



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## Cap. xlix.

An Act for the Improvement and Preservation  
of the River *Wear*, and Port and Haven of  
*Sunderland*, in the County Palatine of *Durham*.  
[29th May 1830.]

**W**HEREAS by an Act passed in the Forty-ninth Year of  
the Reign of His late Majesty King George the Third,  
intituled *An Act for repealing an Act passed in the Twenty-* 49 G. 3. c. 41.  
*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 Improve-*  
*ment of the same River, Port, and Haven:* and by an Act passed in  
the Fifty-ninth Year of the Reign of His said late Majesty, intituled  
*An Act to explain and amend an Act of the Forty-ninth Year of His* 59 G. 3. c. 106.  
*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,* certain Persons were nominated and appointed  
Commissioners for effecting the Improvements and for carrying into  
execution the several other Objects in such Acts mentioned: And  
whereas under the Powers of the said Acts the said River, Port,  
and Haven have been much improved, and large Sums of Money  
have been expended in the Improvement thereof, and the Commerce  
carried on at the said Port hath of late Years greatly increased, and

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it is expedient that more effectual Provision should be made for the Preservation and Maintenance of the said River, Port, and Haven: And whereas it is also expedient that some of the Powers of the said Acts should be amended or enlarged, and some additional Powers be granted, and that the Jurisdiction of the said Commissioners should be more clearly defined: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Acts herein-before recited were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in one Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, assembled in this present Parliament, and by the Authority of the same, That from and after the Second *Wednesday* in the Month of *August* which shall immediately succeed the passing of this Act the said recited Acts shall be and the same are hereby declared to be repealed.

Recited Acts  
repealed.

Rates and  
Monies due  
under former  
Acts may be  
recovered by  
Commissioners  
for executing  
this  
Act.

II. Provided nevertheless, and be it further enacted, That all Rates and Duties granted, and all Fines and Penalties incurred, and all Contracts entered into by, under, or by virtue of the said former Acts hereby repealed, or either of them, and all other Monies due to the Commissioners acting in the Execution of the said former Acts, or either of them, and which shall respectively remain uncollected or unpaid, or be in existence and unperformed at the Time of the passing of this Act, shall and may be collected, recovered, and enforced by the Commissioners for executing this Act, (to be appointed as herein-after mentioned,) in the same Manner and by the same Ways and Means as if such Rates, Duties, and other Monies had become payable, and as if such Fines and Penalties had been incurred, and as if such Contracts had been entered into by, under, or by virtue of this Act; and all Treasurers, Officers, and other Persons who at the Time of the passing of this Act shall have in their Possession any Money, Documents, or Effects belonging to the Commissioners appointed for executing the said former Acts, or either of them, shall be liable to account for and deliver up all such Money, Documents, and Effects to the Commissioners for executing this Act, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Treasurers, Officers, or Persons had been appointed by the Commissioners for executing this Act; and all other Persons who at the Time of the passing of this Act shall owe, or who shall hereafter owe, any Money to the Commissioners appointed for executing the said former Acts or either of them, for or in respect of any Matter or Thing affecting or relating to either of such Acts, shall be liable to the Payment of such Money to the Commissioners for executing this Act, and in case of Refusal or Neglect to pay the same shall be subject to the Provisions of this Act for the Recovery thereof as if such Money had become due under this Act.

Conveyances,  
&c. under  
former Acts  
declared valid.

III. And be it further enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and other Securities made or granted to or by any Person or Persons, or to or by any Body or Bodies

Bodies Politic, Corporate, or Collegiate, acting by virtue or under the Authority of the said former Acts hereby repealed, or either of them, shall remain in full Force, and be as valid and effectual to all Intents and Purposes whatsoever, as if such Acts had not been repealed.

IV. Provided also, and be it further enacted, That this Act, and the Rates and Duties hereby granted, shall be and the same are hereby made liable to the Payment of all Monies which at the Time of the passing of this Act are or shall be due and owing on the Credit of the said former Acts hereby repealed, or either of them, and of Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had become due on the Credit of this Act.

This Act made liable to Debts created under former Acts.

V. Provided also, and be it further enacted, That all Books kept for registering Mortgages, or Transfers thereof, and all Entries therein, and all Books containing the Accounts and Proceedings of the Commissioners acting in the Execution of the said former Acts, kept according to the Directions or Provisions of such Acts, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Books under former Acts to be Evidence.

VI. And be it further enacted, That the Limits of this Act, and the Powers for carrying the same into execution, shall extend to and over and shall comprise the Navigation of the said River *Wear*, so far as the Place called *South Biddick* or *Biddick Ford*, and also the Port and Haven of *Sunderland*, as the same extends from the Promontory or Point called *Souter Point*, about Two Miles from *Sunderland Bar* towards the North-east, and so into the Sea to Five Fathoms at Low Water, and from thence in a supposed direct Line till it falls opposite to a certain Place called *Ryhope Dean*, about Two Miles towards the South.

Limits of Act defined.

VII. And be it further enacted, That the Collector of the Customs for the Port of *Sunderland* for the Time being, together with *Bryan Abbs*, *Henry Askew*, *Edward Aiskell*, *John Allan*, *Arthur Aylmer*, *William Allen*, *William Adamson*, *Thomas Bowes*, the Reverend *Ralph Henry Brandling*, *Charles John Brandling*, *Rowland Burdon*, *Rowland Burdon* the younger, *Matthew Bell*, *William Beckwith*, *William Beckwith* the younger, *George Baker*, *Thomas Brunton*, *Thomas Burn*, *William Byers*, the Reverend *John Brewster*, *John Buddle*, *Calverley Bewicke Bewicke*, *William Bell*, *Edward Backhouse*, *William Beckwith* of *Bishop Wearmouth*, *Christopher Bramwell*, *James Bell*, *Russell Boulby*, *Thomas Boulby*, *Thomas Crawford*, *Thomas Cookson*, *John Coull Carr*, *John Carr*, *Isaac Cookson*, *John Cookson*, *Thomas Clerke* Doctor of Medicine, *Ralph Carr* of *Cocken*, *John Cooke*, the Honourable *Henry Vane* commonly called the Earl of *Darlington*, *Morton John Davison*, *John Davison*, *Thomas Davison* of *Sedgefield*, the Reverend *Nicholas William Darnell*, *Edward Dale*, *Sir Robert Johnson Eden* Baronet, *Cuthbert Ellison*, the Reverend *William Ettrick*, *Stevenson Eden* Doctor of Medicine, *Ralph Eden* Doctor of Medicine, *Addison Fenwick*, *Robert Fenwick*, *William Featherstonhaugh*, *Nicholas Fairless*,

Commissioners appointed.

*Fairless, John Fawcett, Thomas Fenwick, Thomas Fenwick of Dipton, John Goodchild, John Gregson, William Grey, the Reverend Robert Green, John Douce Garthwaite, the Reverend Robert Gray, Thomas Robinson Grey, Thomas Hopper of Silksworth, Thomas Hopper of Durham, Thomas William Hill, William Harland, the Reverend Henry Hilyard, William Hill, William Horne, Nathan Horne, Robert Horne, Thomas Horne, John Hunter, Sir Henry Hardinge, John Hubbard, Frederick Horne, George Hunter, George Hill, Hylton Jolliffe, James Jackson, William Henry Lambton, Ralph John Lambton, Hedworth Lambton, the Honourable Charles William Lambton, the Honourable George Frederick D'Arcy Lambton, Charles Lyon, Ralph Lambert, James Losh, the Honourable Henry Thomas Liddell, Warren Maude Lamb, Philip Laing, William Loraine, Arthur Mowbray, Jacob Maude, Warren Maude, Richard Markham, Francis Mascall, Thomas James Maling, Charles Millner, John Martindale, Henry Morton, Thomas Morris, Robert William Mills, John Douthwaite Nesham, John Nesham, John Ness, James Nelson, Robert Oliver, Bernard Ogden, the Honourable William John Frederick Vane Powlett commonly called Lord William Powlett, William Potts, Stephen Pemberton Bachelor of Medicine, Richard Pemberton, John Pemberton, George Pemberton, William Peters, Thomas Pemberton, Sir Matthew White Ridley Baronet, William Robinson, Thomas Rudd, Robert Reay, Shakespear Reed, William Russell, Thomas Richardson, Thomas Richardson the younger, William Redhead, the Honourable George Henry Robert Charles Vane commonly called Viscount Seaham, John Smith of Beamish, Joseph Spence, Abraham Story, Robert Eden Duncombe Shafto, Thomas Shafto, John Stafford, Edward Shipperdson, Charles Simpson, John Scott, Sir Cuthbert Sharp, William Stobart, Robert Scurfield, Henry Stobart, the Reverend William Smoult Temple, the Reverend Edward South Thurlow, Christopher Thornhill Thornhill, Michael Angelo Taylor, Thomas Thompson, Henry Tanner, Charles Tennyson, Benjamin Thompson, the Honourable Adolphus Frederick Charles Vane commonly called Lord Adolphus Vane, the Honourable Harry George Vane commonly called Lord Harry Vane, Andrew White, Sir Hedworth Williamson Baronet, William Hamilton Williamson, Thomas Wade, Thomas Wake, Rowland Webster, Thomas Wilkinson of Durham, Robert Hopper Williamson, the Reverend Robert Hopper Williamson, Anthony Wilkinson, John White, William Wetenhall, William Webster, George Wylam, Thomas Wilkinson of Bishop Wearmouth, the Honourable and Reverend Gerald Valerian Wellesley, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution; and no Person shall be capable of being elected a Commissioner for the Purposes of this Act (except the Person hereby constituted a Commissioner by virtue of his Office), unless he shall, either in his own Right or in the Right of his Wife, be in the actual Possession of or in the Receipt or Enjoyment of the Rents and Profits of Freehold, or of Copyhold or Customary Lands, Tenements, or Hereditaments, held for a Life or Lives, or in which he is entitled to some Estate of Inheritance of the clear yearly Value of Two hundred Pounds above Reprizes, or be possessed of Personal Estate of the Value of Six thousand Pounds.*

Qualification  
of Commis-  
sioners.

VIII. Pro-

VIII. Provided always, and be it further enacted, That no Person hereby constituted a Commissioner by virtue of his Office 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, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say),

Commissioners by virtue of Office to take the following Oath.

‘ I *A. B.* do swear, [*or being a Quaker, do solemnly affirm,*] That I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

So help me GOD.’

[*Or being a Quaker, omit the Words ‘ So help me God.’*]

And no Person (except the Person hereby constituted a Commissioner by virtue of his Office) 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, at some Meeting to be held by virtue of this Act, have taken or made and subscribed an Oath or Affirmation in the Form or to the Effect following; and all which respective Oaths or Affirmations such Commissioners are hereby respectively empowered to administer; that is to say,

Commissioners by virtue of Property to take the following Oath.

‘ I *A. B.* do swear, [*or being a Quaker, do solemnly affirm,*] That I am *bond fide* in my own Right [*or in the Right of my Wife, as the Case may be,*] in the actual Possession of [*or in the Receipt and Enjoyment of*] the Rents and Profits of Freehold [*or Copyhold or Customary*] Lands, Tenements, or Hereditaments for a Life or Lives, [*or in which I am, or one of us is, entitled to some Estate of Inheritance,*] of the clear yearly Value of Two hundred Pounds above Reprizes [*or am possessed of Personal Estate to the Value of Six thousand Pounds*]; and I do swear that I will faithfully and impartially, according to the best of my Judgment, execute and perform the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*].

So help me GOD.’

[*Or being a Quaker, omit the Words ‘ So help me God.’*]

Provided always, that the said respective Oaths or Affirmations shall be so taken and subscribed by the said respective Commissioners once at least in every Year; and if any of the said Commissioners shall absent himself from the Meeting of the said Commissioners for the Space of One Year, the said Oath or Affirmation shall be taken and subscribed by such Commissioner at the first Meeting of the said Commissioners at which he shall attend after the Expiration of One Year: Provided also, that no Person (except the Person hereby constituted a Commissioner by virtue of his Office) shall be capable of acting as a Commissioner in the Execution of this Act who shall be a Licensed Victualler, nor during the Time that he shall hold or enjoy any Office of Profit under this Act, or shall be concerned in or derive

Oaths to be taken yearly.

any Profit from any Contract under this Act for Work, or for the Supply of any Materials for the Purposes of this Act, excepting Stone the Produce of any Quarry belonging to such Person or in his Occupation; provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice in any Case within his Jurisdiction in the Execution of this Act by reason only of being one of the Commissioners for executing this Act.

Penalty on Commissioners acting, not being qualified.

IX. And be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes aforesaid, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and every Person so sued shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person so acting as a Commissioner, and not being qualified as aforesaid, previous to his being convicted of the said Offence, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Election of Commissioners on Vacancies.

X. And be it further enacted, That when and so often as any of the Commissioners herein named, or hereafter to be appointed under or by virtue of this Act, shall die, resign, or refuse to act, or by Bankruptcy, Insolvency, or otherwise become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or continuing Commissioners, from Time to Time, at any Meeting to be held in pursuance of this Act, within Twelve Calendar Months next after the Decease of any of the said Commissioners, or on Notice of such Incapacity or Refusal, to elect and appoint some Person to be a Commissioner in the Room of every Commissioner so dying, resigning, or refusing to act, or becoming incapable of acting as aforesaid; and every Person who shall be so elected and appointed a Commissioner, being duly qualified, shall and may act with the surviving and continuing Commissioners in the Execution of this Act, in the same Manner as if he had been originally named a Commissioner in this Act.

Regulating Meetings of Commissioners.

XI. And be it further enacted, That the said Commissioners shall meet together at the Engineer's House in *Sunderland*, or at some other convenient Place within the Parish of *Sunderland* or the Parish of *Bishop Wearmouth*, on the Third *Wednesday* in *August* which shall immediately succeed the passing of this Act, between the Hours of Twelve of the Clock at Noon and One of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act; and in case no Commissioner, or less than Five Commissioners, shall

attend at such Meeting, then such Meeting shall be deemed to be adjourned to the *Wednesday* in the following Week, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall and may at such Meeting, and at their several Meetings, from Time to Time adjourn themselves, and afterwards meet at the same Place, or at any other Place within the Town or Parish of *Sunderland*, or within the Parish of *Bishop Wearmouth*, which the said Commissioners shall from Time to Time appoint, provided that no Adjournment shall be made for a longer Space of Time than Three Calendar Months; and if at any Meeting there shall not appear a sufficient Number of Commissioners to act or adjourn, or appearing shall not adjourn such Meeting, the Chairman or Clerk to the said Commissioners shall and may from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Three Weeks then next following, to be held at the same Place; and the said Chairman or Clerk shall cause Notice of such Adjournment to be given at least Three Days previous to the Day to which such Meeting shall be adjourned: Provided always, that a Meeting of the said Commissioners shall be held on the first *Wednesday* in *January* and on the first *Wednesday* in *July*, in each Year; provided also, that the said Commissioners shall at all their several Meetings defray and bear all their own Expences.

XII. And be it further enacted, That all Orders and Proceedings of the Commissioners in the Execution of this Act shall be made or taken at Meetings to be held in pursuance hereof, and not otherwise, except in Cases hereby otherwise particularly provided for, and no Order or Proceeding shall be made or taken unless the Majority of the Commissioners present at the respective Meetings shall concur therein; and all Orders and Proceedings which are hereby directed to be made or taken by or before the said Commissioners, and all the Powers and Authorities hereby vested in them generally, shall and may be made and taken by the Majority of the Commissioners who shall be present at such respective Meetings, the whole Number of Commissioners present at every such Meeting not being less than Eleven for the Purpose of appointing or of displacing Officers, and not being less than Five in any other Case, except in Cases where any other Number is by this Act named for any particular Purpose; and all Orders and Proceedings made or taken by or before such Eleven or Five Commissioners (or other Number as herein mentioned, as the Case may require,) shall have the same Force and Effect, and be as binding on all Persons, and to all Intents and Purposes, as if the same had been made or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners the Chairman of such Meeting, in case of an equal Number of Votes, including such Chairman's Vote, shall have the casting or decisive Vote; and no Order or Proceeding at any Meeting of the said Commissioners, once made or taken, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to the Directions of this Act, and shall have been entered in the Books of the Proceedings of the said Commissioners,  
and

All Orders of Commissioners to be made at Meetings.

and unless public Notice thereof, signed by Eleven or more Commissioners shall have also been given Three Weeks at least before such Meeting, nor unless such Revocation or Alteration shall be resolved by a greater Number of Commissioners than were present when such Order or Proceeding was made or taken.

Commissioner not to sit or vote in his own Case.

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

For Appointment of Chairman of Commissioners.

XIV. And be it further enacted, That the Commissioners present at the First Meeting of the Commissioners which shall be held next after the passing of this Act, and at every half-yearly Meeting of the said Commissioners which shall be subsequently held under the Authority of this Act, shall choose out of the Commissioners a Chairman of the said Commissioners, who shall be and continue to act as Chairman of the said Commissioners until the half-yearly Meeting of the said Commissioners which shall first happen after every such Election, when such Chairman shall go out of Office, and his Place be supplied by the Commissioners present at such Meeting: Provided always, that any Chairman so going out of Office on such half-yearly Day of Election shall be capable of being immediately or at any and every future Election re-elected: Provided also, that when and so often as the Chairman to be chosen by virtue of this Act shall be so removed as aforesaid, or shall die, or resign, or become disqualified to act, or otherwise cease to be a Commissioner, it shall be lawful for the said Commissioners in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Commissioners to be Chairman: Provided always, that if at any Meeting of the said Commissioners the said Chairman shall not be present for the Space of Fifteen Minutes from the Time appointed for such Meeting, or being present shall decline to take the Chair of such Meeting, it shall be lawful for the said Commissioners to elect among themselves a Chairman to preside at such Meeting.

Meetings on Emergencies.

XV. And be it further enacted, That if after the Adjournment of any Meeting of the said Commissioners it shall on any Emergency be thought necessary that a Meeting should be held on an earlier Day than the Day to which such Meeting may stand adjourned, it shall be lawful for the Chairman and any Two of the acting Commissioners to appoint such earlier Meeting by Notice, mentioning the Time, Place, and Object of such Meeting, such Time not being less than Twenty-four Hours after the Day of giving Notice of such earlier Meeting; and all Orders and Proceedings of the Commissioners at such earlier Meeting relating to the particular Object on which such Meeting shall be called shall and may be acted upon until the Day of Adjournment, and then be entered in the Proceedings of that Day, if approved of.

XVI. And



XVI. And be it further enacted, That regular Entries shall be made, in a proper Book or Books to be provided for that Purpose, of the Names of the Commissioners who shall attend the respective Meetings of the said Commissioners, and of all their Orders and Proceedings, and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act; and every such Book shall at all seasonable Times be open to the Inspection of the said Commissioners; and if the Clerk or Person having the Custody thereof shall not permit the said Commissioners to peruse and inspect such Book or Books, such Clerk or Person shall forfeit and pay the Sum of Twenty Shillings for every such Offence.

Proceedings to be entered in a Book.

XVII. And be it further enacted, That it shall be lawful for any Eleven or more of the said Commissioners, from Time to Time, at any of their Meetings, to elect and appoint all such Treasurers, Clerks, Collectors of the Rates and Duties by this Act granted, and also such Engineers, Haven-masters, and Bailiffs, and other Officers and Persons, as they shall think proper for carrying this Act into execution, and also from Time to Time to suspend or displace such Officers and Persons as aforesaid, or any of them, and appoint others in the Room of those suspended or displaced, and out of the Monies to be received under this Act to pay such Salaries or Allowances to the said Officers or other Persons as they shall think reasonable; and the said Commissioners shall and they are hereby required to take sufficient Security from every Treasurer, Collector, or other Receiver of Money to be continued or appointed under this Act, for the faithful Execution of his Office, and may also take such Security from any other Officer as they shall think reasonable, which Securities may be taken in the Name either of the Clerk or Chairman of the said Commissioners.

Power to elect Officers.

XVIII. Provided always, and be it further enacted, That the Clerk and Treasurer (if appointed consistently with the Provisions of this Act in reference to the Offices of Clerk and Treasurer), and every other Officer or Person appointed under or employed in the Execution of the former Acts hereby repealed, shall hold and enjoy their respective Offices and Employments until removed therefrom by the said Commissioners; and every such Officer or Person shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and shall be liable to the same Penalties, Restrictions, and Regulations in every respect, as if he had been appointed under or by virtue of this Act.

Officers appointed under former Acts to be continued in Office, unless removed by Commissioners.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or elect the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of such

Same Person not to act as Clerk and Treasurer.

Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer in the Execution of this Act, or being the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Certain Officers to take an Oath.

XX. And be it further enacted, That every Engineer, Haven-master, and Bailiff continued or appointed under this Act shall, before he shall enter upon his Office, take an Oath or Affirmation to the Effect following; (that is to say,)

‘ I *A. B.* do swear, That I will faithfully and impartially, and according to the best of my Judgment and Power, execute the several Duties imposed upon or vested in me by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act [here set forth the Title of this Act]*.  
‘ So help me GOD.’

And which Oath the Chairman or any of the said Commissioners is hereby empowered and required to administer.

Officers to account.

XXI. And be it further enacted, That every Officer or other Person so continued or appointed by virtue of this Act shall, at such Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, which Accounts shall show the Money received and also the Money expended by such Officer or Person by virtue or for the Purposes of this Act, and the Objects of such Expenditure, together with proper Vouchers for such Payments; and every such Officer and Person shall pay all such Money as shall remain due from him to the Treasurer for the Time being to the said Commissioners, or to such Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or wilfully neglect to render such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or to deliver, within One Calendar Month after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners, or to such other Persons as aforesaid, respecting the same, then and in every such

such Case, upon Complaint made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, such Justice is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before him, and upon such Officer or Person appearing, or having been so summoned, and not appearing, without some reasonable Excuse, or not being found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any Money remains due from such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remain in his Custody or Power, and that he refuses or wilfully neglects to deliver or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice is hereby required to commit such Offender to some Common Gaol or House of Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have paid such Money as aforesaid, or have compounded with the said Commissioners for such Money, and have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) or until he shall have rendered such Accounts, or have produced the Vouchers relating thereto, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Commissioners, or to such other Persons as aforesaid; but no such Offender shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months for Want of Distress only: Provided always, that no Prosecution or Commitment under the Provisions of this Act of any such Officer or Person as aforesaid shall discharge any Surety or Security that may have been taken by or given to the said Commissioners for the faithful Execution of his Office, or for the Payment of any Money received or to be received by him.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been expended; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or of any Mortgagees on the Rates or Duties by this Act authorized, without Fee or Reward; and the said

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

said Commissioners and Mortgagees aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and if the Clerk or Clerks to the Commissioners, or other Person or Persons with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall, on any reasonable Demand, refuse to permit or shall not permit the said Commissioners, or such Mortgagees as aforesaid, or any of them, to inspect the said Books, Accounts, and Papers, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks or other Person or Persons so refusing shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Commissioners may sue and be sued in the Name of their Clerk, or of a Commissioner.

XXIII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Chairman for the Time being, or in the Name of any one of the Commissioners; and all Actions or Proceedings which may be necessary to be brought or instituted for or in respect of any Matter or Thing arising out of this Act, may be brought or instituted in the Name of their Clerk or Chairman, or in the Name of any of the said Commissioners; and no Action or Proceeding which may be so brought or instituted by or against the said Commissioners shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death of such Chairman or Commissioner, or by any Act or Default of such Clerk, Chairman, or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk, Chairman, or Commissioner as aforesaid shall be deemed Plaintiff or Defendant in any such Action or Proceeding, (as the Case may be,) except in case of Actions prosecuted between the said Commissioners and their Clerk for the Time being: Provided always, that in all Cases wherein the Clerk or Chairman for the Time being, or any Commissioner as aforesaid, shall be Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk or Chairman, or of such Commissioner as aforesaid, such Clerk or Chairman, or such Commissioner, may and shall, if not otherwise interested or objectionable, be a good and competent Witness or Witnesses in such Action or Proceeding either for or against the said Commissioners, and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or Chairman or such Commissioner, as the Case may be, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every such Clerk, Chairman, or Commissioner in whose Name any Action or Proceeding shall be instituted or defended as aforesaid shall always be reimbursed, out of the Money to arise by virtue of this Act, all such Damages, Costs, and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall arise in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Order or Direction of the said Commissioners.

XXIV. Pro-

XXIV. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Rates or Duties, or other Money to be received by virtue of this Act, shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for the Chairman, with any Two of the acting Commissioners, to call a Meeting of Emergency to appoint a Person to fill such Situation until the next Day of Adjournment.

For appoint-  
ing tempo-  
rary Officers.

XXV. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Commissioners, and for regulating and conducting Ships and other Vessels into and out of and within the said River, Port, and Haven, and generally for the Controul, Order, Management, and Disposition of all Matters and Affairs connected with the Execution of the Powers by this Act granted, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Commissioners shall seem meet, not exceeding the Sum of Ten Pounds for any Offence, such Fines and Forfeitures to be levied and recovered as other Penalties may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing, and printed and published, shall be hung up and affixed in a conspicuous Part of the Custom House of the said Port of *Sunderland*, and painted on Boards and continued on the Front of the several Wharfs and other Buildings or Places at which any Rates, Duties, and other Sums shall be received under the Authority of this Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and a Copy of such Bye Laws, Rules, and Orders shall be delivered to any Person requiring the same, on Payment of the Sum of Sixpence for the same; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules shall be subject to Appeal in manner herein-after mentioned.

Commission-  
ers may make  
Bye Laws.

XXVI. And be it further enacted, That the Property of the Lands, Houses, Lighthouses, and other Buildings erected by the Commissioners under the said former Acts hereby repealed, or either of them, or to be erected by the Commissioners under this Act, and of the Keels, Boats, Floats, or other Vessels, Machines, Wood, Iron, Instruments, Working Tools, and all other Materials and Things which have been heretofore purchased and provided, or which shall at any Time hereafter be purchased or provided, by the Commissioners acting in the Execution of this Act, shall, except when otherwise regulated

The Property  
of Buildings,  
&c. vested in  
the Commis-  
sioners.

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by any Contract with the said Commissioners, belong to and be the Property of the Commissioners for executing this Act, and the said Commissioners shall and may cause Actions to be brought, and Bills of Indictment or other Proceedings to be preferred or taken, (as the Case may require,) against any Person who shall steal, detain, destroy, or injure any of the Works, Articles, Matters, or Things hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof respectively, in the Name of the Commissioners for the Improvement of the River *Wear* and the Port and Haven of *Sunderland*, without naming or being required to name all or any of the said Commissioners.

Commissioners may make Contracts.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, in their own Name, or in the Name of their Chairman for the Time being, to enter into any Contract with any Person or Party for the Performance of all or of any of the Works hereby authorized to be done: Provided always, that every such Contract shall specify the several Works to be done and the Prices to be paid for the same, and the Periods within which such Works are to be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by Five or more of the said Commissioners, or by the said Chairman, and also by the Person or Party, or be sealed with the Seal of the Body contracting to perform such Works respectively; and all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the Commissioners; and the said Commissioners or Chairman so contracting shall and they are hereby respectively required to take Security, either in the Name of the Chairman or of the Clerk of the said Commissioners, or in the Name of any Five or more of the said Commissioners, as the Case may be, from every such Contractor for the due Performance of his Contract; and in case the same shall not be duly performed according to the true Intent and Meaning of such Contract, the said Commissioners or the said Chairman, as the Case may require, shall and may bring any Action at Law or Suit in Equity against the Person or Party so neglecting to perform such Contract, for any Injury sustained on account of the Nonperformance thereof, and upon proving the signing of the said Contract, or the affixing of the Common Seal thereto (as the Case may be), and the Nonperformance thereof, the said Commissioners or Chairman, as the Case may be, shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Commissioners may compound Breaches of Contract,

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners by their Chairman, or for the said Chairman (as the Case may be), to compound and agree with any Person or Party against whom the said Commissioners or Chairman shall have brought any Action or Suit for any Penalty incurred by or on account of any Breach or Nonperformance of any Contract entered into under this Act, for such Sum as they shall think proper, so as the Sum compounded for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs and Expences occasioned by such Breach or Nonperformance.

XXIX. And whereas in and by the said recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, (hereby repealed,) it was provided and enacted that a 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, should be made by *John Rennie* Esquire, or by such other Person as should be nominated by the Right Honourable the Board of Admiralty; on which Survey it should be the Duty of the said *John Rennie*, or such other Person as aforesaid, and he was thereby 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 Act recited in the Act now in recital; and that a full and accurate Map or Chart should 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 that on the said Map or Chart should be particularly delineated 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 show accurately the State, Condition, and Extent thereof at the Time of making such Survey; and that in the said Map or Chart should be correctly shown and described the Situation in which the Meer Stones or Meer Posts had been or ought to have been placed under or by virtue of the Powers in the said Act recited in the Act now in recital contained; and that in the said Map or Chart should 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* or such other Person as aforesaid should 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 might be put and placed by the Commissioners for executing such Acts, if they should 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 should not be lawful for any Person to erect, build, or make any Work, Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection whatsoever: And whereas the said Survey and Map or Chart were accordingly made by the said *John Rennie*, and the said Quay Line was delineated thereon according to the Directions of the said Act last in recital, by *John Rennie* the Son of the said *John Rennie* mentioned in such Act, and who, upon the Death of the said *John Rennie* the Father, was, under the Authority of such Act, nominated by the Right Honourable the Lords of the Admiralty for the Purpose of delineating the said Quay Line; be it therefore enacted, That it shall not be lawful for any Person or Persons, or Body or Bodies Politic or Corporate, to erect, build, or make any Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection whatsoever, or to make or construct any Embankment, Inclosure, or other Work, or other Obstruction to the free Course of the said River; provided nevertheless,

Docks, &c.  
not to be  
constructed  
in certain  
Places.

nevertheless, that between the said Quay Line and the said Meer Stones denoting the extreme Flow of the Equinoctial Spring Tides it shall be lawful for the Owners and Occupiers of Lands adjoining the said River to make or erect any Docks, Basins, Quays, Wharfs, Staiths, Jetties, or other Erections, and make and construct any Embankments, Inclosure, or Works which he, she, or they otherwise might in Law be entitled to make, but subject always to such Restrictions and Regulations as are in this Act contained.

Plan, &c. showing where Quays, &c. may be constructed, to be deposited with Engineer.

XXX. And be it further enacted, That the said Survey and Map or Chart so made as herein-before mentioned, drawn by the said *John Rennie* the Father, under the Provisions of the said recited Act of the Fifty-ninth Year of the Reign of King *George* the Third, and particularly pointing out and describing 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 Quay Line and the said Meer Stones, 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, which has been deposited with the Engineer of the Commissioners acting in the Execution of the said Act, shall remain in the Custody of the Engineer for the Time being of the Commissioners for executing this Act, or of such other Person or Persons as they shall appoint, and shall be kept and preserved by the Person or Persons in whose Custody the same shall be, and the same shall be deemed public Documents, to which all Persons desirous of inspecting the same shall have free Access at all proper and reasonable Times, by Application at the Office of the said Commissioners in *Sunderland* aforesaid; and a Duplicate of the said Map or Plan, which under the Provisions of the last-recited Act has been made by the said *John Rennie* the Son, and deposited in the Office of the Clerk of the Peace for the said County of *Durham*, shall remain in the Custody of such Clerk of the Peace, and shall at all seasonable Times be open to the Inspection of all Persons, on Payment of One Shilling for such Inspection.

Notice to be given of Intention to build Wharfs.

XXXI. And be it further enacted, That if after the passing of this Act any Person, or Body 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, Flats, Lands, or Salt Marshes adjoining the said River, Creeks, or Inlets of Water, or Lands over which the Tide was accustomed to flow in the Year of our Lord One thousand eight hundred and nine, any Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Works, such Person or Body shall give Two Calendar Months previous Notice thereof in Writing to the Engineer of the said Commissioners, at their Office in *Sunderland*, declaring his, her, or their Intention to build such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Works, and the Situation of the same, and shall at the same Time deliver with the said Notice a Plan of such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure,



sure, or Work, specifying the Mode in which it is intended to construct, erect, and build the same, and that the same is in conformity with the Plan and Specification of the Engineer of the said Commissioners; and the said Commissioners shall thereupon order and direct their Engineer to view the Place whereon such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work 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 Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work, and to require him, her, or them to transmit to the Engineer 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 Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, or Work, 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* the Son, or to such other Person or Persons as shall be nominated by the Right Honourable the Board of Admiralty, for his or their Opinion, Determination, and Award thereon in Writing; which said Opinion, Determination, and Award, when delivered to the said Commissioners, together with all Directions contained therein respecting such intended Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, or Work, 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 same *John Rennie*, or the said Person or Persons as aforesaid, before making his or their Determination and Award, or giving his or their Opinion thereon, to examine such Evidence, and make such Inquiries on the Subject as to him or them shall seem expedient or proper in that Behalf; provided always, that if the same *John Rennie*, or such Person or Persons as aforesaid, shall be of Opinion that no such Excavations are necessary, then it shall be

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lawful for the said *John Rennie*, or such other Person or Persons 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 be delivered, Work to be suspended till Mr. Rennie's Opinion obtained.

XXXII. And be it further enacted, That if the Person or Persons, or Body or Bodies so desirous of constructing such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or other Work, shall refuse or neglect to transmit such Opinion and Report as he, she, or they shall be required by the said Commissioners, to transmit, within Forty Days after being so required, then such Person or Persons, Body or Bodies Politic or Corporate, shall lose all Advantage from having given such Notice as aforesaid; and it shall not be lawful for such Person or Persons, Body or Bodies Politic or Corporate, to construct any such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or other Work between the said Quay Line and the said Meer Stones; and in case any Person or Persons, Body or Bodies Politic or Corporate, shall give such Notice as is required by this Act, and shall deliver such Plan as aforesaid to the Engineer of the said Commissioners, and transmit, if required, such Opinion and Report as aforesaid, the erection, building, or constructing of such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or other Work shall be suspended until the Decision of the said Commissioners, or of the said *John Rennie*, or of such other Person or Persons as aforesaid, if the same shall be referred to him or them, shall be made and delivered.

Costs of Reports and Reference.

XXXIII. And be it further enacted, That in all Cases wherein the Opinion 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 Expence of their own Engineer, and the said Person or Persons, Body or Bodies Politic or Corporate, having given such Notices as aforesaid, paying the Expences of their Engineer; and in all Cases wherein such Opinions and Reports shall be referred to the said *John Rennie*, or to such other Person or Persons appointed as aforesaid, the Expences of so referring the same shall be borne in equal Shares by the said Commissioners and the respective Person or Persons, Body or Bodies Politic or Corporate, having given such Notice as aforesaid.

Excavations to be made.

XXXIV. And be it further enacted, That where any Person or Persons, Body or Bodies Politic or Corporate, shall have legally made or constructed, or under the Powers of this Act shall make or construct any Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or other Work, a Space, according to the aforesaid Plan, in such Situations and of such Dimensions and in such Manner as shall have been so prescribed by the said *John Rennie*, or such other Person or Persons as aforesaid, or as the said *John Rennie*, or such other Person or Persons as aforesaid shall, on Reference to him or them, direct and appoint, (unless the said *John Rennie* or such other Person or Persons shall think the same unnecessary,) shall be provided by the Person or Persons, or Body or Bodies Politic or Corporate constructing such Dock, Basin, or other Work, and be

excavated by him, her, or them between the High and Low Water Mark of the said River, or adjoining thereto, as the said *John Rennie*, or such other Person or Persons as aforesaid, may point out, such Space to be so excavated as aforesaid to be pointed out and described in the Notice to be delivered to the said Commissioners as aforesaid, as a Receptacle for so much Tide Water as shall be obstructed by such Dock, Basin, or other Work as aforesaid, so that the scouring Effects of the said Tide Water in the said Harbour and River may not thereby be diminished, nor its Effect lessened in scouring and preserving the Depth of the said River, Port, or Haven, and that the said Space shall at all Times be kept clear and excavated by the respective Person or Persons, or Body or Bodies Politic or Corporate, who shall be in the Occupation of such Dock, Basin, or other Work in respect of which such Excavation shall have been made; and in all Cases in which any Space so excavated 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, or Body or Bodies Politic or Corporate, in the Occupation of such Dock, Basin, or other Work in respect of which such Excavation shall have been made, to clear out and renew such Excavation; and in case any Person or Persons, or Body or Bodies Politic or Corporate, to whom such Notice shall be given, shall neglect or refuse, for the Space of One Calendar Month after such Notice, to cause the same to be cleared out and renewed, the same may be cleared out and renewed by the said Commissioners; and the Costs and Expences of the cleansing and renewing such Excavation shall be recovered by the said Commissioners from the Occupier or Occupiers of the said Dock, Basin, or other Work as aforesaid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which Action no Wager of Law, nor more than One Imparlance, shall be allowed.

XXXV. And be it further enacted, That if at any Time after any such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection or Embankment, Inclosure, or Work shall have been constructed, 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 free Navigation of the said River, or to the said Port or Haven, the said Commissioners shall forward such Report to the said *John Rennie*, or to such other Person or Persons as shall be nominated by the said Board of Admiralty, for his or their Opinion and Decision thereon, and shall give One Calendar Month's previous Notice thereof to the Party to whom such Dock, Basin, Wharf, Quay, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work shall belong, or to the Occupier or Occupiers of the same; and if after having sufficiently examined into the State of the said River, Port, and Haven, and the Nature, Position, and Construction of the said Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work, the said *John Rennie*, or such other Person or Persons 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 make a Report

If any Dock, &c. is found prejudicial, Reference to be made to the Engineer nominated by the Admiralty.

Report to that Effect to the said Commissioners, it shall be lawful for the said Commissioners, on giving Twenty-eight Days previous Notice of their Intention so to do to the Occupier of such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work, to remove, abate, or alter the same at the proper Costs and Charges of the said Commissioners, in such Manner as shall be pointed out and directed by the said *John Rennie*, or by such other Person or Persons as aforesaid.

Persons making Default in removing Obstructions, to pay Expences incurred by Commissioners in removing the same.

XXXVI. And be it further enacted, That if any Party who shall be required to remove, alter, or amend any Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work, or to do any Act or Thing at his, her, or their own Expence, shall after One Calendar Month's Notice thereof make Default therein, it shall be lawful for the said Commissioners to cause the same to be removed, altered, or amended; and the Party so refusing or neglecting to remove, alter, or amend any such Dock, Basin, Quay, Wharf, Staith, Jetty, or other Erection, Embankment, Inclosure, or Work, shall pay the Expence which shall be incurred by the said Commissioners in removing, altering, or amending the same, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which Action no Wager of Law, nor more than One Imparlance, shall be allowed.

Power to build Quays beyond the Quay Line, on Payment of Compensation.

XXXVII. And be it further enacted, That the Engineer or Engineers for the Time being of the Right Honourable Board of Admiralty shall have full Power, if he or they shall think fit, to grant, under his or their especial Direction and Authority, Permission to any Person or Persons desirous to build Quays which may project even beyond the Quay Line towards the main Channel of the River, provided they be built in such Parts of the River and under such especial Restrictions as the said Engineer or Engineers may direct, and so that they be not injurious to the free Navigation of the said River; and such Permission shall only be granted on the Payment of such Sum of Money as Compensation as may be fixed by the said Engineer or Engineers; and if found at any Time injurious, the said Quays may be removed and set back within the said Quay Line at the Expence of the said Commissioners.

The Meer Stones to be the Limits of Navigation.

Penalty on destroying them.

XXXVIII. And be it further enacted, That the Meer Stones or Posts set down and fixed by Order of the Surveyor nominated by the Commissioners for executing the Office of Lord High Admiral of *Great Britain* shall be the Limits of the Navigation of the said River *Wear* on the Sides thereof; and if any Person shall cover up, remove, displace, break, cut, injure, or destroy any of the Meer Stones or Posts set down or fixed as aforesaid, or any of the Meer Stones or Posts set down and fixed to denote the Quay Line as aforesaid, such Person shall forfeit and pay any Sum not exceeding Fifty Pounds for every such Offence.

Power to improve the Navigation.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required from Time to Time to deepen, cleanse, and scour the said River *Wear* within the Limits

Limits of this Act, and to cleanse, deepen, and enlarge the Channel of the said River *Wear* to the Mouth thereof, and to widen, contract, or lessen the Mouth or Entrance thereof, and to maintain and repair the present Piers, and to build such other Piers, or to alter the present or any other Piers to be built, and also to build any Quay or Jetty, and to make such other Works within the Limits of this Act as shall be necessary for promoting and preserving the Navigation of the said River, and for that Purpose to remove any Rocks, Sand, or Rubbish or other Matter which shall obstruct the Navigation of the said River, Port, and Haven, or the Improvement thereof, and to lay the same behind such Piers, Quays, or Jetty as shall be necessary for effecting the Purposes of this Act, or upon any Land which may be purchased by the said Commissioners under the Powers of this Act; and also to remove all Trees, Stones, Gravel, Sand, or other Obstructions whatsoever which may any way impede the Navigation of the said River, Port, and Haven within the Limits of this Act, or the Improvement or Use of the said River, Port, and Haven as aforesaid; and also to build, erect, and make within the Limits of this Act such Quays, Wharfs, Jetties, Crabs, Capsterns, Mooring Anchors, or Mooring Frames, Mooring Chains, Dolphins, and other Engines, Posts, Stoops, Landing Places, Weighing Beams, Workhouses and Warehouses, and other Machinery, Apparatus, and Works, for the Purpose of carrying on, maintaining, and repairing the free Navigation and Use of the said River within the Limits aforesaid, and rendering the Harbour and Port of *Sunderland* aforesaid safe and commodious, and to alter, repair, enlarge, and amend the Works hereby authorized to be made, or any of them, as, and where, and from Time to Time, as often as shall be proper and convenient; and also within the Limits of this Act to make, amend, widen, turn, alter, or enlarge any Ways, Passages, or other Conveniences, for the carrying and conveying of any Material to and from the said River, Port, and Haven within such Limits; and also to carry and convey the same in, over, and upon any Lands or Grounds within the said Limits, in order to the making, carrying, or improving and perfecting of the said Works and Navigation, and for altering, repairing, and maintaining the same, and also to lay, work, and manufacture the said Materials upon any Lands which shall be purchased by the said Commissioners under the Powers of this Act; and also to take and carry away Soil, Sand, Clay, Stones, Rock, Gravel, and other Materials necessary or expedient for making, carrying on, altering, and continuing the said Works in or from any Ground of any Person willing to sell or dispose of the same; and also to do all other Works, Matters, and Things which shall be necessary or proper for the rendering of the said Port and Haven safe and commodious, and for the Improvement of the Navigation of the said River and the Use thereof as aforesaid, and for executing the other Purposes of this Act.

XL. And to the Intent that the Abuses, Impediments, and Obstructions in and to the said River, Port, and Haven, and the Navigation thereof, may be prevented or remedied; be it further enacted, That it shall be lawful for the said Commissioners, at their General Meeting yearly, on the first *Wednesday* in *July*, to elect, choose, and appoint, by an Order in Writing under their Hands, Thirteen of the

Committee of  
Survey to be  
appointed

[*Local.*]

13 X

said

said Commissioners acting or who have acted in execution of this Act, to be a Committee for the Purposes herein-after mentioned, which Committee shall be called "The Committee of Survey;" and it shall and may be lawful to and for such Committee, or any Five or more of them, to use and exercise the several Powers and Authorities vested in them in and by this Act for the Term of One Year only, or until other Persons shall be chosen in their Place by virtue of this Act; and all Instruments or Nominations of any Person or Persons to be of such Committee shall be entered in a Book to be kept by the Clerk of the said Commissioners for that Purpose: Provided always, that every Person to be appointed of the said Committee in pursuance of this Act shall, on or before the next public Meeting of the said Commissioners after such Appointment, and Notice in Writing to him given thereof or left at his usual Place of Abode, under the Hand of the Clerk of the said Commissioners, accept the said Trust, and subscribe an Instrument in Writing, to be provided for that Purpose, acknowledging his said Acceptance, and that he is willing to act therein, and in default thereof such Appointment shall be void and of none Effect; and in case of any Vacancy or Vacancies which may arise in the said Committee during the said Year for which they had been originally appointed, by the Death, Refusal to act, Resignation, Bankruptcy, or Insolvency of any of the said Committee, then and so often as such Vacancy or Vacancies shall occur, the Commissioners may at any of their Meetings appoint as aforesaid any other Commissioner or Commissioners to supply such Vacancy or Vacancies for the Remainder of the said Term, who shall have the same Power and Authority as if he or they had been originally chosen a Member or Members of the said Committee.

Committee  
to survey the  
River at least  
Once a Year,  
and report to  
the Commis-  
sioners.

XLI. And be it further enacted, That the said Committee of Survey, or any Five or more of them, shall once at least in every Year survey and view the said River *Wear* within the Limits aforesaid, and the Abuses, Impediments, Obstructions, and Annoyances therein, and the several Wharfs, Staiths, and Ballast and other Quays within such Limits; and the said Committee shall give and report to the said Commissioners, at the Meeting of the said Commissioners which shall be held next after such Survey and View as aforesaid, the Abuses, Impediments, Obstructions, and Annoyances in, upon, or to the Prejudice of the said River, or to the Navigation thereof, and of such of the said Wharfs, Staiths, or Ballast or other Quays as may be irregular, or too low built, or in want of Repair, or fallen down in part or in whole, or which may have any End or Ends, or Part of such Quays, Staiths, or Wharfs, without Flanks up to the Shore above High-water Mark, or which may be out of Repair, and of all other Nuisances and Abuses to the said River, or the Navigation thereof; and the Engineer of the said Commissioners shall attend the said Committee on their said several Views and Surveys, to make Minutes for them, and to give his Advice and Opinion as to Matters relating to the Navigation and other Matters aforesaid; and the said Commissioners shall and may pay and allow, out of the Monies to be raised by virtue of this Act, the reasonable Expences of the said Committee when attending and going on their said Surveys as aforesaid.

XLII. And

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

The Commissioners to take Report into Consideration, and make Order for remedying and removing Impediments, &c.

XLIII. And be it further enacted, That it shall be lawful for the respective Owners of Lands and Tenements, and their respective Agents,

Owners of Lands may go thereon to

build Quays,  
&c. without  
being guilty  
of Trespass to  
the Occupier.

Agents, Workmen, and Servants, to enter and continue upon such Lands and Tenements, for the Purpose of building, rebuilding, or repairing any such Wharfs, Staiths, Quays, or other Works, or to remove such Obstructions and Annoyances, and to supply such Defect or Want of Repair as shall be ordered, without being deemed guilty of Trespass; and in case such Obstructions, Annoyances, Defects, or Want of Repair, shall happen through the Act, Permission, or Default of any Occupier or Tenant of any such Lands or Tenements, the Owner of such Lands or Tenements shall build, rebuild, or repair such Wharfs, Staiths, Quays, or other Works, and remove such Obstructions and Annoyances, and may recover from such Occupier or Tenant the Expences of building, rebuilding, or repairing such Wharfs, Staiths, Quays, or other Works, and of removing such Obstructions and Annoyances.

Power to purchase Lands.

XLIV. And be it further enacted, That for the Purposes of this Act it shall be lawful for the said Commissioners and they are hereby empowered to contract and agree with the Owners of and Persons interested in any Lands, Tenements, or Hereditaments upon which they the said Commissioners shall judge it proper to erect any Pier, Quay, or Jetty, or which shall be cut, dug, altered, removed, or used for the Purposes of this Act, for the Purchase thereof, or for the Damage done thereto; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower, or other Interest in and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments to contract for, sell, and convey the same, and every Part thereof, unto the said Commissioners; and all such Contracts, Sales, and Conveyances shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance to the Commissioners.

‘ I of in consideration of the  
 ‘ Sum of to me [*or as the Case may be,*] into the  
 ‘ Bank of *England*, in the Name and with the Privity of the Ac-  
 ‘ countant General of the Court of Exchequer, *ex parte* the Com-  
 ‘ missioners of the River *Wear*, pursuant to the Act after mentioned,  
 ‘ paid by the Commissioners under the Powers of an Act of Par-  
 ‘ liament passed in the Eleventh Year of the Reign of His Majesty  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of this*  
 ‘ *Act*], do hereby grant and alien to the said Commissioners and  
 ‘ their



‘ their Successors, all [*describing the Premises to be conveyed*]  
 ‘ together with all Ways, Rights, and Appurtenances thereunto  
 ‘ belonging, and all such Estate, Right, Title, and Interest in and  
 ‘ to the same, and every Part thereof, as I am or shall become seised  
 ‘ or possessed of [*or am by the said Act capacitated or empowered*  
 ‘ to convey]; to hold the Premises to the said Commissioners and  
 ‘ their Successors for ever for the Purposes of the said Act, according  
 ‘ to the true Intent and Meaning of the said Act. In witness  
 ‘ whereof I have hereunto set my Hand and Seal the  
 ‘ Day of                      in the Year of our Lord                      .’

And all such Conveyances and Assurances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant, by express Declaration or by Construction of Law, on the Estate or Estates, Interest or Interests so thereby conveyed or aliened, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever; and all such Conveyances and Assurances so to be made as aforesaid shall be enrolled in the Office of the Clerk of the Peace for the County of *Durham*, and a true Copy of the same, signed by the Clerk of the Peace for the Time being, or by his Deputy, shall be deemed as good Evidence thereof in all Courts whatsoever.

XLV. And be it further enacted, That if any Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the Powers of this Act, which any Person under any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners of the River *Wear*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon Petition to be presented to the said Court 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, be

Application of Compensation Money, when amounting to 200*l.*

1 G. 4. c. 35.

[*Local.*]

13 Y

applied

applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing and capable of taking effect; and in the meantime, and until such Order shall be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof 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 such Lands, Tenements, or Hereditaments so to be purchased and settled.

Application  
of Compensation  
Money,  
when less  
than 200*l.*  
and not less  
than 20*l.*

XLVI. Provided always, and be it further enacted, That if any Money agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act, and belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall (at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Idiocy, Infancy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners signified in Writing under their Hands,) be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid (at the like Option and with the like Approbation) to Three Trustees, to be nominated by the respective Persons exercising such Option, such Nomination being approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, but without  
being

being required to obtain any Order of the said Court touching the Application thereof.

XLVII. Provided also, and be it further enacted, That where any Money so agreed to be paid as last herein-before mentioned shall be less than Twenty Pounds, then the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

Application when the Money is less than 20l.

XLVIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, or of any Estate, Right, or Interest therein, 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, then and in such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, 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 said 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 so paid into the Bank of *England* as aforesaid.

In Cases of disputed Titles.

XLIX. 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 Exchequer, in pursuance of this Act, for or in respect of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased under the Powers of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase,

Persons in Possession presumptively entitled.

and

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 shown to the Satisfaction of the said Court of Exchequer; and the Dividends or 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.

Expences of Purchases to be allowed by the Court.

L. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, Body or Bodies, or Corporation, entitled to any of the Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest therein, which shall be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and 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 be lawful for the Court of Exchequer, to order the Expences of such last-mentioned Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time out of the Monies to be raised by virtue of this Act pay such Sums of Money for such Purposes as the said Court shall direct.

Provision for Deficiencies of Land Tax.

LI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships in which the Improvements and Works hereby authorized may be made; be it therefore enacted, That the said Commissioners shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax), be subject and liable from Time to Time to pay and make good to or in Aid of the several Parishes or Townships out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the several Assessments for Land Tax within the said several Parishes or Townships, by reason or means of taking or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector, or Receiver to be appointed under this Act, is hereby required to pay all such Deficiencies on Demand thereof, to the Collector or Collectors of the said Assessments.

LII. Pro-

LII. Provided always, and be it further enacted, That nothing in this Act contained shall give any Liberty, Privilege, Jurisdiction, or Right whatsoever to the said Commissioners in, upon, or over any Lands, Tenements, or Hereditaments lying upon or contiguous or near to the said River, Port, or Haven, for any other Purpose than that of carrying on, maintaining, and using the said Navigation, and of executing the other Powers granted by this Act; and in all Cases where a Recompence or Satisfaction shall be made for the Damages only to be done to any such Lands, Tenements, or Hereditaments for the Purposes aforesaid, the respective Owners and Occupiers of such Lands, Tenements, and Hereditaments may hold, possess, and enjoy the same, and their respective Rights and Privileges therein, with Liberty to pass along any Quays hereafter to be made thereon on Foot or on Horseback, or with their respective Servants and Workmen, or with Teams, Waggon, Carts, or Carriages, and in all other respects to use and enjoy the same in as full, ample, and beneficial a Manner as if this Act had not been passed, but so as not thereby in anywise to hinder, obstruct, or prejudice the said Navigation, or any of the Works necessary for the carrying on and completing the same, or the Execution of the other Powers granted by this Act.

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

LIII. Provided also, and be it further enacted, That nothing in this Act contained shall give to the said Commissioners any Power or Authority to make or lay any Waggon Way or other Way for the vending, or leading to or from the said River any Coals, Cinders, or other Matter or Thing whatsoever, except such as shall be necessary or proper for the carrying on, maintaining, repairing, and using of the said Navigation, and for executing the other Purposes of this Act.

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

LIV. Provided always, and be it further enacted, That if any Person or Body Corporate shall sustain any Damage in or upon his Quays, Lands, Tenements, or Hereditaments by reason of any Act, Neglect, or Default of the said Commissioners, or of any Person acting under their Authority, or if by the erecting or building of any Pier, Wall, Jetty, or other Work, or from the different Direction to be thereby given to the Sea and Tide flowing into the said River, Port, or Haven, the said Lands, Tenements, or Hereditaments shall be beaten down, washed away, overflowed, or otherwise prejudiced or damnified, then in any of the said Cases such Damage shall be made good and paid by the said Commissioners out of the Money to be by them received under the Powers of this Act; and if the Amount of such Damages shall not be paid within Three Calendar Months after Demand thereof made of the said Commissioners, the same may be recovered by the Party or Parties entitled thereto, by an Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no such Party shall be entitled to or shall recover any such Damages unless it shall appear that such Quays at the Time of the Occurrence of such Damage were not in Decay, or unless it shall appear that such Quays were built on good and proper Foundations, and regularly built with

Damages done by Works of Commissioners to be made good.

[*Local.*]

13 Z

Stones

Stones of a sufficient Size and Quality for a Quay on a navigable River.

Penalty on stopping the Passage or hindering the Works.

LV. And be it further enacted, That if any Person having the Command of any Ship, Keel, Boat, or other Vessel, shall moor, anchor, or place the same in any Part of the said River, Port, or Haven, so as to obstruct the Navigation of the said River, or the Passage of any other Ship, Keel, Boat, or other Vessel, or the carrying on any of the Works to be done under the Authority of this Act, and shall not immediately, or as soon as may be after Notice to remove the same given by any Agent or Servant to be appointed by the said Commissioners, or by any other Persons concerned in navigating any Ship, Keel, Boat, or other Vessel so obstructed, remove the Ship, Keel, Boat, or other Vessel of which he shall have the Command, every Person so offending shall for every such Offence forfeit Five Shillings for the first Hour, and a Sum not exceeding Five Shillings for every other Hour during which such Ship, Keel, Boat, or other Vessel shall continue to obstruct the Navigation of the said River, or the Passage of any other Ship, Keel, Boat, or other Vessel, or the carrying on of any of the said Works, after such Notice to remove the same as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners to remove or cause to be removed any such Ship, Keel, Boat, or other Vessel, so as to obviate or prevent any Obstruction in the said Navigation, or the Passage of Ships, Keels, Boats, and Vessels, or in the carrying on of the said Works, and to detain the Ship, Keel, Boat, or other Vessel so removed, and the Loading and Tackle thereof, or any Part thereof, until the Charges of such Removal and the Amount of the Penalty shall be paid and satisfied.

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

LVI. And be it further enacted, That it shall be lawful for any Person appointed in pursuance of this Act to act as Haven Master within the said Port of *Sunderland*, and in the said River within the Limits of this Act, to direct any Person having the Command of any Ship, Keel, Boat, or other Vessel entering into or being within the said River, Port, or Haven within the Limits of this Act, to moor, anchor, and place the same in such Situation within the said Limits as the said Haven Master shall direct; and in case the Person having the Command of any such Ship, Keel, Boat, or other Vessel, shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, or place the same as the said Haven Master shall direct, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and it shall be lawful for the said Haven Master, and such other Persons as he shall call to his Assistance, to remove or cause to be removed the said Ship, Keel, Boat, or other Vessel, in such Manner as he shall deem necessary; and the Person having such Command shall pay all the Charges and Expences attending the removing such Ship, Keel, Boat, or other Vessel, after such Direction and Refusal or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person having such Command, or any other Person, shall prevent or impede

the Removal of any such Ship, Keel, Boat, or other Vessel, such Person shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence.

LVII. And be it further enacted, That if any Person shall hinder, obstruct, or assault any of the said Commissioners, or any Engineer, Haven Master, Surveyor, Collector, Workman, or Agent, or other Person employed or acting in the Execution of his Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue of or under the Authority of this Act, otherwise than as is herein-before provided for with respect to the regulating, directing, and conducting Ships or other Vessels into, out of, or whilst within the said River, and the Keels, Boats, and other Vessels therein, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for the first Offence, and any Sum not exceeding Twenty Pounds for every subsequent Offence.

Penalty on obstructing the Works.

LVIII. And be it further enacted, That all Coal Owners and their respective Fitters and Coal Factors shall pay to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for all Coals and Cinders to be led and brought to the said River between *South Biddick* or *Biddick Ford* and the said Port and Haven of *Sunderland*, and from any Staith or Place made or erected, or to be made or erected within the Limits of this Act, and cast or delivered on board any Ship, Boat, Keel, Barge, Lighter, or other Vessel, the several Sums of Money herein-after mentioned; and shall also pay for all Coals and Cinders to be led and brought to the said River between *South Biddick* or *Biddick Ford* and the City of *Durham*, and from any Staith or Place made or erected, or to be made or erected within the Limits of this Act, and cast or delivered on board of any Ship, Boat, Keel, Barge, Lighter, or other Vessel, and navigated, carried, or conveyed down the said River to the said Port of *Sunderland*, or any Part of the said River below *South Biddick* or *Biddick Ford* aforesaid, the several Sums of Money herein-after mentioned; (that is to say,) every such Coal Owner, any Sum not exceeding Four-pence Halfpenny for every Chaldron of such Coals and Cinders (reckoning Seventy-two Bushels to each Chaldron); and every such Fitter or Coal Factor, any Sum not exceeding One Penny Halfpenny for every Chaldron of such Coals or Cinders (of such Measure as aforesaid); and so in proportion for any less Quantity of Coals or Cinders than a Chaldron; the said Duties to be fixed on the first *Wednesday* in *July* in each Year.

Duties.

LIX. And, for better ascertaining the Quantity of such Coals and Cinders, be it further enacted, That the said Commissioners may, if they think fit, by a Warrant under their Hands, Twice in every Year summon the Staithmen of such Coal Owners, or any other Persons employed in or about the Management of any Collieries, or in keeping the Books of Account relating thereto, to appear before the said Commissioners at such Time and Place as they shall appoint, (of which Time and Place Ten Days previous Notice at the least shall be given to every such Staithman or other Person as aforesaid, or be left

For ascertaining the Quantity of Coals liable to Duty.

left at his last or usual Place of Abode,) then and there to be examined by the said Commissioners on Oath, (which Oath the Chairman of the said Commissioners is hereby empowered to administer,) touching the Quantity of Coals and Cinders respectively from Time to Time cast or delivered on board of any Ship, Boat, Keel, Barge, Lighter, or other Vessel as aforesaid, by such Staithman or other Person as aforesaid.

Exemption  
from Duties.

LX. Provided always, and be it further enacted, That no Cinders to be burnt from Coals subject to the Duties herein-before mentioned shall be liable to the Duties hereby imposed for Cinders on their being put on board of any Ship, Boat, Keel, or other Vessel, in order to their being exported or Waterborne to any other Place; provided also, that no Duty shall be paid for any Coals or Cinders which shall be lost in any Keel or Boat sunk in the said River or Port, or within Seven Fathoms at Low Water beyond the Bar of the said River within the Limits of this Act, or for any Coals which shall be consumed in making Salt, Glass, Glass Bottles, Vitriol, Copperas, Earthenware, Bricks, Tiles, and burning Limestones into Lime, within the Limits of this Act; provided the respective Owners or Consumers of such Coals and Cinders shall prove to the Satisfaction of the said Commissioners, when thereunto required, that such Cinders were burnt from Coals for which the Duties as aforesaid shall have been paid, or that such Coals or Cinders shall have been lost as aforesaid, or shall have been consumed in making Salt, Glass, Glass Bottles, Vitriol, Copperas, Earthenware, Bricks, Tiles, or in burning Limestones into Lime within the Limits of this Act.

Powers for  
ascertaining  
Quantity of  
Coals con-  
sumed within  
the Limits of  
the Act.

LXI. And be it further enacted, That if any such Staithman or other Person so to be summoned to appear before the said Commissioners shall refuse or wilfully neglect to appear, or appearing shall refuse to be examined before the said Commissioners, then the said Commissioners shall and may receive the Evidence of the Owners, Fitters, or Consumers of such Coals, in case they shall be willing to give the same, and also of any other Person or Persons touching the Quantities of such Coals and Cinders so led and delivered or consumed; and if such Coal Owners, Fitters, or Consumers shall refuse to give such Evidence, or shall not give Evidence to the Satisfaction of the said Commissioners, then the said Commissioners may charge such Coal Owners, or the Masters of such Staithmen, and also such Fitters or Consumers respectively, with such Sum of Money as the said Commissioners shall think fit, not exceeding the Sum of One Shilling and Sixpence *per* Chaldron upon such Coal Owner and Consumer, and not exceeding Sixpence *per* Chaldron upon such Fitter, for any Quantity not exceeding Fifty thousand Chaldrons upon any one Coal Owner, Fitter, or Consumer in any one Year.

Owners of  
Keels, &c.  
may carry  
Ballast for  
certain Pur-  
poses.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent the respective Owners or Skippers of Keels, Barges, Lighters, or other Vessels employed in carrying Coals or Cinders on the said River, from carrying therein any Quantities of Ballast for the Use of Manufactories within the  
Limits



Limits of the said River, Port, and Haven, or for the Purposes of Agriculture, or of repairing Roads or Highways within the said County of *Durham*, such Owners or Skippers having previously obtained Permission for that Purpose, under the Hand of the Chairman for the Time being of the said Commissioners, and which Permission the said Chairman is hereby authorized from Time to Time to grant.

LXIII. And in order to prevent Ballast Keels sinking in the said River by reason of their being overloaded, or any Keelman being under the Necessity of casting out of or from the Keel under his Charge, any Part of the Loading thereof into the said River, Port, or Haven, in order to save such Keel from sinking, be it further enacted, That every Ballast Keel, and every Boat or other Vessel used in the said River, Port, and Haven for the carrying of Ballast, shall, when loaded, swim at least Twelve Inches above the Water, from the upper Edge of the Bind in every Part thereof; and if any Owner or Skipper of any such Ballast Keel or other Vessel shall load or take on board, or cause or suffer to be loaded or taken on board his Keel or Vessel, such a Quantity of Ballast, Sand, Gravel, Rubbish, or other gross Matter as that the same Keel or Vessel, when loaded, shall not swim Twelve Inches at least above the Water, from the upper Edge of the Bind in every Part thereof, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

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

Skippers of Ballast Keels to take out a Licence.

LXV. And be it further enacted, That every such Owner and Skipper shall at the Time of obtaining such Licence enter into and give Bond to the said Commissioners, in the penal Sum of Fifty Pounds, conditioned that he shall not cast or unload, nor permit to be cast or unloaded, out of or from his Keel or Vessel, any Ballast, Sand, Gravel, Rubbish, or other Matter into the said River within the Limits of this Act, or on the Lands contiguous thereto, except upon such Lands as lie above the full Sea or Tide Mark, or upon some Quay or Staith which shall be situated higher than the Flux of the Tide; and the Money to be recovered in any Suit for the Nonperformance of the Conditions of any such Bond shall be applied as other

Skippers, &c. to give Security.

Monies to be received under the Powers of this Act are by this Act directed to be applied.

Owner's  
Name to be  
on the Keel.

LXVI. And be it further enacted, That the Owner of every Ballast Keel or other Vessel carrying Ballast on the said River shall cause his Christian and Surname to be painted and continued thereon, and to be renewed as often as the same shall become obliterated or defaced, in large Capital Letters, either in White Letters on a Black Ground or in Black Letters on a White Ground, on some conspicuous Part on each of the Outsides thereof, and higher than the same shall sink into the Water when loaded; and every such Owner refusing or neglecting so to do shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Ballast Keel  
to beweighed.

LXVII. And be it further enacted, That every Ballast Keel and other Vessel used for carrying Ballast within the Limits of this Act shall be weighed, when required by any Person interested, (the Expence of such weighing to be defrayed by the Owner of such Keel or other Vessel,) in the Presence of the Engineer or Haven Master or Masters of the said Commissioners, and shall have Marks placed thereon to distinguish the Weight, and shall when unladen swim below the Nails placed lowest thereon; and if any Owner, Master, or Skipper of any such Keel or other Vessel shall use or navigate the same on the said River without the same being so weighed, or if when the said Keels and Vessels are not laden the same shall swim above the said lowest Nails, or if such Owner, Master, or Skipper shall remove or suffer to be removed the said Nails, after being so placed thereon as aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Coal Keels to  
be entered,  
marked, and  
numbered.

LXVIII. And be it further enacted, That every Keel, Boat, Barge, Lighter, or other Vessel used for carrying Coals down the said River to the said Port of *Sunderland* shall be entered in the Office of the Engineer of the said Commissioners, and have such Marks and Numbers placed thereon as the said Commissioners shall direct, in order that the same may be distinguished as used for carrying Coals; and if any Owner or Skipper shall navigate or make use of any Keel, Boat, Barge, Lighter, or other Vessel for carrying Coals on the said River without having duly entered the same at the Office of the said Engineer, or if any Person shall wilfully deface any Mark or Number which shall have been placed thereon, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Tonnage  
Duty on  
Ships using  
the Port.

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to demand, receive, and recover, from every Master or Owner of every Ship or Vessel entering or using the said Port of *Sunderland*, (except Ships or Vessels entering the said Port for Safety only, and departing again from the same Port without taking in any fresh

Loading there,) a Rate or Duty of One Penny for every Ton of the Burden of such Ship or Vessel for each Voyage, not exceeding Three Voyages within each Year, (the Amount of such Burthen to be ascertained according to the Rules and Directions contained in an Act passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the registering of British Vessels*;) and no such Rate or Duty shall be demanded or received oftener than for Three Voyages in any one Year; and all such Rates or Duties shall be paid over and above and in addition to any other Rates or Duties imposed by this Act; and such first-mentioned Rates or Duties shall (with Permission of the Commissioners of His Majesty's Customs) be paid at the Office of His Majesty's Customs for the said Port of *Sunderland*; and no Ship or Vessel shall be cleared at or depart from the said Port of *Sunderland* before all such Rates or Duties shall be paid. 6 G. 4. c. 110.

LXX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest, upon the Credit of the Rates or Duties by this Act authorized, such Sum or Sums of Money as shall be necessary for the Purposes of this Act, and by Writing under their Hands and Seals to mortgage all or any Part of the said Rates or Duties to such Persons as shall lend or advance any Money thereon, or to their Trustees, as a Security for the Principal Money to be advanced, with any legal Interest for the same, and which said Mortgages shall be in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Power to borrow Money.

‘ **B**Y virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we acting in the Execution of the said Act, in consideration of the Sum of advanced and lent by *A. B.*, do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates and Duties arising under such Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due or be charged upon the Credit of the said Act, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of , together with Interest after the Rate of for every One hundred Pounds for One Year, shall be fully paid and satisfied. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the Day of in the Year of our Lord

Form of Mortgage.

And the respective Parties to whom such Mortgages or Assignments shall be made shall without Preference be entitled, one with the other, to their Proportions of the said Rates and Duties according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Mortgage or Assignment, or on any other Account whatsoever;

whatsoever ; and an Entry or Memorial of every such Mortgage or Assignment, containing the Names of the Parties (with their proper Additions) to whom the same shall have been made, and the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within One Week next after the Date thereof, be entered in some Book to be kept for that Purpose by the Clerk to the said Commissioners, which said Book may be inspected at all seasonable Times by any of the said Creditors on the said Rates or Duties, without Fee or Reward ; and all Persons to whom any such Mortgage or Assignment shall have been made, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person or Persons, and every Transfer thereof shall and may be in the Words or to the Effect following ; (that is to say,)

Form of  
Transfer of  
Mortgage.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ paid by \_\_\_\_\_ of \_\_\_\_\_  
 ‘ do hereby transfer a certain Mortgage made by the Commissioners  
 ‘ acting in the Execution of an Act passed in the Eleventh Year of  
 ‘ the Reign of King *George* the Fourth, intituled [*here set forth the*  
 ‘ *Title of this Act*], to \_\_\_\_\_, bearing Date the  
 ‘ \_\_\_\_\_ Day of \_\_\_\_\_, for securing the Sum  
 ‘ of \_\_\_\_\_ and Interest, and all my Right, Estate,  
 ‘ and Interest in and to the Money thereby secured, and in and to  
 ‘ the Rates and Duties thereby assigned, to the said  
 ‘ \_\_\_\_\_ his Executors, Administrators, and Assigns. Dated  
 ‘ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
 ‘ Lord \_\_\_\_\_ .

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

Penalty on  
casting Bal-  
last within  
the Limits of  
the Act.

LXXI. And be it further enacted, That if any Person shall, under any Pretence whatever, cast or unload out of or from any Ship, Keel, Boat, or other Vessel any Ballast, Sand, Stone, Rubbish, Wreck, Filth, Gravel, or other Substance into the said Haven nearer to the Mouth of the said River than *Rock Lodge* on or towards the North-east, or nearer than *Hendon Lodge* on or towards the South, or within Five Fathoms at Low Water between *Rock Lodge* and *Hendon Lodge*, or within the Limits of this Act, or any other Part of the said Port, or shall cast or unload out of or from any Ship, Boat, or other Vessel, or out of or from any Carriage, or from any Quay, Yard, Place, or Ground adjoining to or near the said River, into the

the said River or Port within the Limits herein-before mentioned, or shall dig and remove from or out of one Part of the said River and cast into another Part thereof any Soil, Ballast, Sand, Stones, Rubbish, Wreck, Filth, Gravel, Coal, Ashes, or other Substance, (except upon Lands above the full Sea and Tide Mark, or upon some Quay or Staith situated higher than the Flux of the Tide,) such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

LXXII. And be it further enacted, That if any Person shall cast or unload out of any Ship, Keel, Boat, or other Vessel, any Gravel, Stone, Rubbish, Ballast, Wreck, Filth, or other Substance, or if any Captain, Master, or other Person having the Command of any Ship, or any Skipper of any Keel, Boat, or other Vessel, shall cast or unload thereout any Gravel, Stones, Ballast, Rubbish, Wreck, Filth, or other Substance into any other Keel or other Vessel, or upon any Wharf, Staith, or Ballast Quay, or any other Quay within the said River, Port, or Haven, and such Persons respectively shall not have a Wooden Stage or Port Sail sufficiently large, fastened from every such Ship, Keel, or other Vessel, to the upper Edge or highest Part of the Wharf, Staith, or Ballast Quay, or other Quay, or to the Keel, Boat, or other Vessel into which such Ballast or other Substance shall be so cast or unloaded during the Time of such casting or unloading, so as to prevent any Sand, Gravel, Stone, Ballast, Rubbish, Wreck, Filth, or other Substance from falling into the said River, Port, or Haven, within the Limits aforesaid, every such Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Forty Shillings for the first Offence, and any Sum not exceeding Five Pounds for every subsequent Offence.

Penalty on  
Persons cast-  
ing Ballast  
without a  
Port Sail.

LXXIII. And be it further enacted, That if any Occupier or Tenant of a Ballast Quay, or other Quay adjoining the said River within the Limits of this Act, shall permit any Gravel, Sand, Stone, Ballast, Rubbish, Wreck, Filth, or other Substance which shall have been cast or placed thereon, to be or remain nearer to the Edge or Front of the said Ballast Quay or other Quay than Three Feet, after the same shall have been so cast or placed thereon, and after such Stage or Port Sail shall have been removed from the said Quay, or shall cause or suffer any such Gravel, Sand, Stone, Ballast, Rubbish, or other Substance to be cast or placed in or so near to any Runner or Watercourse upon or adjoining the said Quay that the same may be washed into the River to the Prejudice thereof, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty on  
placing Bal-  
last too near  
the Edge of  
Quays.

LXXIV. And be it further enacted, That if any Occupier of any Ballast Quay adjoining the said River within the said Limits shall lay or place any Heap of Ballast, Sand, Stone, Rubbish, Wreck, Filth, or other Substance nearer to the Front of the said Quay than Ten Yards, or if any Occupier of any Land adjoining the said River shall lay or place any such Heap of Ballast, Sand, Stones, Rubbish, Wreck, Filth, or other Substance upon his Land nearer than Twenty

To prevent  
Ballast Hills  
being placed  
too near the  
River.

[*Local.*]

14 B

Yards

Yards from the High-water Mark, every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Engineer to  
remove Bal-  
last, &c.

LXXV. And be it further enacted, That it shall be lawful for the Engineer of the said Commissioners, and for all such other Persons as they or he shall appoint, to remove all such Sand, Gravel, Stone, Ballast, Rubbish, Wreck, Filth, or other Substance which shall be cast or placed on any Ballast Quay or other Quay, or on any Land adjoining the said River *Wear* within the Limits of this Act, in case the Occupier or Tenant of such Ballast Quay or other Quay or Land shall refuse or neglect to remove the same within the Space of Three Days next after the same shall be so cast or placed; and the Charges of removing the same shall be paid by such respective Occupiers or Tenants, and shall or may be recovered, in case of Refusal to pay the same, in the same Manner as any Penalties or Forfeitures may by this Act be recovered.

Penalty on  
fastening  
Vessels to the  
Buoys or  
Chains.

LXXVI. And be it further enacted, That if the Master or other Person having the Command of any Ship, Keel, Boat, or other Vessel, shall moor or fasten such Ship, Keel, Boat, or other Vessel to any Buoy fixed or placed or to be fixed or placed in the said River, Port, or Haven, or to the small Chain from the Buoy to the great Mooring Ring, every such Master or other Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Cannons or  
Guns not to  
be fired from  
Ships or Ves-  
sels in the  
River.

LXXVII. And be it further enacted, That if any Person shall fire or discharge or assist in firing or discharging any Cannon or other Gun on board of any Ship or Vessel within the said River, Port, or Haven, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Gunpowder  
not to remain  
on board of  
Ships winter-  
ing in the  
River, but to  
be deposited  
in a Store-  
house built  
for that Pur-  
pose.

LXXVIII. And whereas the Commissioners acting in the Execution of the said former Acts hereby repealed have built, in a convenient Place near the Mouth of the said River *Wear*, a Storehouse or Magazine for the Reception of Gunpowder belonging to Ships or Vessels laid up to winter in the said River and Port of *Sunderland*; be it therefore enacted, That the respective Owners and Persons having the Command of any Ships or other Vessels within the said River and Port laid up therein for the Winter, shall from Time to Time, on entering the said River and Port, deposit the Gunpowder which shall be on board such Ships and Vessels in the said Storehouse or Magazine during the Winter; and if any Owner, Master, or other Person having the Command of such Ship or Vessel shall not so deposit the Gunpowder which shall be on board of such Ship or Vessel, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Pitch, &c. not  
to be heated  
or boiled on  
board Ves-  
sels.

LXXIX. And be it further enacted, That if any Person having the Command of any Ship or Vessel lying or being in the said River, shall heat or boil, or permit to be heated or boiled, any Pitch, Tar, or Rosin, or any Composition of that Nature, on board of his Ship or Vessel, otherwise than with an Iron Instrument commonly called

a Loggerhead, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

LXXX. And be it further enacted, That the respective Owners, Masters, or other Persons having the Command of Ships, Keels, Boats, or other Vessels navigating or using the said Navigation, shall be and they are hereby made answerable for any Trespass, Damage, or Mischief which may be done by such Ships, Keels, Boats, or other Vessels, or by the Crew, Keelmen, Boatmen, or Watermen, or by any Person belonging to or employed in or about the same respectively, to any of the Piers, Quays, Wharfs, Jetties, or other Works by this Act vested in the said Commissioners, or for any Damage done to the Keels, Boats, Floats, or other Vessels belonging to the said Commissioners, or to the Capsterns, Moorings, or Buoys, or to the Meer Stones or Posts placed or to be placed in or near the said River, Port, or Haven, or to the Machines, Wood, Stones, Iron Instruments, Workmen's Tools, or other Materials purchased or provided for the Purpose of making and carrying on such Works, or for any Trespass done to the Owner or Occupier of any Lands or Grounds adjoining to the said Port or River, otherwise than for entering upon such Lands or Grounds for the Purpose of haling or towing any such Ships, Keels, Boats, or other Vessels; and such Owners, Masters, or other Persons as aforesaid shall for every such Damage, upon Conviction thereof before some Justice of the Peace acting for the County or Place wherein such Offence was committed, either by the Confession of the Party or Parties offending, or upon the Oath or Affirmation of some credible Witness or Witnesses, pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding One Half of the Penalty awarded, and the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Ship, Keel, Boat, or Vessel, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Ship, Keel, Boat, or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made or by Default or upon Demurrer, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit: Provided always, that if the Owner or Owners of any Ship, Keel, Boat, or other Vessel or Craft, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, or Boatmen, then and in such Case every such Servant or Boatman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof, on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Owners or Masters to be answerable for Damage done to the Piers, &c. by any of the Crew.

LXXXI. And

For weighing  
and raising  
Vessels sunk.

LXXXI. And be it further enacted, That if any Ship, Boat, Keel, or other Vessel shall happen to sink in the said River, Port, or Haven, and the Owner, Master, or other Person having the Care or Management thereof do not within the Space of Twenty-four Hours next after such Ship, Boat, Keel, or other Vessel shall so sink, weigh or draw up the same again, and remove the same out of the Way of other Vessels navigating or using the said River, Port, or Haven, or within the Period aforesaid give sufficient Security to the Chairman of the said Commissioners for so doing, and shall not remove the same within Seven Days, or at the next Spring Tide, it shall be lawful for the Engineer or Haven-master, or other Agent or Servant of the said Commissioners, to weigh, draw up, and remove the same out of the Way of other Vessels navigating or using the said River, Port, or Haven, and to detain and keep such Ship, Keel, Boat, or other Vessel, and the Rigging, Tackle, and Loading (if preserved), until Payment of all Damages and Expences occasioned by the sinking of such Vessel, and attending the weighing, drawing up, and removing the same; and if the Amount of such Damages and Expences be not paid within Five Days after Demand thereof made by or on behalf of the said Commissioners, it shall be lawful for the said Engineer or Haven-master, or other Agent or Servant, to sell such Vessel, Rigging, and Tackle, or so much thereof as shall be necessary for reimbursing the Amount of such Damages and Expences, and the Costs and Expences of attending the keeping and selling the same, returning the Overplus (if any), on Demand, to the Owner, Master, or other Person having the Management of such Ship, Boat, Keel, or Vessel before it sunk.

To prevent  
Ships being  
misled by the  
Fire of Lime-  
kilns.

LXXXII. And whereas Lights by and from Limekilns on the Land adjoining the Sea near to the said Port of *Sunderland* may mislead Masters, Mariners, and Pilots having the Care of Ships and Vessels belonging to and using the said Port; be it therefore enacted, That it shall be lawful for the said Commissioners, and their Servants and Workmen, to enter into and upon the said Lands, and to build or cause to be built sufficient Walls or other Erections before such Lights, so as to prevent the said Lights from being seen at Sea, and the Owners or Occupiers of such Lands shall keep the said Walls in repair so long as such Limekilns shall be used; and if any Owner or Occupier of any Land or Limekiln shall obstruct or hinder the said Commissioners, or their Servants or Workmen, in entering into and upon the said Lands, or in building such Walls or other Erections, or shall not keep the same, after being built, in repair, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Power to take  
Lighthouse  
and Refuge  
Duty.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to demand, receive, and recover from the respective Owners, Masters, or other Persons having the Command of any Ship or Vessel which shall enter the said River *Wear* or Port of *Sunderland*, once in every Voyage, the Duty or Sum of One Shilling for each such Ship or Vessel, and also the



the Sum of One Farthing for every Two Tons of the Burden of such Ship or Vessel, to be ascertained as herein-before is directed with respect to Ships and Vessels liable to the other Tonnage Rates or Duties imposed by this Act (except as herein-after is provided with respect to Ships or Vessels employed in the Lime Trade), and also to demand, receive, and recover from the respective Masters or Owners, or other Persons having the Command of every Ship or Vessel whatsoever which shall enter the said River *Wear* or Port of *Sunderland* for Safety or Refuge only, and which shall depart again from the same Port without taking in any fresh Loading there, a Rate or Duty of One Penny Halfpenny for every Ton of the Burden of every such Ship or Vessel (to be ascertained as aforesaid), when and as often as the same shall so enter the said River *Wear* or Port of *Sunderland* for Safety or Refuge only, and shall depart again from the same Port without taking in any fresh Loading; and the said last-mentioned Rates or Duties shall be paid at the Office of His Majesty's Customs for the said Port of *Sunderland*, with Permission of the Commissioners of His Majesty's Customs; and no Ship or Vessel liable to the said last-mentioned Rates or Duties shall be cleared at or depart from the said Port of *Sunderland* till the same Rates or Duties shall be paid, and the same shall be applied towards the general Purposes of this Act: Provided always, that the respective Owners of Ships or Vessels engaged in the Lime Trade may make an annual Composition with the said Commissioners for each Ship or Vessel so employed, and the said Commissioners are hereby authorized to compound with such Owners accordingly.

LXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to exhibit or alter any Light or Lights for the Guidance of Ships and Vessels entering into or departing from the said River *Wear* or Port of *Sunderland*, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond*, as to the Description and Power of any such Light or Lights, and the Mode of exhibiting the same, save and except that it shall be lawful for the said Commissioners to continue to exhibit the Lights now exhibited by them on the North Pier and South Pier of *Sunderland* aforesaid respectively.

Commissioners not to exhibit or alter Lights without the Sanction of the Trinity House of Deptford Strond.

LXXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster General.

Exempting Vessels in His Majesty's Service.

Recovery of  
Rates.

LXXXVI. And be it further enacted, That in case of Refusal or Neglect, on Demand, to pay any of the Rates or Duties by this Act granted, the said Commissioners may, in case such Rates or Duties shall amount to the Sum of Twenty Pounds or upwards, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates or Duties ought to have been paid may and he and they is and are hereby empowered to seize any Articles, Matters, or other Things belonging to the Person or Persons so refusing or neglecting to pay the said Rates or Duties or any Part thereof, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Articles, Matters, or other Things as aforesaid shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates or Duties so due as aforesaid shall not amount to the Sum of Twenty Pounds, it shall not be lawful for the said Commissioners to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein mentioned.

Disputes  
about the  
Amount of  
Rates, &c.  
to be settled  
by a Justice.

LXXXVII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Duties due to the said Commissioners, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Duties due, or (as the Case may require) the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said County, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the said Parties or other Witness or Witnesses, and determine the Amount of the Rates or Duties or (as the Case may be) of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable, and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Navigation to  
be free, upon  
Payment of  
Rates.

LXXXVIII. And be it further enacted, That the said Navigation shall be a free Navigation from *South Biddick Ford* through the said River, Port, and Haven of *Sunderland*, and from thence into the Sea, and all the King's Subjects may have and enjoy free Passage along, in, through, or upon the same with and for Ships, Boats, Barges, Lighters, Keels, and other Vessels, and also the Use of the Haling or Towing Paths, and other Works and Conveniences which have been heretofore legally made, or which shall be made under the Authority of this Act, for navigating in and upon the said River, and the said Port and Haven, and all other Rights and Benefits, in as full  
and

and ample a Manner as the same might have been used if this Act had not been passed, without any Let, Hindrance, or Obstruction from any Person whomsoever, subject however to the Payment of such Rates, Tolls, and Duties as shall from Time to Time be demanded by the said Commissioners, not exceeding the respective Sums in this Act mentioned, and subject to the Rules, Orders, and Regulations which shall from Time to Time be made by the said Commissioners by virtue of the Powers by this Act granted.

LXXXIX. And be it further enacted, That all the Rates and Duties by this Act granted, and all other Sums of Money to be by virtue of this Act received, shall be and the same are hereby vested in the said Commissioners; and out of the Monies already in the Hands of the said Commissioners under the said former Acts hereby repealed, or out of the first Money to be received under or by virtue of this Act, the said Commissioners shall, in the first place, pay and discharge all the Costs, Charges, and Expences incurred in and about the preparing, applying for, and obtaining of this Act, and otherwise incident thereto, and in the next place shall pay and discharge any Money heretofore borrowed and still owing by the said Commissioners under the said former Acts, or either of them, or which shall be borrowed under the Powers of this Act, and all Interest due thereon respectively, and shall apply the Remainder of such Money in defraying the Expences attending the Execution of the several Works by this Act authorized.

Application  
of the Money.

XC. Provided always, and be it further enacted, That whenever any Money shall be ordered by any Justice of the Peace to be paid by the said Commissioners in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners or by any Person acting by or under their Authority, or for any Penalty or Forfeiture incurred by the said Commissioners, such Money, together with the reasonable Costs and Expences of hearing and determining the Matter, shall forthwith be paid by the Treasurer to the said Commissioners, out of any Money then in the Hands of such Treasurer, to the Party entitled to receive the same; and if the same shall not be so paid within Ten Days after Demand in Writing shall have been delivered to the Clerk or Treasurer to the said Commissioners for the Time being, the Amount of such Compensation or Satisfaction, Penalty or Forfeiture, and Costs and Expences as aforesaid, shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs and Expences of such Distress and Sale, under a Warrant to be issued by some Justice of the Peace, which any such Justice is hereby authorized and required to grant, upon Application made to him for that Purpose by the Party entitled to receive such Compensation or Satisfaction, Penalty or Forfeiture as aforesaid; provided nevertheless, that every such Treasurer shall be reimbursed, out of the Monies to arise or be collected by

In case of  
Nonpayment  
of Compensa-  
tion, same  
may be levied  
on Commis-  
sioners.

by virtue of this Act, all such Costs and Expences as he shall incur or become chargeable with in respect of any Distress and Sale of his Goods and Chattels to be so made for the Recovery of such Compensation or Satisfaction, Penalty or Forfeiture as aforesaid.

Recovery and  
Application  
of Penalties.

XCI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the said County of *Durham*, on Complaint to him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, not more than One Half to the Informer, and the Remainder to the Treasurer of the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, One Half to the Informer and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice and he is hereby authorized and required, to order the Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his or her Appearance before such Justice, or before some other Justice of the Peace having Jurisdiction, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Five Days from the taking of such Security), and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress; but in such Case it shall be lawful for such Justice, and he is hereby required, by Warrant under his Hand and Seal, to commit such Offender to some Common  
Gaol

Gaol or House of Correction for the County or Place within his Jurisdiction, there to remain for any Time not exceeding Six Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

XCII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such respective Justices are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

XCIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

XCIV. And be it further enacted, That it shall be lawful for any Collector, Harbour-master, Engineer, Surveyor, or other Officer of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Harbour-master, Engineer, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the County or Place where the Offence shall be committed, without any other Warrant or Authority than this Act for so doing, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

For securing unknown Offenders.

Forms of  
Information  
and Convic-  
tion.

XCV. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of  
Information.

‘ } **BE** it remembered, That on the \_\_\_\_\_ Day of  
‘ to wit. } *A. B.* of \_\_\_\_\_ informeth me,  
‘ One of His Majesty’s Justices of the Peace for  
‘ that \_\_\_\_\_ of \_\_\_\_\_ [*here describe the*  
‘ *Offence, with the Time and Place*], contrary to an Act passed in  
‘ the Eleventh Year of the Reign of His Majesty King *George* the  
‘ Fourth, intituled [*insert the Title of this Act*], which hath imposed  
‘ a Forfeiture of \_\_\_\_\_ for the said Offence. Taken  
‘ the \_\_\_\_\_ Day of \_\_\_\_\_ before me \_\_\_\_\_.’

Form of  
Conviction.

‘ } **BE** it remembered, That on the \_\_\_\_\_ Day of  
‘ to wit. } \_\_\_\_\_ in the Year of our Lord  
‘ *A. B.* is convicted before me *C. D.*, One of His Majesty’s Justices of  
‘ the Peace for \_\_\_\_\_ of \_\_\_\_\_ [*specifying the*  
‘ *Offence, and the Time and Place when and where the same was com-*  
‘ *mited, as the Case may be*], contrary to an Act passed in the Eleventh  
‘ Year of the Reign of King *George* the Fourth, intituled [*here set*  
‘ *forth the Title of this Act*]. Given under my Hand and Seal, the  
‘ Day and Year first above written.’

Distress not  
to be deemed  
unlawful for  
Defect or  
Want of  
Form in Sum-  
mons, &c.

XCVI. 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 any Party making the same be deemed a Trespasser, 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 distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him; but the Party aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XCVII. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Commissioners, and the said Commissioners and all other Bodies and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned, where Power of Appeal is by this Act specifically given, may, within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice at least in Writing of such Intention to appeal, and of the Grounds  
and

and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal and to abide the Order and Award of the Court thereon; and the said Justices shall in a summary Way either hear and determine the said Appeal at such General or Quarter Sessions, or if they shall think proper adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Parties as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

XCVIII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Commissioners, the Production of a written or printed Paper, purporting to be the Bye Laws, Rules, or Orders of the said Commissioners, and authenticated by the Signature of any Five or more of the said Commissioners, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and generally continued in manner by this Act directed.

Authenticated Bye Laws to be Evidence.

XCIX. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

C. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months

Limitations of Actions.

Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter of Dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information may plead 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 by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant shall have his or her Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

CI. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be defended, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Actions may be carried on against Persons not to be found in certain Cases.

CII. And be it further enacted, That if in case any Person liable to the Payment of any of the Rates or Duties hereby granted, or if any Person liable to the Payment of any of the Penalties or Forfeitures by this Act imposed, shall secrete himself or herself, or withdraw or retire so as that no Warrant or other Process can be served upon him or her, it shall be lawful for the said Commissioners to commence and prosecute an Action at Law in any Court of Record against such Person for the Recovery of the several Rates, Duties, Penalties, or Forfeitures so due from or payable by such Person.

Declaring what shall be good Service of Notice on the Commissioners.

CIII. And be it further enacted, That in all Cases where it may be necessary for any Person to serve any Notice or other Proceeding upon the said Commissioners, Service thereof respectively upon the Chairman, or the Clerk of the said Commissioners, or left at the Office of



of such Clerk, or at the last or usual Place of Abode of such Chairman or Clerk, shall be deemed sufficient Service of the same upon the said Commissioners.

CIV. And be it further enacted, That in all Cases where it may be necessary for the said Commissioners to give any Notice to any Person or Body Corporate whomsoever, under the Provisions of this Act, such Notice shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by any Five or more of the said Commissioners, or by the Chairman or the Clerk to the said Commissioners for the Time being, and shall be delivered to such Person, or left at his last or usual Place of Abode, or be delivered to some Member of such Body, or be delivered at his last or usual Place of Abode, to some Inmate thereof, or to some Clerk or other Officer of such Body, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

Service of Notice by Commissioners.

CV. And be it further enacted, That in Cases where by this Act Notice is directed to be given of any of the Meetings of the said Commissioners, and in all other Cases where by this Act any public Notice is directed to be given by the said Commissioners (except such public Notices as are by this Act expressly directed to be given in some other Manner), such Notice shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Chairman, or the Clerk to the said Commissioners for the Time being, and for Meetings on Emergencies the said Notices shall be affixed on the Doors of the Parish Church of *Sunderland*, and of the Chapel or Chapels of Ease to the said Church, and also to the Door of the Custom House of *Sunderland*; and all such Notices so published and given shall be good and sufficient in Law for the Purposes of this Act.

Directing the Mode of giving Notice of Meetings of Commissioners and other public Notices.

CVI. And be it further enacted, That in all Cases when any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person, before he or she shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

CVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*.

For saving the Rights of the Trinity House.

CVIII. Provided always, and be it further enacted, That nothing in this Act contained shall destroy or prejudice any Right which the Lord Bishop of *Durham* and his Successors, and his and their Lessees of the Beaconage and Anchorage of the said River, Port, and Haven, or the Owners of the *Sunderland* Ferry Boat and *Hylton*

Saving to the Lord Bishop of Durham, and others.

[*Local.*]

[14 *E*]

Ferry

Ferry Boat, or any other Ferry Boat upon the said River, now have or might have or lawfully claim in or upon the said River, or within the said Port or Haven and Town of *Sunderland*, or otherwise howsoever, in case this Act had not been passed.

Public Act.

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

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