Persons, Body or Bodies Politic or Corporate, to whom such Work, Dock, Basin, Wharf, Quay, Staith, Jetty or other Erection, Embankment or Inclosure may belong, or to the Occupier or Occupiers of the same; and if after having sufficiently examined into the State and Condition of the said River, Port, and Haven, and the Nature, Position, and Construction of the said Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, the said *John Rennie*, or such other Person as aforesaid, shall be of Opinion that the same is in any Way prejudicial or injurious to the free Navigation of the said River, or to the said Port or Haven, and shall report the same to the said Commissioners, that then it shall and may be lawful for the said Commissioners, giving Two Months previous Notice of their Intention so to do, to the Occupier or Occupiers of such Work, Dock, Basin, Quay, Wharf, Staith, Jetty,

Jetty, or other Erection, Embankment, or Inclosure, at the proper Costs and Charges of the said Commissioners, to remove, abate, or alter such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, in such Manner as shall be pointed out and directed by the said *John Rennie*, or such Person as aforesaid, in such a Way as shall prevent its continuing to be injurious or prejudicial to the free Navigation of the said River, or to the said Port or Haven.

XIV. And be it further enacted, That in all Cases when any Person or Persons, Body or Bodies Politic or Corporate, who according to the Direction of this Act shall be required to remove, alter or amend any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, in or near to the said River erected or constructed, or to do any Act or Thing at his, her, or their own Costs and Expence, shall after One Month's Notice thereof make Default therein, it shall and may be lawful for the Commissioners aforesaid, to cause the same to be removed, altered, or amended, and to do such Act or Thing on his, her, or their Behalf; and such Person or Persons, Body or Bodies Politic or Corporate, so omitting or refusing to remove, alter, or amend any such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, or Inclosure, or to do such Act or Thing, shall pay the Costs and Charges which shall be incurred or sustained by the said Commissioners, in the removing or amending the same, or in doing such Act or Thing on his, her, or their Behalf, to be recovered by Action in any of His Majesty's Courts at *Westminster*, by and in the Name of the Chairman or Clerk of the said Commissioners, against the Person so omitting or refusing as aforesaid.

Persons making Default in removing Obstructions to pay Expences of removing the same.

XV. And be it further enacted, That the Expence of making the said Survey; and of the said Map or Chart, and the said Plan and Specification, shall be paid and borne by the said Commissioners, and the several Persons and Bodies Politic and Corporate, Owners of Land on the Banks of the said River, Creeks, and Inlets of Water, who shall be interested in promoting or who may derive Benefit from the Erection of any Works, Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, Embankments, or Inclosures, in the following Proportions; that is to say, the said Commissioners shall pay and bear Two-thirds of the Expence of making the said Survey, and the said Map or Chart, and the said Plan and Specification, and the said other Persons shall bear and pay the remaining One-third Part, the said One-third Part to be raised and levied by a fair and equal Rate to be made and assessed on the several Persons, Bodies Politic or Corporate, Owners of Land on the Banks of the said River, as high up the same as the said Place called *Biddick Ford*, and the said Creeks and Inlets of Water therein, in such Proportions as each of such Person or Persons, Body or Bodies Politic or Corporate, may or shall derive Benefit from the said Survey, and from the said Plan or Specification, so to be made and deposited as aforesaid; which said Rate shall be made and assessed by such Person or Persons as shall be appointed for that Purpose, by such Land Owners as aforesaid, at a Public Meeting of such Land Owners, or any Three or more of them; such Meeting to be convened by the Clerk of the said Commissioners for that Purpose by Public Advertisement, in some Paper published or in general Circulation in the County of *Durham*, and to be held at some House in the Town of *Sunderland*, within

How Expences of making Survey, &c. to be borne.

One

One Month next after such Map or Chart and such Specification or Plan shall have been deposited with the Engineer of the said Commissioners, the said Clerk giving Fourteen Days previous Notice thereof by such Advertisement as aforesaid; and the Rate or Assessment so made by such Person so appointed as aforesaid shall be final to all Intents and Purposes, and shall when completed be deposited with the Clerk to the said Commissioners, and be by him collected from the several Persons rated and assessed therein according to the said Rate.

Commissioners to pay in Advances, if Land Owners refuse.

XVI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, on whom any Portion of such Rate shall be assessed, shall neglect or refuse to pay the same, then and in every such Case the Sum or Sums so assessed on him or them shall be paid by the said Commissioners: Provided always, that in any Case in which the said Commissioners shall make such Payment as aforesaid, no Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection whatsoever, and no Embankment or Inclosure whatsoever, shall be made, constructed, or built by such Person or Persons, or in or upon the Land of such Person or Persons, Body or Bodies Politic or Corporate, or in or upon the Flat Lands and Marshes adjoining the same in respect of which such Assessment shall have been so made as aforesaid, or in or upon any Part thereof, until the Person or Persons, Body or Bodies Politic or Corporate, desirous of making, constructing, erecting, and building the same, shall first pay to the said Commissioners the full Sum of Money so paid by the said Commissioners in respect of such Rate as aforesaid; and if any Person or Persons, Body or Bodies Politic or Corporate, shall make, construct, erect, or build, or begin to make, construct, erect, or build, any such Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment or Inclosure, before he or they shall have repaid such full Sum of Money so paid by the said Commissioners in respect of such Rate as aforesaid, it shall and may be lawful for the Engineer to the said Commissioners to take such Steps to abate and remove the same, and to exercise the same Powers as he is hereby authorized to take and exercise for abating and removing any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment or Inclosure, built, constructed, or erected contrary to the Provisions of this or the said recited Act.

Commissioners to cleanse the Bed of the Navigation.

XVII. And be it further enacted, That from and immediately after the said Line and Boundary of the said River, Port, and Haven, and to be called the Quay Line, shall be delineated, marked out, and described as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required from Time to Time, to cleanse and deepen the Bed of the said River, Port, and Haven, between the Iron Bridge and the said Place called *South Biddick* or *Biddick Ford*, when and as often as the same shall be judged necessary by the said Commissioners, or shall be directed by the Engineer employed by the Admiralty, in order that a regular Depth of Water may be obtained and preserved in the Bed of the said River, from the said Iron Bridge to *South Biddick* or *Biddick Ford* aforesaid.

Owners of Keels, &c. may by Permission carry

XVIII. Provided always, That nothing in this Act contained shall extend to prevent the Owner or Shipper of any Keel, Barge, Lighter, or other Vessel, employed in carrying Coals on the said River, from suffering any

any Quantities of Ballast to be carried therein, for the Use of Manufac-
 tories within the Limits of the said River, Port, and Haven, or for the
 Purposes of Agriculture, or the repairing of Roads or Highways within
 the said County of *Durham*, such Owner or Skipper of such Keel, Barge,
 Lighter, or Vessel, having previously obtained Permission under the Hand
 of the Chairman of the said Commissioners for the Time being to employ
 such Keel, Barge, Lighter or other Vessel, for any such Purpose as last
 aforesaid, which Permission the said Chairman is hereby authorized and
 empowered from Time to Time to grant.

Ballast for
 certain Pur-
 poses.

XIX. And be it further enacted, That if any Person or Persons whom-
 soever, shall at any Time or Times obstruct, hinder, or molest the En-
 gineer, Haven Master or Haven Masters, Workman or Workmen, La-
 bourer or Labourers, or other Person or Persons whomsoever, who is or
 shall be employed or acting in Performance or Execution of their Duty,
 under the said recited Act or this Act, or in the Works to be done and
 carried on in pursuance thereof, or in any other Matter relating thereto
 (other than as is in the said recited Act provided for, and with respect to
 the Appointment, Regulation, Direction, and well conducting of Ships
 and Vessels into, out of, or whilst within, the said River, and the Keels,
 Boats and other Vessels therein) every such Person so offending shall forfeit,
 in lieu of the Penalties imposed by the said recited Act, any Sum not
 exceeding Twenty Pounds, and for the Second Offence any Sum not
 exceeding Thirty Pounds, and for the Third and every other Offence any
 Sum not exceeding Fifty Pounds.

Penalty on
 obstructing
 the Works.

XX. Provided always, and it is hereby enacted, That if any one of the
 said Commissioners shall be interested in any Question to arise and be
 taken into Consideration at any Meeting of the said Commissioners, or of
 the Committee of Survey, such Commissioner shall not, nor shall his
 Partner or Partners, nor any Commissioner acting as Counsel, Attorney,
 or Solicitor for any Person so interested, sit, vote, or otherwise act as a
 Commissioner in any such Case.

Commission-
 ers not to act
 where in-
 terested.

XXI. Provided always, and be it further enacted, That it shall not be
 lawful for the said Commissioners to continue or appoint the Person who
 has been, or may be appointed to act as their Clerk, in the Execution of
 this Act or the said recited Act, or the Partner of any such Clerk, the
 Treasurer for the Purposes of the same Act and this Act; or to continue
 or appoint the Person who has been or may be appointed Treasurer, or
 the Partner of any such Treasurer, the Clerk to the said Commissioners
 for executing the said recited Act and this Act; and if any Person shall
 act in both the Capacities of Clerk and Treasurer for the Purposes of the
 said recited Act and this Act, or if any Person, being the Partner of any
 such Clerk shall act as Treasurer, or being the Partner of any such Treas-
 urer shall act as Clerk in the Execution of the said recited Act and this
 Act, every Person so offending 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 in any of His Majesty's Courts of Record at
Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or In-
 formation, wherein no Essoign, Protection, or Wager of Law, or more
 than One Imparlance shall be allowed.

Clerk re-
 strained from
 acting as
 Treasurer,
 and vice versa.

Fines incurred under this Act, to be levied as by former Act.

XXII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act inflicted, or authorized to be imposed or levied (the Manner of levying and recovering whereof is not otherwise hereby particularly directed) shall be levied and recovered in the same Manner and by the same Ways and Means as are by the said recited Act prescribed for the levying and recovering of the Fines, Penalties, and Forfeitures thereby inflicted or authorized to be imposed or levied.

Limitation of Actions.

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

Powers of former Act extended to this Act.

XXIV. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things, in the said recited Act contained, in relation to the more effectual Preservation and further Improvement of the said River *Wear*, and Port and Haven of *Sunderland*, and the Care, Controul, Management, and Protection thereof, and all other Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things in the same Act contained, shall extend and be construed to extend to the Works authorized to be made under the Authority of this Act, and to all Persons, Matters, and Things, in relation to this Act (except so far as any such Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things are by this Act altered, varied, or repealed), and may be used, exercised, enforced, and applied, for and in the Care, Controul, Management, Regulation, and Protection of the said River, Port, and Haven, and the Works authorized to be completed, improved, made, or erected under the Authority of this Act, and as to all other Matters, Things, and Persons, in relation to this Act, as fully and effectually to all Intents and Purposes as if the said Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were severally and respectively repeated and re-enacted in this Act, and made Part thereof; and the said recited Act and this Act shall be construed together as one Act to all Intents and Purposes whatever; any thing in the said recited Act to the contrary thereof notwithstanding.

For paying the Expences of the Act.

XXV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Commissioners, or any Five or more of them, out of the first Money which shall arise by virtue of the said recited Act

Act and of this Act, together with lawful Interest for the same, from the Time of advancing or disbursing the same.

XXVI. 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. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1819.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY