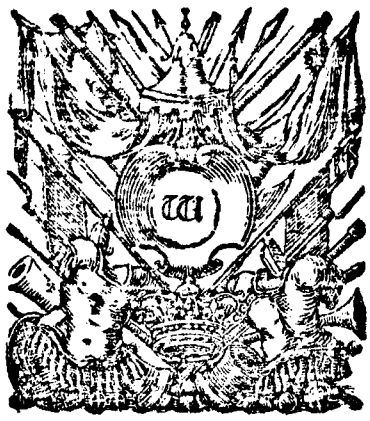
Anno triceſimo ſecundo

Georgii II. Regis.

An Act for making and completing the Navigation of the River *Wear* from, and including, *South Biddick*, or *Biddick Ford*, in the County of *Durham*, to the City of *Durham*; and for repealing ſo much of an Act made in the Twentieth Year of His preſent Majeſty's Reign, intituled, *An Act for the better Preſervation and Improvement of the River* Wear, *and Port and Haven of* Sunderland, *in the County of* Durham, as relates to the making the ſaid River navigable between the ſaid Two Places called *South Biddick*, or *Biddick Ford*, and *New Bridge*, in the County of *Durham*.



WHEREAS an Act of Parliament for the Preſervation and Improvement of the River Wear, and Port and Haven of Sunderland, in the County of Durham, was made in the Third Year of His late Majeſty King George the Firſt, by which certain Perſons were made, conſtituted, and appointed, Commiſſioners of the ſaid River, between Souter Point, and the City of Durham: And by another Act paſſed in the Thirteenth Year of the Reign of His ſaid late Majeſty, for making more effectual the ſaid

Preamble, reciting Clauſes in Act 3 *Geo.* I.

Act, further Powers were given to the said Commissioners; both which said Acts have since expired: And whereas another Act of Parliament passed in the Twentieth Year of the Reign of his present Majesty King George the Second, for the better Preservation and Improvement of the said River Wear, and Port and Haven of Sunderland, in the County of Durham, by which certain Persons therein named were nominated, constituted, made, and appointed, Commissioners of the said River, Port, and Haven; and were directed to remove all Sand, Shoals, and other Obstructions and Impediments between Biddick Ford and Newbridge, and effectually to make the said River navigable to carry Boats, Keels, and Vessels, of the Burthen at that Time used upon the said River, before the Twenty fourth Day of June, which will be in the Year of our Lord One thousand seven hundred and fifty nine: And whereas the Commissioners named in the said last-recited Act have very much improved the Port and Haven of Sunderland, but have done nothing towards making the said River navigable, higher up than the said Biddick Ford, and that Part of the said River between Biddick Ford and Newbridge, is not now navigable for Boats or Vessels of the Burthen then commonly used on the said River: And whereas the making and continuing navigable the said River, from and including South Biddick, or Biddick Ford, to the City of Durham, will be of very great publick Utility: Wherefore, may it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fifth Day of June, One thousand seven hundred and fifty nine, so much and such Part and Parts of the said last before recited Act of Parliament as relate to the said River Wear, across and between the said South Biddick, or Biddick Ford, and Newbridge, and so far as the same tends to require or impower the Commissioners therein named to make the said River navigable within the Limits aforesaid, or for the future in any manner of Way whatever to intermeddle therewith, shall be repealed, and the same is and are hereby repealed accordingly; any thing in the said last in part recited Act contained to the contrary thereof in any wise notwithstanding.

So much of the recited Act as relates to the making the River navigable between *South Biddick* and *Newbridge*, repealed.

Commissioners Names.

And it is hereby further enacted by the Authority aforesaid, That the Honourable and Right Reverend the Lord Bishop

Biſhop of Durham, and his Succeſſors; the Right Honourable Robert Ord Lord Chief Baron of Scotland, Sir Walter Blackett, Sir Henry Grey, Sir Wilfred Lawſon, Sir Hedworth Williamſon, Baronets; Sir Benjamin Rawling Knight, Jeremiah Abbs, John Andrews, Archdeacon, Adam Aſkew M. D. Edward Aiſkell, Cowper Abbs, Thomas Atkinſon, Hugh Awdos, Allaſon, James Allan, Michael Aſhworth, William Archer, Cornelius Benton, George Bryan, Mark Burleigh, John Burdon, Ralph Bates, Thomas Bates, Robert Bewick, Matthew Bell, Francis Blake, George Bramwell Clerk, Thomas Byers, James Brack, George Barkas, William Blakiſton, Jonathan Burleigh, Charles Burne, William Barker, William Belaſyſe, Bryan Brown, John Wood Boynton, Francis Blakiſton, Bradley, George Black, William Brockett, William Bainbridge, John William Bacon, George Baker, George Bowes, Peter Bowlby, James Bland, Philip Bendlowes, Ralph Brockett, Cuthbert Bainbridge, Henry Bland D. D. Bartholomew Bowſer, Sir Thomas Clavering Baronet, Robert Chilton, John Cookſon, John Clavering, William Cuthberts, John Colvill, Ralph Carr, Matthew Carr, Robert Catcheſide, Nathaniel Clayton Clerk, John Clark, John Charlton, John Cuthberts, Ralph Cookſon, Carr, William Cornforth, Collingwood, John Craſter, George Craſter, George Clavering, George Sandiford Crowe, Robert Chaloner, Richard Cowdell, Spencer Cowper Dean of Durham, Thomas Chapman D. D. Morton Daviſon, Thomas Denniſon, Thomas Daviſon, William Dixon, James Donniſon, James Douthwaite, William Dunn, Abraham Dixon, Jonathan Daviſon, Samuel Dickens D. D. Earl of Darlington; John Dixon, Martin Doubleday, Henry Doubleday, Edward Daviſon, the Reverend John Drake, John Dodgſon, Nicholas Dodgſon, Robert Dodgſon, the Reverend Robert Daviſon, Thomas Dunn, the Reverend Dover, Sir John Eden Baronet, Henry Elliſon, Ralph Eden, George Elleray, George Edwards, William Ettrick, William Fenwick, John Fenwick, Chriſtopher Fawcett, George Fielding, Gaſcoyn Finch, Thomas Forſter, Bazil Forcer, the Reverend Lloyd, George Grey, George Grey junior, John Goodchild, John Gregſon, James Galley, Bowes Grey, James Giſborne M. A. Richard Garmondſway, Thomas Garth, Ralph Gowland, Thomas Gyll, James Garland, Joſeph Grey, George Green, the Reverend Abraham Gregory, Robert Hutton, Edward Hinton Clerk, Thomas Hall, George Harriſon, William Hepple,

Hepple, Edward Hincks, George Humble, John Hunter, John Harrison, Ralph Harrison, Newark Hudson junior, William Hunter, Andrew Hancill junior, Christopher Harrison, Robert Harrison, Benjamin Hodgkin, Leonard Hartley, George Hartley, Hoare, Timothy Hutchinson, Thomas Holmes, Richard Holmes, Thomas Hutchinson, Holmes, Nicholas Hodgson, Hoskins, David Hilton, Robert Hilton, Thomas Hornsby, Anthony Hall, Anthony Hall the younger, Jonathan Hall, John Heighington, Thomas Hogg, William Hopper, Thomas Hopper, Henry Hopper, Ralph Hopper, Joshua Hopper, Richard Hopper, Nicholas Halhead, Hutchinson, Richard Herdman, Newark Hudson, Robert Inman, Anthony Isaacson, Cuthbert Johnson, John Johnson LL. D. William Jepson, Christopher Johnson, Robert Killinghall, Wadham Knatchbull LL. D. Samuel King, Nicholas Lambton, William Lambton, Ralph Lambton, John Lambton, Henry Lambton, William Lamb Clerk, John Legg, George Longstaff, William Lowes, George Longstaff junior, the Reverend John Lamb, William Lodge, James Lumley, James Lyon, Thomas Lyon, Thomas Liddell, Thomas Lewen, John Lamb, Robert Lowth D. D. the Reverend Thomas Leighton, Sir Ralph Milbank Baronet, the Mayor, Recorder, and Aldermen, of the City of Durham, for the time being; Teasdale Mowbray, Edward Montague, James Musgrave LL. D. Carnaby Marley, Warren Maude, Barnabas Maude, William Maling, George Mowbray, William Maude, Joseph Maude, Henry Meaburn, Matthew Morgan, Thomas Maire, Joseph Musgrave, Francis Myddleton, Francis Myddleton junior, Henry Mills, Jonathan Martin, Francis Mascall, Thomas Mascall, Benjamin March, John Mann, John Morgan, John Nesham, Matthew Noble, John Nesham junior, William Newton, Samuel Newton, William Norton, William Nowell Clerk, William Ord, John Ord, William Peareth, Thomas Pemberton, William Peareth junior, John Pemberton, Edward Pearson, Thomas Potts, John Potts, Nathaniel Pewterer, Ralph Paxton, Lord Ravensworth, Ralph Robinson, Joshua Roper, Matthew Ridley, Joseph Reay, Marshall Robinson, John Robinson Clerk, Thomas Richardson, William Russell, Sir Thomas Robinson Baronet, Cuthbert Rafton, Ralph Robson, William Reed, Robert Roper, George Reay, John Richardson, Thomas Rudd, William Rudd, Michael Robinson, George Robinson, Robert Robinson, Thomas Reed, John Richardson, John Richardson junior,

Earl

Earl of Scarborough, Earl of Shaftsbury, Earl of Strathmore, Anthony Story, Richard Stonhewer D. D. James Smithson, George Scruton, Thomas Goodfellow Shafto, John Stevenson, Richard Stonhewer, John Swinburne, Edward Stewart, Samuel Shields, William Scurfield, John Sharpe, Richard Sparrow, John Stafford, Thomas Smith, Thomas Stamp, Jacob Spenceley, William Sutton, William Sleigh, Robert Surtees, the Rector of Sunderland for the time being, Robert Stillingfleet D. D. Joseph Spence M. A. Jaques Sterne LL. D. Robert Spearman, William Spearman, Cuthbert Smith, Meaborn Smith, Anthony Salvin, Edward Shepperdson, Nicholas Shuttleworth, George Surtees, Robert Shafto, Jenison Shafto, Sir John Thorold, John Thompson, John Thornhill, George Thompson, Edward Tew D. D. John Thorold junior, John Tempest, John Tempest junior, Christopher Teasdale, Thomas Taylor, George Thompson, Henry Taylor, William Todd, Nicholas Taylor, the Reverend Thorpe, John Taylor, Elias Thornhill junior, William Turner, Thomas Thornsby, Trotter, John Trotter, Henry Vane M. A. Raby Vane, William Warburton D. D. Ebenezer Wardell, John Wood, William Wilkinson, Hedworth Williamson, William Williamson, Henry Williamson, Thomas Williamson, Henry Wilkinson, William Whinfield, George Whinfield, Henry Wilson, William Watson, William Wilson, Fitter John Wright, John Wilson, Joseph Walton, John Wall, William Wogan, Thomas Wells, Robinson Wakefield, Sir Hedworth Williamson, Ralph Ward, John Westgarth, the Reverend Andrew Wood, Ralph Walton, the Rector of Bishop Wearmouth for the time being, Farrer Wrenn, Breams Wheeler, Thomas Wharton, Richard Wharton, Jonathan Wharton, Thomas Wilkinson, Gilbert Wilkinson, Henry Walton, John Walton, George Wood, Richard Wright, Robert Wardell, Robert Waugh, Henry Wetherell, Robert Shafto Whitworth, the Rector of Brancepeth for the time being, the Rector of Stanhope for the time being, the Rector of Bishop Wearmouth for the time being, the Rector of Wolsingham for the time being, Robert Bowes, and their Successors, shall be, and are hereby appointed, Commissioners for making and continuing the said Navigation of the said River Wear from, and including, the said South Biddick, or Biddick Ford, to the said City of Durham; and the said Persons so appointed Commissioners, or such Person or Persons as they, or any Seven or more of them, shall, by Writing or Writings under their Hands and Seals, nominate or appoint

Commissioners impowered to do all necessary Works for rendering the River navigable.

point their Agents, Officers, Workmen, and Servants, shall be and are hereby impowered and authorized to make, and keep navigable and passable for Barges, Boats, Lighters, Keels, and other Vessels, the said River between the Places aforesaid; and, for that Purpose, to cleanse, scour, open, deepen, enlarge, or straiten the same, and any other Streams, Brooks, or Watercourses, which do come or may be brought in, or made to communicate therewith, and to dig, cut, or raise, the Banks of the said River, and of any other the Streams, Brooks, or Watercourses aforesaid, for bringing Water into the said River between the Places aforesaid; and to make such new Cuts, Canals, Trenches, or Passages, for Water, in, upon, or through, the Lands or Grounds adjoining or near unto the same River, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as they the said Commissioners, or any Seven or more of them, shall think proper for effecting the Purposes of this Act, be it the Ground or Soil of any Person or Persons, Bodies Politick or Corporate whatsoever; and also to dig, cut, remove, and take away, all Trees, Roots, Beds of Gravel, Sand, or Stones, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the said intended Navigation, either in sailing, haling, or towing, of Boats, Barges, Lighters, Keels, or Vessels, with Men, Horses, or otherwise; and also to build, erect, set up, and make, over or in the said River, Brooks, Streams, Cuts, Canals, Trenches, and Watercourses afore-mentioned, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, Trenches, and Quays, Engines, Posts, and Stoops, Landing-places, Weighing-beams, Warehouses, or such other Works and Conveniencies, as may be necessary for making the said River navigable, within the Limits aforesaid, and the due carrying this Act into Execution, as and where the said Commissioners, or any Seven or more of them, shall think fit, and from time to time, as often as shall be proper and convenient, to alter, repair, increase, enlarge, and amend the same; and also to make, amend, widen, turn, alter, or enlarge, any Ways, Passages, or other Conveniencies, for the carrying and conveying of Goods, Wares, Commodities, or other Things, to or from the said River, Brooks, Streams, Cuts, Canals, Trenches, and Watercourses, herein before-mentioned; and also to carry and

and convey in, over, and upon, any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finishing, the said Works and Navigation, and for altering, repairing, and maintaining the same, and also to lay, work, and manufacture, the said Materials upon the Ground near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, or done; and also to amend, alter, or heighten, any Bridge or Bridges, Cuts and Watercourses, as may any Ways hinder or obstruct the said intended Navigation; and also to get, dig, take, and carry away, Soil, Sand, Clay, Stones, or Gravel, and other Materials, proper, requisite, and convenient, for making, carrying on, altering, and continuing, the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said River, Brooks, Streams, Cuts, or Watercourses, not being the Ground whereon any House stands, or an Orchard, Paddock, planted Walk, or Avenue to a House; and also to make, set out, appoint, maintain, and keep, Towing-paths, Haling-paths, Banks, and Ways, convenient for towing, haling, and drawing, with Men, Horses, or otherwise, of Boats, Barges, Lighters, Keels, and other Vessels, passing in, through, and upon, the said River, Cuts, and Canals, hereby intended to be made navigable, as the said Commissioners, or any Seven or more of them, shall think convenient; and also to make and erect any Dam or Dams, Reservoir or Reservoirs, at or near any Part of the said River, in order to facilitate and supply the said intended Navigation with Water, from time to time, as there shall be Occasion or Necessity, and also from time to time to repair, preserve, and maintain, such Dam or Dams, Reservoir or Reservoirs, and also to do and perform all other Works, Matters, and Things, which the said Commissioners, or any Seven or more of them, shall judge expedient, necessary, or proper, for carrying on, completing, and maintaining, the said intended Navigation, and for executing the Purposes of this Act, they the said Commissioners doing as little Damage as may be to and upon the Premisses, and first giving or tendering such Satisfaction to the Owners and Occupiers of, and Persons interested in, any Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned to such Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, for or on account of the said intended Navigation, as the said

Commissioners, or any Seven or more of them, shall for that Purpose order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act.

And be it further enacted by the Authority aforesaid, That the said Comissioners, or any Seven or more of them, shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Mills, Dams, Fisheries, and particularly the ancient Fishery belonging to the Bishop of Durham, betwixt Lumley and Chester, now lett by Lease to the Honourable James Lumley, Weirs, Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall judge necessary or proper to be cut, digged, altered, removed, or used, for the Purposes of this Act; and it shall be lawful for all Bodies Politick and Corporate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person or Persons whomsoever who are, is, or shall be, seised or possessed of, or interested in, any such Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwise to contract for, and to sell and convey, the Inheritance in Fee-simple of all or any such Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall nominate and appoint; and that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying the same, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person whomsoever, and all claiming or to claim by, from, or under him, her, or them; any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all and every Person or Persons so demising, leasing, or conveying, as aforesaid, is, are, and shall be indemnified for what he, she, or they, shall do by virtue and in pursuance of this Act; and the said Commissioners, or any Seven or more of

Bodies Politick, &c. may contract for the Sale of Lands, &c.

of them, may alſo adjuſt what Proportion of the annual Rent, or Sum in groſs, ſo agreed to be paid, ſhall be allowed to any Tenant, or other Perſon, having a particular Eſtate, Term, or Intereſt, in any of the Premiſſes; and that all ſuch Leaſes, Sales, and Conveyances, ſo to be made as aforeſaid, ſhall be filed and depoſited in the Office of the Curſitor of the Lord Biſhop of Durham; and true Copies of the ſame, or any Part thereof, ſigned by the ſaid Curſitor for the time being, or his Deputy, ſhall be deemed and taken to be good Evidence thereof in all Courts whatſoever.

Where Perſons refuſe or neglect to treat, &c. for the Sale of ſuch Lands;

And it is hereby farther enacted, That if any ſuch Bodies Politick or Corporate, or any Perſon or Perſons, ſhall, for the Space of Sixty Days next after Notice in Writing ſigned by the ſaid Commiſſioners, or any Seven or more of them, given to the principal Officer or Officers of ſuch Bodies Politick or Corporate, and to ſuch Perſon or Perſons reſpectively, or left at his, her, or their laſt or uſual Place or Places of Abode, or to the Tenant or Tenants in Poſſeſſion of the Meſſuages, Mills, Dams, Fiſheries, Weirs, Lands, Tenements, or Hereditaments, intended to be cut, digged, altered, removed, or uſed, as aforeſaid, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Seven or more of them, or by reaſon of Abſence, ſhall be prevented from treating touching the Matters aforeſaid (except ſuch Abſence ſhall be occaſioned by his or their neceſſary Attendance upon either Houſe of Parliament) then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby authorized and impowered, from time to time, to iſſue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the ſaid County of Durham for the time being, or in caſe he ſhall happen to be intereſted in the Matter in Queſtion, then to One of the Coroners of the ſaid County not intereſted in the Matter in Queſtion, commanding ſuch Sheriff or Coroner reſpectively to impanel, ſummon, and return, a Jury, and ſuch Sheriff or Coroner ſhall have as a Fee for ſo doing, Twenty Shillings, and no more; and the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impanel, ſummon, and return, a Jury of Twenty four able and ſufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Court of Pleas at Durham, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place, as by ſuch War-

Commiſſioners to iſſue their Warrants to the Sheriff to impanel a Jury.

rant

rant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant shall be served upon the Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return, Twenty Pounds, to be levied, recovered, and applied, in the Manner herein after-mentioned; and also to return in Issues upon every Person so impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied and recovered as hereafter mentioned; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Seven or more of them, are hereby impowered and required by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all and every such Person and Persons as shall be thought necessary by any of the Parties concerned, to be examined as a Witness or Witnesses touching the Matters in Question, who shall be paid for their Attendance the Sum of One Shilling and Six Pence apiece for each Day; and the said Commissioners, or any Seven or more of them, may order and authorize the said Jury, or any Four or more of them, to view the Place or Places, or Matters, in Question; and the said Jury, upon their Oaths, having enquired into the Matters in Dispute, and heard what shall be said by the Witnesses produced to them upon their Oaths (and which said Oaths to the said Jury and Witnesses respectively, the said Commissioners, or any Two or more of them, are hereby required and impowered to administer) shall assess and ascertain such Damages and Recompence as they the said Jury shall think fit to be awarded to the Owners and Occupiers of, and Persons interested in, any such Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, or any Part thereof, according to their several and respective Rights and Interests therein, which shall be settled and ascertained by the said Jury, who shall specify the Sum to be paid to each and every Person so interested; and the said Jury, for their Attendance, shall be paid Two Shillings and Six Pence a Man for each Day; and the said Commissioners, or any Seven or more of them, shall give

Jurors may be challenged.

Witnesses may be summoned, and examined on Oath.

Jury to assess Damages;

Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdict and Judgement thereupon declared and pronounced by the said Commissioners, or any Seven or more of them, and the Value and Recompence so assessed (Notice in Writing being first given of their Meeting at least Fourteen Days before such Meeting, to the Parties concerned, or left at his or their Dwelling-house or Houses, or usual Places of Abode, or with the Tenant or Occupier of the Premisses, or at his or her usual Place of Abode) shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick and Corporate, and all and every other Person and Persons, their Heirs, Successors, Executors, Administrators, or Assigns, and all others, claiming any Title or Interest in the same Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, whether Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, or others, and their respective Heirs, Successors, Executors, Administrators, or Assigns, and all claiming by, from, or under him, her, or them, or any of them.

Verdict of the Jury to be binding and conclusive

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

Commissioners to take the following Oath before they act.

I *A. B.* shall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner appointed in pursuance of an Act, intituled, *An Act for making and completing the Navigation of the River* Wear *from, and including,* South Biddick, *or* Biddick Ford, *in the County of* Durham, *to the City of* Durham; *and for repealing so much of an Act made in the Twentieth Year of His present Majesty's Reign, intituled,* An Act for the better Preservation and Improvement of the River *Wear,* and Port and Haven of *Sunderland,* in the County of *Durham, as relates to making the said River navigable between the said Two Places called* South Biddick, *or* Biddick Ford, *and* New Bridge, *in the County of* Durham.

The Oath.

Which Oath the said Commissioners, or any Two or more of them, are hereby authorized and required to administer at their First or any other Meeting by virtue of this Act.

Penalty on Witnesses refusing to give Evidence, &c.

Provided also, That if any Person or Persons who shall be summoned as a Witness or Witnesses as aforesaid (he, she, or they, being paid, or there being tendered to him, her, or them, such Satisfaction for Attendance as aforesaid) shall neglect or refuse to appear, or give Evidence upon Oath, at the Time, Place, and on the Occasion, to be specified in such Summons; or if any Person summoned to appear as a Juryman as aforesaid, shall refuse to appear and be sworn, or to give or not give his Verdict; or if any Person or Persons, summoned to attend as a Witness or Juryman, shall, in any Manner, wilfully neglect his Duty, or misbehave in the Premisses, contrary to the true Intent and Meaning of this Act, every Person so offending in all or any of the Cases aforesaid, shall and may be fined by the said Commissioners, or any Seven or more of them, for every such Offence, any Sum not exceeding the Sum of Five Pounds, to be levied, recovered, and applied, in such Manner as herein after-mentioned.

Fine not to exceed 5 *l.*

Expences of Sheriff, Jury, and Witnesses, to go according to the Verdict.

Provided also, and it is further enacted, That if any Jury shall give a Verdict for more Money, as a Recompence or Satisfaction for any Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, than what shall have been offered on that Account by the said Commissioners, or any Seven or more of them, before such Jury was summoned, that then the Expences payable by virtue of this Act to the said Sheriff or Coroner, Jurymen and Witnesses respectively, shall be so paid by the said Commissioners out of the Money to arise by virtue of this Act; but if such Verdict shall be given for no more or for less Money than shall have been offered as aforesaid, by Seven or more of the said Commissioners, previous to the summoning such Jury for such Recompence or Satisfaction, then such Expences of the said Sheriff or Coroner, Jurymen and Witnesses, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Dispute, and shall be deducted out of the Monies so to be adjudged; and the Payment or Tender of the Remainder thereof shall be taken to be a Tender and Payment of the whole Sum so assessed as aforesaid.

And

And it is hereby farther enacted, That the said Verdicts and Judgements shall be entered in Writing upon Parchment (without any Stamps) under the Hands and Seals of the Commissioners, or any Seven or more of them, acting in the Premisses, and be filed and kept on Record in the said Office of Cursitor of the said Bishop of Durham; and the same, or true Copies thereof, or of any Part thereof, signed by the said Cursitor or his Deputy, shall be deemed good Evidence in any Court of Law or Equity whatever. Verdict and Judgement to be filed in the Cursitor's Office.

And be it further enacted, That, on Payment or Tender of the Sum or Sums of Money (out of the Money to be raised by this Act) so agreed on or contracted for, or assessed and adjudged for Damages done to, or for the Purchase of, any Messuages, Mills, Dams, Fisheries, Weirs, Lands, Tenements, or Hereditaments as aforesaid, to the Party or Parties concerned; or if such Party or Parties cannot be met with, to such Person or Persons, for his, her, or their Use, as the said Commissioners, or any Seven or more of them, by Writing under their Hands and Seals, shall direct and appoint, it shall and may be lawful to and for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, cut, dig, and use, such or so much of the said Lands, Tenements, Mills, Dams, Fisheries, Weirs, or Hereditaments and Premisses, for which Satisfaction shall have been made or tendered as aforesaid, and thereon to make, erect, and do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and supporting and maintaining the same, or for executing any of the Powers of this Act, as the said Commissioners, or any Seven or more of them, shall think requisite; and this Act shall be sufficient to indemnify the said Commissioners, and all and every Person and Persons employed by or under them, against the Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person or Persons whomsoever, to all Intents and Purposes whatsoever. Upon Satisfaction being made, Commissioners may proceed in the Works.

And be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, at any Time after the said Commissioners, or any Person or Persons authorized by them, shall have begun to carry this Act into Execution, or shall have completed the said intended Navigation, shall happen to sustain any future Damage in his, her, or their Messuages, Mills, Dams, Fisheries, Wears, Lands, Tenements, or Hereditaments, for which no How Satisfaction is to be made for future Damages not foreseen or provided for.

no Recompence shall have been made by reason of any Act, Neglect, or Default of the said Commissioners, or their Agents, Workmen, or Servants, or by reason of any Alteration to be made on the said River, Cuts, and Canals, or Works to be done there by virtue of this Act, then, and in every such Case (if the said Commissioners, or any Seven or more of them, and the Parties interested therein, cannot agree touching such Damage) the Damage to be sustained as aforesaid shall be enquired into and ascertained by a Jury, to be impanelled and returned, and Judgement given, and the same recorded and filed, in the same Manner and Form as the Damages and Recompences are hereby before directed to be assessed and adjudged, and the Verdict and Judgement thereof recorded and filed, for and in respect of Damages to be done to any Messuages, Mills, Dams, Fisheries, Wears, Lands, Tenements, and Hereditaments, in making the said River navigable.

Commissioners not to act where interested, &c.

Provided always, and be it farther enacted, That no Person or Persons shall sit or act as a Commissioner or Commissioners, in any Case, where he or they respectively shall be directly or indirectly in any wise interested or concerned, or where he or they, or any Person or Persons in Trust for or as Agent or Agents for him or them, shall hold or enjoy any of the Offices or Places of Clerk, Treasurer, Collector, or otherwise, created by virtue of this Act: And if such Person shall presume to sit or act as a Commissioner, in any of the Meetings of the said Commissioners in virtue of this Act, all Orders, Acts, and Decrees, made or done at such Meeting, wherein such Person shall join, sit, or act, shall be utterly null and void.

Qualification of Commissioners.

Provided also, That no Commissioner or Commissioners appointed by or in pursuance of this Act, other than and except the Mayor and Recorder of the City of Durham for the time being, shall sit or act in any Case whatever, relating to the said Navigation, unless he or they shall be respectively seised of, or intitled to, Messuages, Lands, or Tenements, either for his own Life, or the Life of another Person, or some other greater or better Estate, of the yearly Value of One hundred Pounds, or be possessed of, or intitled to, a Personal Estate alone, or Real and Personal Estate together, to the Value of Three thousand Pounds: And if any Commissioner shall sit or act as such, being interested, or holding or having any Office or Place, or not having such Estate as aforesaid, every such Person, so sitting and acting, shall forfeit the

Penalty on acting if not qualified.

Sum

Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same; to be recovered by Action of Debt, or on the Case, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and upon which Suit or Prosecution the Proof of such Qualification shall lie upon, and be made out by, such Person so to be sued or prosecuted.

On Death, &c. of Commissioners, others to be chosen.

And be it further enacted by the Authority aforesaid, That when any of the said Commissioners shall die, or refuse to act, it shall and may be lawful for Three or more of the Survivors of them to appoint a publick Meeting of the Commissioners at the City of Durham, for the Election of One or more new Commissioner or Commissioners in the Place or Places of the Person or Persons so dying or refusing to act, and shall affix a Notice in Writing upon the Market Cross of the said City of Durham, and of the Towns of Sunderland and Chester le Street respectively, of the Time and Place of such Meeting, Fifteen Days at least before the Day of Meeting: And if Seven or more of the said Commissioners shall appear at such Meeting, they, or the major Part of them, shall elect and chuse such One or more new Commissioner or Commissioners, as shall then be wanted on the Occasions aforesaid, by Instrument in Writing under their Hands and Seals; and in case a sufficient Number of Commissioners shall not appear at such Meeting, to elect such new Commissioner or Commissioners as shall be then wanted on the Occasions aforesaid, or shall not then make such Election, then, and in either of the said Cases, the said Commissioners, or any Seven or more of them, may, at their then next or any subsequent Meeting for putting this Act into Execution, proceed to elect and chuse such Commissioner or Commissioners as shall be then wanted as aforesaid, and from thenceforth the Person or Persons so chosen shall and may act as a Commissioner and Commissioners, and have and exercise the same Powers and Authority in all Things, as if he or they had been named and appointed in and by this Act.

Commissioners to take the Tolls following.

And it is hereby enacted, That it shall and may be lawful to and for the said Commissioners, or any Person or Persons to be by them, or any Seven or more of them, nominated and appointed, by Writing under their Hands, from time to time, and at all Times hereafter, to ask, demand, receive, and recover any such Sum or Sums of Money as shall be, from time to time, fixed and ascertained by the said Commissioners, or any Eleven or more

of them, not exceeding the several Tolls, Rates, and Duties herein after-mentioned; that is to say,

The Tolls. For every Chaldron of Coals or Cinders, navigated, carried, or conveyed, upon the said River, hereby intended to be made navigable, the Sum of One Shilling and Six Pence; and so in Proportion for a greater or lesser Quantity than a Chaldron.

For every Ton of Lead, Lead Ore, Tar, Lime, Lime-stones, Slates, Flags, or other Stone, Bricks, and Pantiles, the Sum of One Shilling; and so in Proportion for a greater or lesser Quantity than One Ton.

For every Last of Corn, Grain, and Malt, the Sum of Four Shillings; and so in Proportion for a greater or lesser Quantity than One Last.

For every Firkin of Butter, the Sum of One Penny.

For every Ton of Manure, the Sum of Six Pence; and so in Proportion for a greater or lesser Quantity than One Ton.

For every Ton of unwrought Iron, Raff Deals, Boards, and Timber, the Sum of Two Shillings and Six Pence; and so in Proportion for a greater or lesser Quantity than One Ton.

And for every Ton of all other Goods, Wares, Merchandizes, and Commodities whatsoever, not herein before particularly specified, navigated, carried, or conveyed, either up or down the said River, hereby to be made navigable, the Sum of Five Shillings; and so in Proportion for a greater or lesser Quantity than One Ton.

And for every Chaldron of Coals or Cinders, and every Ton of Lead, Lead Ore, Tar, Lime, Lime-stones, Slates, Flags, or other Stone, Bricks, Pantiles, Manure, unwrought Iron, Raff Deals, Boards, Timber, Goods, Wares, Merchandizes, and Commodities, herein before mentioned and specified; and for every Last of Corn, Grain, and Malt, and Firkin of Butter, which shall be navigated, carried, or conveyed, in and upon the said River, for any less Space or Distance than between the said City of Durham and South Biddick, or Biddick Ford; such Proportion of the said Tolls, Rates, and Duties, as shall be equal to such Distance, or as near the same as conveniently may be, to be settled and directed by the said Commissioners, or any Eleven or more of them.

On Nonpayment of the Tolls, And in case of Refusal or Neglect of Payment on Demand of the said several Tolls, Duties, and Rates before-mentioned, or any Part thereof, to the Person or

Persons appointed by the said Commissioners to receive the same; the said Commissioners, or any Five or more of them, in the Name of their Treasurer or Clerk, may sue for the same by Action of Debt, or upon the Case; and it shall be lawful for the Collector or Collectors of such Tolls, Rates, or Duties, to stop, detain, or make Stay of, any Goods for which the said Tolls, Duties, or Rates, ought to be paid; and also the Vessels carrying such Goods (with the Tackle and Furniture of such Vessels) until he or they shall be satisfied and paid the same. may sue for the same.

And whereas there is erected at Whithill near Chester, on the Grounds of John Cookson Esquire, an Iron Furnace, for the smelting of Iron-stone and Iron-mine with Pit Coal or Charcoal, which Iron-stone, Iron-mine, Lime-stones, and Fire-stone, necessary for that Purpose, are brought up the said River Wear, and landed below Newbridge, which said Materials are all of them of very inconsiderable Value; be it enacted by the Authority aforesaid, That for every Chaldron of such Iron-stone, Iron-mine, Lime-stones, and Fire-stone, which may be made use of at any Furnace or Furnaces there, and landed below Newbridge aforesaid, the Sum of Two Pence only, and no more, shall be paid; any thing herein to the contrary notwithstanding. No more than 2 *d. per* Chaldron to be paid for Iron-stone, *&c.*

And be it further enacted, That the said Tolls, Duties, and Rates, shall be and are hereby vested in the said Commissioners, and shall be applied, in the First Place, in paying the Expences incurred in, and in relation to, the obtaining of this Act, and afterwards for making, completing, continuing, maintaining, and repairing, the said Navigation, and carrying this Act, and the several Provisions, Powers, and Authorities therein contained, into effectual Execution. Tolls vested in the Commissioners, *&c.*

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall be and are hereby impowered, by Writing under their Hands, from time to time to appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the Tolls, Rates, or Duties, hereby granted or authorized to be taken; and also a Treasurer or Treasurers to receive all Money arising by virtue of this Act (such Treasurers and Collectors giving Security to the Satisfaction of any Seven or more of the said Commissioners, for the due Execution of their respective Offices) And such Collector or Collectors, and all other Persons, who shall receive any Money by virtue of this Act, shall, from time to time, pay overall the Money, so collected or received, Commissioners to appoint Officers;

received, into the Hands of the said Treasurer or Treasurers, at such Times, and in such Manner, as the said Commissioners, or any Seven or more of them, shall direct and appoint: And the said Commissioners, or any Seven or more of them, may also appoint a Clerk or Clerks, and such other Officers as they shall think fit to employ in the Execution of this Act; and may allow to such Treasurers, Collectors, Clerks, and other Officers, such Salaries or Recompence, out of the Monies to arise by virtue of this Act, as they shall think fit and reasonable: And all such Officers shall be removable, from time to time, at the Will of the said Commissioners, or any Seven or more of them: And that any Seven or more of the said Commissioners shall and may, from time to time, as and when they see proper, summon before them, and examine upon Oath, if they think fit (which Oath any One of them is hereby impowered to administer) all and every or any of the Treasurers, Collectors, Clerks, and others Officers and Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Money to be raised by virtue of this Act: And every such Treasurer, Collector, Clerk, and other Officer and Person, employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any Seven or more of them, a true, exact, and perfect Account in Writing, of all and every Sum and Sums of Money so by him respectively received or expended as aforesaid; and in case any such Treasurer, Collector, Clerk, or other Officer, or Person so employed or intrusted as aforesaid, shall be found in Arrear, and refuse to pay the same, or shall refuse to account, then, and in either of the said Cases, it shall be lawful for any Seven or more of the said Commissioners, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods of such Person so in Arrear, and refusing to pay the same, or refusing to account, such Sum and Sums of Money as he shall be so found in Arrear, or shall be required and refuse to account for; and for want of sufficient Distress, by like Warrant under their Hands and Seals, to commit every such Person to the Common Gaol of Durham, there to remain without Bail or Mainprize, until he shall have paid all such Money as he shall have been so found to be in Arrear as aforesaid, or shall make up his Account, and pay all such Sums as shall be found due thereupon, or shall have compounded for the same, and paid such Composition-money as they the said Commissioners, or any Seven or more of them, shall think fit, and which Composition they are hereby

and allow them Salaries.

Officers to account upon Oath.

hereby impowered to make; and the said Commissioners, or any Seven or more of them, may, and they are hereby impowered to bring, or cause to be brought, any Action or Actions in their own Names, or in the Name of any One of them, against such Officer or Person so refusing, neglecting, or making Default, as aforesaid, for the Recovery of the Money that shall be in his Hand.

Tolls may be assigned for Money borrowed.

And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, at any of their Meetings, from time to time, to assign over the Tolls, Rates, and Duties, arising by virtue of this Act (the Charges of such Assignments to be borne and paid thereout) as a Security for any Sum or Sums of Money to be borrowed, with Interest for the same, to the Person or Persons, or his or their Trustees, who shall advance the same, by Assignment under their Hands, which shall be in the Words following, or by any other Words to that Purpose; videlicet,

Form of Assignment.

BY virtue of an Act made in the Thirty second Year of the Reign of His Majesty King *George* the Second, intituled, *An Act for making and completing the Navigation of the River* Wear *from, and including,* South Biddick, *or* Biddick Ford, *in the County of* Durham, *to the City of* Durham; *and for repealing so much of an Act made in the Twentieth Year of His present Majesty's Reign, intituled,* An Act for the better Preservation and Improvement of the River *Wear,* and Port and Haven of *Sunderland,* in the County of *Durham, as relates to making the said River navigable between the said Two Places called* South Biddick, *or* Biddick Ford, *and* New Bridge, *in the County of* Durham; We, Seven of the Commissioners, do assign unto *A. B.* his Executors, Administrators, or Assigns, in Consideration of the Sum of from the Day of in the Year of our Lord until the said Sum of with Interest, after the Rate of *per Centum per Annum,* shall be repaid, such Proportion of all the Tolls, Rates, and Duties, arising by virtue of the said Act, as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

All Creditors to be deemed equal in Degree.

And all and every Person or Persons, to whom the said Commissioners, or any Seven or more of them, shall at any Time make such Assignment or Assignments, shall be equally intitled to his or their Proportion of the said

Tolls, Rates, and Duties, according to the respective Sums in such Assignments mentioned to be advanced, to secure the Repayment thereof, with such Interest as therein specified, without any Preference by reason of Priority of Assignment, or any other Account whatever; and the Money so borrowed, shall be applied in the First Place in discharging the Expences incurred in and in Relation to the obtaining of this Act, and afterwards, in such Manner as the said Tolls, Rates, and Duties, are directed to be applied: And Entries or Memorandums of every such Assignment, containing the Dates, Names of the Parties, and Sums borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Treasurer, and which shall and may be inspected at all seasonable Times, by all Persons whomsoever, without Fee or Reward: And all and every Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, transfer or assign over his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or other Writing, to be annexed thereto, signed before One or more credible Witness or Witnesses, in the following Words, or Words to the Effect following:

Assignments to be entered in a Book.

Assignments may be transferred.

Form of Transfer.

I Do transfer this (*or* the annexed) Assignment, with all my Right and Title to the Principal Money hereby (*or* thereby) secured, and to all the Interest now due, to *C. D.* his Executors, Administrators, or Assigns. Dated this Day of

Witnesses, { *E. F.* / *G. H.* } *A. B.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Treasurer for the time being, who shall register and enter the same in the said Book or Books to be kept for entering the said original Assignments, for doing whereof he shall be paid One Shilling by the Person requesting the same; and after such Entry thereof made, and not till then, every such Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may, in like Manner, transfer and assign again, and so toties quoties, such Transfers being entered and paid for as aforesaid; and

Clerk's Fee.

d

and it shall not be in the Power of such Person or Persons, who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Money thereby due.

Reports to be made of Loading by Navigation.

And it is hereby farther enacted, That if any Boatman, or Person having the Care of, or passing with, any Boat, Barge, Lighter, Keel, or other Vessel, through any Lock upon the said River, or any of the Cuts or Canals out of the same, shall suffer the Water to remain longer in the Lock than necessary for his Boat, Barge, Lighter, Keel, or other Vessel, to pass through any such Lock; and shall not, in coming down the said River, Cuts, or Canals, or any of them, shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gate thereof; and, after he or they shall have brought his or their Boat, Keel, Lighter, or Vessel, into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; or in going up the said River, Cuts, or Canals, or any of them, shall not shut the lower Gates of each Lock before he or they shall draw the Cloughs of the upper Gate, and as soon as he or they shall have passed with his or their said Boat, Barge, Lighter, Keel, or Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, Lighter, Keel, or other Vessel, within Four hundred Yards of the said Lock, coming down the said River, Cuts, or Canals, or any of them; which Space or Distance shall be ascertained by Posts, to be fixed by the said Commissioners, according to the Course of the River; or if any Person or Persons shall open any Gate or Gates in the Haling or Towing-ways, for the passing of Men or Horses haling or towing any Boat, Barge, Lighter, Keel, or other Vessel, up or down the said River, Cuts, or Canals, and shall not shut the same after the said Men and Horses shall have passed through the same; every Person or Persons so offending, shall forfeit a Sum not exceeding Twenty Shillings, to be levied, recovered, and disposed of, in such Manner as herein after mentioned.

Owners of Vessels answerable for any Damage done to the Works by the Crew, &c.

And be it farther enacted, That the Owner, Master, or Skipper, of every Boat, Barge, Lighter, Keel, or other Vessel, shall be, and is hereby, made answerable for any Damage or Mischief done by the same, or by any of the Crew, Boatmen, Lightermen, Keelmen, or Watermen, belonging thereto, to any of the Weirs, Locks, Dams, Bridges,

or

or other Works, which shall be made or maintained by virtue of this Act, or for any Trespass done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the said River, Cuts, or Canals, or any of them, or by drawing, or leaving running, any Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Barge, Lighter, Keel, or other Vessel, shall have passed through the same, contrary to the Intent and Meaning of this Act; and such Owner, Master, or Skipper, of such Boat, Barge, Lighter, Keel, or other Vessel, shall and may be sued for the same, as if such Damage or Trespass had been done or committed by himself; and if, upon such Action, the Defendant or Defendants therein shall be found guilty, or Judgement be given against him or them upon Demurrer, or by Default, the Plaintiff or Plaintiffs shall not only recover his and their Damages thereby sustained, but also Double Costs of Suit.

The Owners Names to be marked on the Vessels.

And be it further enacted, That every Owner, Master, or Skipper, of every such Boat, Barge, Lighter, Keel, or other Vessel, shall cause the Name of the Owner to be set thereon, in White Capital Letters, in some conspicuous Place on the Stern thereof, higher than the same shall sink in the Water when loaded; and every such Owner, Master, or Skipper, neglecting or refusing so to do, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds, to be levied, recovered, and applied, in such Manner as herein after-mentioned.

Penalty.

Penalty on Persons obstructing the Passage Boats.

And be it farther enacted, That if any Person or Persons having the Care or Management of any Boat, Barge, Lighter, Keel, or other Vessel, shall place or lay the same in any Part of the said River, Cuts, or Canals, or any of them, so as to obstruct the Passage of any other Boat, Barge, Lighter, Keel, or Vessel, or hinder the opening or shutting of any of the said Locks, or shall not immediately, upon Request, remove such Boat, Barge, Lighter, Keel, or Vessel, he shall, for every such Offence, forfeit the Sum of Five Shillings for every Hour such Boat, Barge, Lighter, Keel, or Vessel, shall continue to obstruct such Passage, or prevent the opening or shutting of any Lock after such Request to remove the same as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause any such Boat, Barge, Lighter, Keel, or Vessel, to be unloaden (if necessary) and to be removed in such Manner as shall be proper for avoiding any Obstruction in the said Navigation,

tion, and in the Use of such Locks, and to detain such Boat, Barge, Lighter, Keel, or Vessel, and the Loading and Tackle thereof, or any Part of such Loading, until the Charges of such Unloading or Removal, as aforesaid, are paid and satisfied.

Boats sunk to be weighed up.

And be it further enacted, That if any Boat, Barge, Lighter, Keel, or other Vessel, shall happen to be sunk in the said River, or any of the Cuts or Canals, and the Owner, or Person having the Care or Management thereof, do not, without Loss of Time, weigh or draw up the same again, and hale or remove the same out of the Way of other Vessels passing and repassing on the said intended Navigation, it shall and may be lawful to and for the Agents or Servants of the said Commissioners, to cause such sunken Vessel to be weighed or drawn up, and to detain and keep the same till Payment of all Expences occasioned thereby; and if Payment be not made in Five Days after the same shall be so drawn or weighed up, and Notice thereof given, then it shall be lawful to and for such Agents or Servants, or any of them, to sell the same for the reimbursing the said Expences, and other Charges of distraining, keeping, and selling the same; returning the Overplus (if any) to the Owner or Person having the Government of such Boat, Barge, Lighter, Keel, or Vessel.

The Owners Names to be marked on the Vessels.

And be it farther enacted, That the said Agents or Servants, and every of them, may and they are hereby impowered to measure all and every or any of the said Boats, Barges, Lighters, Keels, or other Vessels, and to put Weights into the same for that Purpose, and to set Figures or Marks at each End of such Boat, Barge, Lighter, Keel or Vessel, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading, which shall be put therein, will sink the same into the Water, and from time to time, may re-measure and mark again every such Boat, Barge, Lighter, Keel, and Vessel, as aforesaid: And if the Owner, Master, or Person, having the Charge of such Boat, Barge, Lighter, Keel, or Vessel, shall refuse, hinder, or obstruct, such weighing, measuring, or marking, of any such Boat, Barge, Lighter, Keel, or Vessel, he shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds: And if any such Owner, Master, or Person, shall alter, deface, remove, or destroy such Marks or Figures, or shall suffer the same to be done, every such Owner, Master, or Person, so offending, shall forfeit and pay for every such Offence, the Sum of Five Pounds.

Penalty.

And, for the preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said intended Navigation, break, throw down, damage, or destroy, any Banks or other Works whatever, to be erected and made for the Purpose aforesaid, whereby the Water shall be so much spent or wasted as thereby to hinder or prevent the said intended Navigation, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent, the carrying on, completing, supporting, maintaining, or repairing, of the said intended Navigation, all and every such Person or Persons being duly convicted thereof, shall be adjudged guilty of Felony; and every such Felon or Felons shall be transported to some of His Majesty's Plantations or Colonies in America, for the Term of Seven years.

Penalty on Persons damaging the Works, &c.

And be it farther enacted, That if any Person or Persons maliciously or wantonly shall open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or suffer his or their Boat, Barge, Lighter, Keel, or other Vessel, to be moored unto, or to lie under, any of the Bridges in the said River, Cuts, or Canals, or any of them, or leave any of the Cloughs running, after any such Boat, Barge, Lighter, Keel, or Vessel, shall have passed any such Lock, or draw, or cause to be drawn, any Clough or Cloughs in the Lock-gates of the said River, Cuts, or Canals, or any of them, so as to mispend or waste the Water thereof, or to prejudice the said intended Navigation, every such Person or Persons so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered, levied, and applied, in such Manner as hereafter directed.

Penalty on Persons maliciously opening Locks, &c.

And be it farther enacted, That if any Owner, Occupier, or Miller, of any Mill or Mills upon the said River, within the Limits of the said intended Navigation (Request having been made, and Twenty four Hours Notice given, and Payment or Tender of such Satisfaction as hereafter mentioned having made to such Owner, Occupier, or Miller, by any of the Agents or Servants of the said Commissioners) do or shall neglect or refuse, either to draw up or open, or to shut or put down, any Clough or Cloughs of any Sluice or Sluices belonging to such Mill, which such Agent or Servant shall desire to be so opened or shut respectively, for the making or effecting the said intended Navigation, every Person or Persons so offending, shall, for every such Offence, forfeit and pay the

Millers to open and shut Sluices.

Sum of Twenty Pounds, to be recovered, levied, and applied, as herein after mentioned.

Satisfaction to be made to Millers for opening or shutting Sluices.

Provided, and it is hereby enacted, That such Owner, Occupier, or Miller, of such Mill or Mills, shall and may, in such Case, demand and receive as a Recompence and Satisfaction for such drawing up and opening, or putting or shutting down, such Clough or Cloughs respectively, the Sum of One Shilling for every Hour that any Wheel of such Mill shall, by that Means, and on that Occasion only, be stopped or hindered from Working; and so in Proportion for any greater or lesser Time than One Hour, that such Stoppage or Hindrance shall continue.

Penalty on Millers letting the Water run to waste.

And it is hereby further enacted, That if any such Owner, Occupier, or Miller, of such Mill or Mills, shall stop or stang, or cause to be stopped or stanged, the Wheel or Wheels of such Mill or Mills, so as to let the Water pass or run waste through the Sluice or Sluices, or Floodgates of such Mill or Mills, while the Wheel is not working, or by the drawing any By-Cloughs, Sluice or Sluices, shall let the Water run waste, and thereby obstruct or prevent the Passage of Boats, Barges, Lighters, Keels, or other Vessels, up or down the said River, Cuts, or Canals, or any of them, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be levied, recovered, and applied, as herein after-mentioned.

Penalty on Persons obstructing the Navigation of the River.

And it is hereby farther enacted, That if such Owner, Occupier, or Miller, of such Mill or Mills, or other Person or Persons employed by him, her, or them, shall do, or cause or permit to be done, any Act, Matter, or Thing whatever, by Reason or Means whereof the said intended Navigation shall be interrupted, obstructed, prevented, or impeded, every Person so offending shall, for every such Offence, forfeit and pay a Sum of Money not exceeding Forty Shillings, to be levied, recovered, and applied, as herein after-mentioned.

Masters of Vessels to give a just Account of the Loading thereof.

And, for the more easy collecting the Tolls, Rates, and Duties, hereby made payable, be it farther enacted by the Authority aforesaid, That every Master or other Person, having the Command of any Boat, Barge, Lighter, Keel, or other Vessel, passing on the said River, Cuts, or Canals, intended to be made navigable as aforesaid, shall make and give a just, true, and perfect Report or Account in Writing, signed by himself, unto such Person or Persons as shall, from time to time, be nominated and appointed by the said Commissioners, or any Seven

or

or more of them, for that Purpose, or to collect such Tolls, Rates, and Duties, as aforesaid, and at such Place or Places, as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors, for that Purpose, of the Quantity, Quality, and Weight of the Goods, Wares, Merchandizes, or other Commodities, Loading, and Things, which shall be in or belong to such Boat, Barge, Lighter, Keel, or Vessel, and also of the Quantity, Quality, and Weight of such Goods as shall have been discharged or taken out of such Boat, Barge, Lighter, Keel, or Vessel, within the Limits of the said intended Navigation, before their Arrival at the Place where such Account or Report is to be made and given; and on Failure of giving such Account or Report, or in case of his or their making or giving a false Account or Report, every such Master, or other Person having the Command of such Boat, Barge, Lighter, Keel, or Vessel, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied, recovered, and applied, in such Manner and Form as herein after-mentioned.

Penalty.

Differences how to be settled.

And be it also farther enacted, That if any Dispute or Difference shall arise between the Collectors of the said Tolls, Rates, or Duties, made payable by this Act, and the Owner, Master, or Person having Charge of any Boat, Barge, Lighter, Keel, or other Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Commodity or Things chargeable with, or liable to the Payment of, any of the said Tolls, Rates, or Duties, concerning the Quantity, Quality, or Weight of the same, it shall and may be lawful to and for such Collector to stop and detain any such Boat, Barge, Lighter, Keel, or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, Merchandizes, or other Commodity or Things, which shall be in or on board any Vessel, where and when any Dispute shall arise: And in case such Goods, Wares, Merchandizes, or other Commodity or Things, shall, upon such weighing, measuring, or gauging, appear to be of a different Quality, or of a greater Weight or Quantity, than such Owner, Master, or Person, declared the same to be before the weighing, measuring, or gauging thereof, in every such Case the Master or Owner of such Boat, Barge, Lighter, Keel, or Vessel, or the Owners of such Goods, Wares, Merchandizes, or other Commodity or Things, so weighed, measured, or gauged, as aforesaid, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; and such Costs and Charges

Charges, in case of Refusal to pay the same on Demand, shall and may be recovered as the said Tolls, Rates, and Duties, are hereby appointed to be recovered; but in case such Goods, Wares, Merchandizes, or other Commodity or Things, upon such weighing, measuring, or gauging, appear to be of such Quality, and of no greater Weight or Quantity, than such Master, Owner, or Person, declared the same to be before such weighing, measuring, or gauging, then, and in such Case, such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging; and shall also pay to the Master, Owner, or Person having the Charge of such Boat, Barge, Lighter, Keel, or Vessel, or to the Owner of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat, Barge, Lighter, Keel, or Vessel, shall be so detained as aforesaid; and so in Proportion for any greater or less Time than One Hour: And, in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said County of Durham, rendering the Overplus (if any) to the Owner thereof, after Payment of the same, and Charges of such Distress and Sale: And the said Commissioners, or any Seven or more of them, may, out of the Monies to arise by virtue of this Act, reimburse to the said Collectors the Monies so paid by, or levied upon, them for the Detention as aforesaid.

Navigation not to be subject to the Commission of Sewers.

And be it further enacted, That the said River, Cuts, and Canals, shall not be under the Survey or Order of any Commissioners of Sewers, nor subject to a Commission of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary in any wise notwithstanding.

Commissioners may set up Gates, &c. over the Ditches and Fences in the Towing-paths.

Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, at any publick Meeting (of which Fifteen Days Notice or more shall have been affixed at the Market Cross in the said City of Durham, the Towns of Sunderland and Chester le Street aforesaid, respectively) shall and may cause to be made and set up, and, from time to time, maintained and kept in Repair, convenient Gates, Stiles, Bridges, and Passages, in and over all the Ditches and Fences, in the Towing-paths, Haling-paths, and Ways, to be set out for the Purposes of this Act, where the same shall be respectively wanting; and also sufficient Bridges, with proper Battlements, or Posts and Rails,

on each Side, over the new Cuts, Trenches, and Passages for Water, where necessary, for the Use of the Owners of the Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to come to and from their Lands, for the Use and Occupation of the same: And if the said Commissioners shall deepen the said River, or do any other Act in carrying on the said intended Navigation, in any Part or Parts where there now are common or usual Fords or Highways, so as such Fords or Highways shall thereby be rendered impassable or dangerous, then the said Commissioners, or any Seven or more of them, shall first cause a sufficient and commodious Bridge, or other Convenience, to be erected and made, where such Fords or Highways now are, or as near thereto as conveniently may be, and, from time to time, maintain and keep in Repair such Bridges and other Conveniencies.

Navigation to be exempted from Taxes.

And be it further declared and enacted, That the said Tolls, Rates, and Duties, shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

Penalty of throwing Ballast or Rubbish into the River.

Provided always, and it is farther enacted, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Rubbish, Dirt, or other Thing, into any Part of the said River hereby intended to be made navigable, or any Cuts or Canals made for or into, or to communicate with the same, every Person so offending, and being thereof convicted before the said Commissioners, or any Seven or more of them, upon the Oath of One or more credible Witness or Witnesses, shall, pay and forfeit any Sum not exceeding the Sum of Five Pounds, or by virtue of a Warrant from the said Commissioners, or any Seven or more of them, be sent to the House of Correction at Durham, there to be kept at hard Labour for any Time not exceeding One Month, which such Commissioners shall appoint.

Penalty on Persons giving false Evidence.

And be it farther enacted, That all and every Person and Persons, who, in any Examination upon Oath, directed to be taken by virtue of this Act, shall give false Evidence before any Person or Persons hereby impowered to take such Examination upon Oath, shall and may be prosecuted for the same, and, being convicted thereof, shall be subject and liable to such and the same Pains, Penalties, Punishments, and Forfeitures, as any Person or Persons can, shall, or may, be subject or liable to, for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

And

And be it farther enacted, That if the said Commissioners, or any Person or Persons authorized or employed by them, or any Seven or more of them, shall, by making or raising any Weir, Dam, or Reservoir, or otherwise, raise the Water of the said River to be made navigable by this Act, so as the adjacent Lands and Grounds may be more liable to be damaged or overflowed than usually they have been, then the said Commissioners, or any Seven or more of them, shall cause the Banks thereof to be proportionably raised and strengthened to contain the Water at such raised Height, as well and sufficiently as the old Banks did before the raising of such Dam, and, from time to time, to repair and maintain such Banks so raised as before-mentioned. Banks to be raised to the Height of the Dams.

And be it farther enacted, That when and as the said River, Cuts, and Canals shall be made navigable, then, and from thenceforth, the said River, Cuts, and Canals, shall be a free Navigation; and all the King's Subjects whatever shall and may have, and lawfully enjoy, free Passage along, in, through, or upon the same, with and for Boats, Barges, Lighters, Keels, and other Vessels, not exceeding the Burthen of Twenty four Tons, nor of a greater Draught of Water than the deepest Coal Keels used upon the said River Wear; and also the Use of the Towing or Haling Paths, and all other necessary and convenient Liberties for navigating the same, without any Let, Hindrance, or Obstruction, from any Person or Persons whomsoever; subject nevertheless to the Payment of such Rates, Tolls, and Duties, as in and by this Act are directed and appointed to be made. Navigation to be free.

And it is hereby farther enacted, That if any Collector or Receiver of the Tolls, Rates, and Duties, hereby granted and made payable, shall, at any Time or Times, ask, demand, or receive, as or for any Toll, Rate, or Duty, of or for any Goods, Wares, Merchandizes, or other Commodity or Thing, any Sum or Sums of Money exceeding the Rates, Tolls, or Duties, herein mentioned, and that shall be ascertained by any Seven or more of the said Commissioners as aforesaid to be received, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds to the Party aggrieved, or any other Person or Persons that will inform or sue for the same. Penalty on Persons demanding unlawful Tolls.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet on the Twenty fifth Day of June next after the passing of this Act, at the Town Hall in the said Times and Places of General Meetings of the Commissioners.

City of Durham, and then proceed to put this Act in Execution: And the said Commissioners, or any Seven or more of them, shall hold One General Meeting yearly on Thursday next before Midsummer-day at the Place aforesaid, and the Town of Chester le Street, alternately: And at such First and every other General yearly Meeting, may then, and from time to time afterwards, at any intermediate Times of the Year, adjourn and hold their Meetings at such Place or Places, as they shall think most convenient for that Purpose: And if at any Meeting a sufficient Number of Commissioners shall not attend to adjourn, then, and so often as such Case shall happen, the next Meeting shall be that Day Three Weeks at such Place as the Clerk or Treasurer to the said Commissioners shall appoint, by Notice in Writing to be fixed upon the Market Crosses in Durham, Sunderland, and Chester le Street, respectively, Fifteen Days or more before such Meeting; and the said Commissioners, at all their Meetings, shall bear and defray their own Expences.

Adjourned Meetings.

15 Days Notice to be given of every such Meeting.

Commissioners to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders or Determinations which are by this Act authorized to be made by Seven or more of the said Commissioners, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, unless the Business to be transacted at any Meeting shall not be concluded on the Day of such Meeting; in which Case the said Commissioners, or any Seven or more of them, may, from time to time, adjourn to the succeeding Day, or, if such Day be Sunday, to the Day after; and, in like Manner, from Day to Day; and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meeting held by such Adjournments.

All Orders to be made at Meetings held in pursuance of this Act.

And be it farther enacted, That the said Commissioners, or any Seven or more of them, at any of their said Meetings, shall have Power and full Authority, by any Writing or Writings under their Hands and Seals, to make such Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Boatmen and Watermen who shall convey Goods on any Part thereof; and to appoint Committees to inspect and settle the Accounts, direct the Works, and controul the Officers and Servants employed in pursuance of this Act: And in such Bye-laws, Orders, and Constitutions, may impose on all Persons offending against the same, or any of them, such Fines and Forfeitures as any

Commissioners may make Bye-laws,

and appoint Committees.

any Seven or more of the said Commissioners shall think proper, so as no such Fine or Forfeiture shall exceed the Sum of Five Pounds on any One Person for any One Offence; which Bye-laws, Orders, and Constitutions, shall, from time to time, be laid before the Justice or Justices of Assize, to be by him or them examined and approved; which said Bye-laws, Orders, and Constitutions, shall be binding and sufficient in Law to justify all Persons acting in pursuance thereof: And such Fines and Forfeitures shall be recovered, levied, and applied in such Manner as herein after-mentioned; so as publick Notice thereof shall have been given or advertised in the Newcastle News Papers, or One of them, at least Thirty Days before such Bye-laws, Orders, and Constitutions, shall be laid before the Justice or Justices of Assize as aforesaid.

Penalties and Forfeitures how to be recovered and applied.

And be it farther enacted, That all Fines, Forfeitures, Sum and Sums of Money which shall be forfeited or become payable by virtue of this Act (and not herein otherwise provided for and directed) shall, from time to time, be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of any Seven or more of the said Commissioners at their publick Meetings, to be directed to any Bailiff or Bailiffs of the Sheriff of Durham, or the Constable or Constables of the Place where the said Offender shall live, or where the Offence was committed, or any other Person or Persons to whom the Commissioners granting such Warrant or Warrants shall think fit to appoint, and specially direct the same to be executed: And in case the Party offending shall neglect or refuse to pay the Money for which such Goods and Chattles shall be distrained, with reasonable Charges of making and keeping such Distress, for the Space of Three Days after such Distress made, the said Goods and Chattles shall be sold, and thereout shall be raised and paid the Money to be mentioned in such Warrant or Warrants, and the Surplus (if any) returned or tendered to the Owner or Owners (deducting the Charge of such Distress and Sale) and no Replevin shall be granted or grantable: And in case a sufficient Distress shall not be found, then any Seven or more of the said Commissioners may, and they are hereby authorized, by Warrant or Warrants under their Hands and Seals, in like Manner to be granted and directed, to commit such Offender or Offenders to the Common Gaol or House of Correction at Durham, there to remain, till the Money to be mentioned in such Warrant or Warrants, and all the reasonable Charges

to be occasioned by the Nonpayment thereof, shall be fully paid and satisfied, or compounded for, with or by any Seven or more of the said Commissioners, who are hereby impowered to make such Composition, from time to time, as they shall think fit.

Proviso. Provided always, That no Person or Persons shall be confined in the said Gaol or House of Correction for longer Time than Twelve Calendar Months.

Application of the Fines, &c. And be it farther enacted, That all such Fines, Forfeitures, Sum and Sums of Money, so to be recovered or compounded for as aforesaid, shall, from time to time, be paid into the Hands of the Treasurer to the said Commissioners, to be applied to such and the same Ends and Purposes, as the Tolls, Rates, and Duties, granted by this Act, are directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions. Provided always, and it is hereby enacted by the Authority aforesaid, That all Persons who shall think themselves aggrieved by the Order or Judgement, or any Warrant of any Justice or Justices of the Peace, or of the said Commissioners, on account of or touching any Fine, Forfeiture, or Penalty incurred by this Act, may appeal to the Justices of the Peace for the said County of Durham, at their General or Quarter Session of the Peace, to be holden next after such Order or Judgement, or Warrant, given or granted as aforesaid; the Person or Persons so appealing giving Security to the Satisfaction of the Justice or Justices, or Commissioners, as the Case shall happen, to prosecute such Appeal with Effect, and to pay not only the Sum and Sums of Money, ordered to be paid by such Order or Judgement, but also the Costs of defending such Order or Judgement against such Appeal, the Costs to be ascertained by the said Session, in case such Order or Judgement shall be affirmed; and the said Justices, at the said General or Quarter Session, are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and award such Costs, as to them shall seem just; which Order and Determination shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Security to be given to prosecute.

Proceedings not removeable by *Certiorari*.

Proceedings not to be quash'd for want of Form. Provided nevertheless, That no Order, or other Proceedings, to be made or had by or before any Justice of the Peace, or the said Commissioners, or a competent Number of them hereby impowered to make such Order, or other Proceedings, in relation to the Premisses, shall be quashed or vacated for want of Form only.

And be it further enacted, That Accounts of all Monies which shall be received, raised, or borrowed, by virtue of this Act, and of the Expenditure of such Monies respectively, and also of all Debts, Contracts, Orders, and Proceedings, of the said Commissioners, in Execution of this Act, shall be, from time to time, entered in Books to be kept for the Purposes aforesaid; and Entries being signed by Five or more of the said Commissioners, or the said Clerk or Treasurer to the said Commissioners, shall be deemed Originals, and be admitted to be read in Evidence in all Courts whatsoever. Proceedings to be entered in a Book. Books may be read in Evidence.

Provided also, and be it further enacted, That no Nomination, Appointment, Information, Contract, Purchase, Conveyance, Order, Judgement, Conviction, Warrant, Assignment, Transfer, or other Security, for the borrowing of Money, or other Deed, Writing, or Instrument whatsoever, under the Hand and Seal, or Hands and Seals, or only signed by, any Justice or Justices of the Peace, or any Commissioner or Commissioners, in or relating to the Execution of any Power granted by this Act, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

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

Provided always, and it is hereby also enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said River, to use any Pleasure Boat or Boats upon the same without Interruption or Hindrance from the said Commissioners, or any of them, and without paying any of the Tolls, Rates, or Duties aforesaid, so as no Goods, Wares, or Merchandizes, Commodity, or other Thing, hereby charged with any such Tolls, Duties, or Rates, be carried on Board such Pleasure Boat or Boats; and that the Lord or Lords of the respective Manors, or all other Persons whomsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said River, Cuts, and Canals there, in as full and ample Manner as they now are intitled to do, any thing herein contained to the contrary notwithstanding; so as the Exercise of such Rights and Royalties do not interfere with, or interrupt, the Execution of this Act, or the free Use of the said intended Navigation; and particularly so as that, in and by the winning or working of any Collieries or Coal Mines, Reservation of Rights to Land-owners, &c.

Mines, no Damage, Injury, or Prejudice, be done to the Dams, Locks, or other Buildings and Works, to be erected and made upon, in, or on the Banks of the said River, Cuts, or Canals, by undermining or working under or too near such Dams, Locks, or other Buildings and Works aforesaid.

Lords of Manors, &c. may build Warehouses, &c.

And be it farther provided and enacted, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands, Tenements, or Grounds, lying upon or near the Banks of the said River, or of any Lands or Grounds through which the said Cuts or Canals shall be made, from the making, building, and erecting Warehouses, Weigh-beams, Cranes, Quays, Wharfs, Landing Places, or other Conveniencies, upon the Banks of the said River, Cuts, or Canals, in and upon their own Wastes, Lands, or Gounds, so as, in the building, erecting, or using of the same, no Obstruction, Prejudice, or Damage, be done to the said River, Cuts, or Canals, or the navigating, haling, or towing, of Vessels thereon; and all Rates, Dues, and Duties, that shall be paid for the Use of such Warehouses, Weigh-beams, Cranes, Quays, Wharfs, Landing Places, or other Conveniencies respectively, shall be, and they are hereby, vested in such Lord or Lords of such Manor or Manors, or such Owner or Owners of such Wastes, Lands, and Grounds, respectively, who shall make, build, or erect, the same respectively, as aforesaid.

Writings in the Cursitor's Office may be inspected, paying the Fees.

And be it further enacted, That the said Cursitor of the Lord Bishop of Durham, or the Deputy of the said Cursitor, shall, from time to time, at all seasonable Times, permit and suffer any Person or Persons whomsoever, to peruse and inspect all Deeds, Judgements, Verdicts, Orders, Instruments, Writings, and other Things, to be filed or deposited in the said Office, or the Inrolments thereof, paying to the said Cursitor, or his Deputy, for every such Perusal or Inspection, the Sum of One Shilling, and no more; except that the Auditor for the time being of the Lord Bishop of Durham, or his Deputy, shall and may have a Liberty of searching and taking Copies of all such Leases, Conveyances, and Proceedings, as may any Way concern the Bishop of Durham's Revenue, without paying any Fee for the same; and the said Cursitor, or his Deputy, is hereby required to make and deliver to any Person or Persons requesting the same, true Copies of all or any Part of such Deeds, Judgements,

Orders,

Orders, Instruments, Writings, or other Things, so to be filed or deposited in the said Office, or the Inrolments thereof, under his Hand, such Person or Persons paying for such Copies after the Rate of Two Pence a Sheet, without any Stamp thereon, accounting Seventy two Words to each Sheet; and such Deeds, Judgements, Orders, Instruments, Verdicts, Writings, or other Things, so to be filed or deposited as aforesaid, or the Inrolments of the same, or such Copies thereof so to be made as aforesaid, shall be allowed as Evidence in all Courts of Law and Equity.

No Lock to be erected within 100 Yards of Mr. *Lambton*'s Fire Engine.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the said Commissioners, or any Person or Persons whatsoever, to fix, place, or erect, any Dam or Lock upon or cross the said River lower down the Stream than within One hundred Yards Westward of, or above, the higher Drain or Watercourse from the present working Fire Engine, near Jock's Row, in the Parish of Chester le Street, belonging to Henry Lambton Esquire.

No Waggon-way to be made for Coals, &c.

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

Exception.

Reservation of Rights to Coal Staiths, &c.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the said Commissioners, or any Person or Persons whomsoever, to pull down, demolish, alter, or prejudice, any Coal Staith or Trunks, Ballast Quays, or Wharfs, which now are built, erected, or standing on any Part of the said River, between the said South Biddick, or Biddick Ford, and the City of Durham, or to stop up, or obstruct, alter, or in any Manner or Degree to interrupt or prejudice the antient Coal Drifts, Drains, or Watercourses, belonging to any Person or Persons whatsoever.

Rights of Lords of Manors, &c. reserved.

Provided always, and be it enacted, That this Act shall not extend, or be construed to extend, to give any Liberty, Privilege, Jurisdiction, or other Right whatsoever, to the said Commissioners, or any of them, in, upon, or over any Manors, Lands, Tenements, Wastes, or Waste Grounds, lying upon, contiguous to, or near the said River, for any other Purpose whatsoever, than for the making, carrying on, completing, upholding, maintaining, and using, the said Navigation, and Execution of the Powers by this Act granted; and that the respective Owners and Proprietors of all such Manors, Lands, Tenements, Wastes, and Waste Grounds, may severally and respectively hold, possess, and enjoy the same, and their several and respective Rights and Privileges therein, in all other Respects, in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as if this Act had not been made; so as not thereby in any wise to hinder, obstruct, prejudice, or prevent the said Navigation, or any of the Works necessary for the carrying on and completing the same, or Execution of the Powers by this Act granted.

Biddick Ford Staith and Quay not to be within the Navigation of this Act.

And whereas Doubts may arise, whether the Upper or Westermost Staith and Quay, on the North Side of the said River Wear, at Biddick Ford, are or are not within the Limits of the said intended Navigation; Now, for preventing Disputes relating to the said Staith and Quay, be it further enacted, That the said Staith and Quay shall not, at any Time hereafter, be deemed or taken to be within the said intended Navigation, or be subject or liable to any of the Powers or Provisions of this Act.

Commissioners may cleanse &c. the River at *Biddick Ford*.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and for their Agents, Officers, or Servants, to deepen, cleanse, and scour the Chanel of the said River at any Place from and including South Biddick, or Biddick Ford, aforesaid, so as that they do not in any wise prejudice the said Staith and Quay.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing to be done in pursuance of this Act, or in relation to any of the Matters or Things herein contained, every such Action or Suit shall be brought and commenced within the Space of Six Calendar Months next after the doing the Act, Matter or Thing, for which such Action or Suit shall be

ſo brought or commenced, and not afterwards, and ſhall be brought, laid, and tried, in the Court of Pleas, or County Court of Durham, and not elſewhere; and the Defendant or Defendants in all ſuch Actions and Suits, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing was done in purſuance of this Act: And if the ſame ſhall appear to have been ſo done; or if any ſuch Action or Suit ſhall not be commenced within the Time before limited, or ſhall be laid or brought in any other Court than the Court of Pleas or County Court at Durham; then, and in either or any of ſuch Caſes, the Jury or Juries ſhall find the Defendant or Defendants Not Guilty; and if a Verdict or Verdicts ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance, after the Defendant or Defendants ſhall have appeared; or if upon any Demurrer or Demurrers, Judgement ſhall be given for the Defendant or Defendants; then, and in either or any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for his and their Coſts in any other Caſe or Caſes whatever by Law: And this Act ſhall be adjudged and taken to be a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

General Iſſue.

Treble Coſts.

Publick Act.

FINIS.