Anno tricesimo secundo

Georgii II. Regis.

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



WHEREAS by an Act of Parliament, passed in the Third Year of the Reign of His late Majesty King George the First, intituled, An Act for the Preservation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*, certain Persons therein named were appointed Commissioners of the said River, Port, and Haven, within the Limits, with the Powers, and for the Purposes, therein mentioned, for and during the Term of Twenty one Years, from the Twenty fourth Day of June, One thousand seven hundred and seventeen: And whereas by another

Preamble, reciting Act 3 *Geo.* I.

another Act paſſed in the Thirteenth Year of the Reign of
13 *Geo.* I. His ſaid late Majeſty, intituled, An Act for the more effectual Preſervation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*, divers additional Powers were granted to the ſaid Commiſſioners; both which ſaid Acts are long ſince expired: And whereas by another Act paſſed in the Twentieth
and 20 *Geo.* II. Year of the Reign of His preſent Majeſty, intituled, An Act for the better Preſervation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*; divers Perſons therein named were appointed Commiſſioners of the ſaid River, Port, and Haven, within the Limits therein and herein after-mentioned and deſcribed, for and during the Term of Twenty one Years, to commence and be computed from the Twenty fourth Day of June, One thouſand ſeven hundred and forty ſeven; and they, or any Seven or more of them, were impowered at all Times thereafter, as they ſhould ſee Occaſion, to ſurvey the ſaid River ſo far as to a Place called Newbridge, and no further (to which Place they might make, keep, and continue it navigable, during the ſaid Term of Twenty one Years;) and alſo the Port, Haven, and Harbour of Sunderland, as the ſame extends from the Promontory or Point called Souter Point, about Two Miles from Sunderland Bar, towards the North-eaſt, and ſo into the Sea, to Five Fathom at Low-water, and from thence, in a ſuppoſed direct Line, till it fall oppoſite to that Land called Ryhope Dean, about Two Miles towards the South; and for the raiſing Money neceſſary for the Purpoſes therein mentioned, it was thereby enacted, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty ſeven, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, every Coal Owner for the time being, and their Fitters, and Coal Factors, ſhould ſeverally and reſpectively pay for all Coals and Cinders to be led and brought to the ſaid River, and from the Staith or Staiths there, caſt or delivered on Board any Ship, Boat, Keel, or other Veſſel, the ſeveral and reſpective Sums therein and herein after-mentioned; that is to ſay, The ſaid Coal Owners reſpectively, any Sum not exceeding Three Half-pence for every Chaldron of Coals or Cinders, during the Term aforeſaid, brought or carried down by or for them to the ſaid River, and delivered as aforeſaid, and ſo in Proportion for any greater or leſs Quantities of Coals or Cinders; and the ſaid Fitters or Coal Factors reſpectively, any

Sum

Sum not exceeding One Half-penny, during the said Term, for every Chaldron of Coals or Cinders, which should be brought and carried down or delivered as aforesaid, and to be applied as in and by the said Act is directed: And whereas the said Commissioners, in pursuance and Execution of the Powers vested in them by the said last-mentioned Act, have, at a very great Expence, deepened the Chanel of the said Port or Haven, and made several considerable necessary Alterations and Additions to and in the Pier at the Mouth of the said River, and thereby and with other Works have much improved the said Port, Haven, and River: And whereas in order to render the said Port and Haven safe and commodious for such Ships as are now used in the Coal Trade, it is necessary that divers other Works should be made and effected at or near the Mouth of the said River, the Charges and Expences whereof will amount to a very large Sum of Money: And whereas the Powers granted to the said Commissioners in and by the said last-mentioned Act have been found insufficient for the Purposes of finishing and completing the said Navigation, according to the Tenor and true Meaning of the said Act: And whereas the Port of Sunderland is of great Importance, and the rendering the same more commodious and secure, will be of general and publick Utility; but the Money to arise by the said Duties, during the Continuance of the Term granted by the said Act, will not be sufficient to defray the Charges and Expences of the necessary Works, and to keep the same in Repair; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such of the Commissioners named and appointed by and in pursuance of the said last-mentioned Act as are now living, and also the Right Honourable Robert Ord Lord Chief Baron of Scotland, the Honourable Raby Vane, Sir Walter Blackett, Sir Thomas Clavering, Sir Henry Grey, Sir Wilfred Lawson, Sir John Thorold, Sir John Eden, Baronets; Sir Benjamin Rawling Knight, John Andrew, Archdeacon, Adam Askew M. D. Edward Askell, William Aislabie, John Burdon, Ralph Bates, Robert Bewick, Matthew Bell, George Bramwell Clerk, Thomas Byers, James Brack, George Barkas, William Blakiston, Jonathan Burleigh, Charles Burne, Charles Brandling, Thomas Bates, Cornelius Bentham, Thomas Bird,

Commissioners Names.

Bird, Thomas Chapman D. D. George Clavering, John Clavering, George Crafter, Ralph Carr, William Cuthberts, John Colvill, Ralph Carr of Dunston, Matthew Carr, Robert Catchefide, Nathaniel Clayton Clerk, John Clarke, John Charleton, Chriſtopher Craggs, Samuel Dickens D. D. Thomas Daviſon, William Dixon, James Donniſon, Thomas Dixon, John Fenwick, Chriſtopher Fawcett, William Fenwick, James Garland, Thomas Gyll, George Grey junior, James Gilborne Clerk, John Goodchild, John Gregſon, James Galley, William Greenwell, Nicholas Halhead, John Hunter, William Hopper, John Harriſon, Newark Hudſon junior, William Hunter, John Hall, Ralph Harriſon of Whitburn, John Johnſon LL. D. Anthony Iſaacſon, Wadham Knatchbull LL. D. Robert Lowth D. D. James Lyon, Thomas Lyon, William Lowes, Sir William Loraine, George Longſtaffe junior, Edward Montague, Francis Myddleton junior, George Mowbray, Ralph Milbanke, Edward Milbanke, Mark Milbanke, John Milbanke, Francis Milbanke, William Maude, Acklomb Milbanke, Joſeph Maude, John Neſham junior, William Newton, Samuel Newton, Chriſtopher Neſham, William Ord, John Ord, William Peareth junior, John Pemberton, Matthew Ridley, Joſeph Reay, William Read, Marſhal Robinſon, Thomas Rudd, William Rudd, John Robinſon Clerk, Thomas Richardſon, Jaques Sterne D. D. Robert Stillingfleet, D. D. Joſeph Spence Clerk, Robert Shafto, Robert Shafto of Benwell, Jeniſon Shafto, Thomas Goodfellow Shafto, Robert Spearman, John Stephenſon, Richard Stonehewer, John Swinburn, Edward Stewart, Samuel Shields, William Scurfield, John Sharp, Richard Sparrow, John Stafford, Thomas Smith, John Hall Stephenſon, Luke Salkeld, Edmund Tew D. D. John Thorold junior, John Tempeſt junior, Chriſtopher Teaſdale, Thomas Taylor, George Thompſon, Henry Taylor, William Todd, Francis Thompſon, William Warburton D. D. William Wilkinſon, William Williamſon, Henry Wilkinſon, William Whitfield, George Whitfield, Henry Wilſon, William Watſon, William Wilkinſon, John Wright, John Wilſon, Robinſon Wakefield, Edward Wortley, Edward Wortley junior, Wadeſon Ward, William Winſhip, Henry Vane Clerk, the Rector of Sunderland for the time being, the Rector of Biſhop Wearmouth for the time being, Michael Aſhworth, William Archer, John William Bacon, George Baker, William Bellaſyſe, John Burdon, Peter Bowlby, James Bland, Philip Bendlowes, Ralph Brockett, Cuthbert Bainbridge, Bartholomew Bowſer, George

Sandiford Crowe, Robert, Chaloner, Richard Cowldell, Henry Bland D. D. the Mayor, Recorder, and Aldermen, of the City of Durham, for the time being, Earl of Darlington, John Dixon, Martin Doubleday, Henry Doubleday, Edward Davison, the Reverend John Drake, John Dodshon, Nicholas Dodshon, Robert Dodshon, the Reverend Robert Davison, Thomas Dunn, the Reverend Master Dover, George Elleray, George Edwards, William Ettricke, Thomas Forster, Bazil Forcer, Ralph Gowland, Joseph Grey, George Green, the Reverend Abraham Gregory, David Hilton, Robert Hilton, Thomas Hornsby, Anthony Hall, Anthony Hall the younger, Jonathan Hall, John Heighington, Thomas Hogg, Thomas Hopper, Hendry Hopper, Ralph Hopper, Joshua Hopper, Richard Hopper, Hutchinson, Richard Herdman, Christopher Johnson, Thomas Liddell, Thomas Lewen, John Lamb, the Reverend Thomas Leighton, Sir Ralph Milbank, Joseph Musgrave, Henry Mills, Jonathan Martin, Francis Mascall, Benjamin March, John Mann, John Morgan, William Nowell Clerk, Edward Pearson, Thomas Potts, John Potts, Nathaniel Pewterer, Ralph Paxton, Lord Ravensworth, Robert Roper, George Reay, John Richardson, Michael Robinson, George Robinson, Robert Robinson, Thomas Reed, John Richardson, John Richardson junior, Earl of Scarborough, Earl of Shaftesbury, Earl of Strathmore, William Spearman, Cuthbert Smith, Meaborn Smith, Anthony Salvin, Edward Shepperdson, Nicholas Shuttleworth, George Surtees, John Trotter, 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, Cowper Abbs, Hugh Awdos, Thomas Aires, Thomas Atkinson, Francis Blakiston, Francis Blake junior, William Barker, Bryan Brown, John Cuthbert, James Douthwaite, William Dunn, Ralph Eden, Bowes Grey, Christopher Harrison, Benjamin Hodgkin, Andrew Hancill junior, Robert Harrison, Cuthbert Johnson, Samuel King, Matthew Morgan, Henry Meaborn, William Russell, Thomas Stamp, Jacob Spencely, Nicholas Taylor, John Taylor, Elias Thornhill junior, John Wall, Joseph Walton, Thomas Wells, the Rector of Brancepeth for the time being, Robert Bowes, the Rector of Wolsingham for the time being, the Rector of Stanhope for the time being, James Allen, William Allinson, Ralph Bradley, William Brockett, William Cornforth, Henry Collingwood, Abraham Dixon, Jonathan Davison, John Eden,

Eden, John Emerson Clerk, George Fielding, Gascoyne Finch, John Lloyd Clerk, George Hartley, Leonard Hartley, Richard Garmondsway, Thomas Garth, George Hoare, Timothy Hutchinson, Thomas Holmes, Richard Holmes, Thomas Hutchinson, Michael Hodgson, William Jepson, William Lodge, William Norton, Sir Thomas Robinson, John Robinson, William Sutton, William Sleigh, Robert Surtees, Willam Turner, Henry Thorp Clerk, Ralph Ward, John Westgarth, John Wilson, Andrew Wood Clerk, Sir Hedworth Williamson, Hedworth Williamson, Thomas Williamson, William Wingfield, George Wingfield, shall, from and after the Twenty third Day of June next after the passing of this Act, be, and they are hereby appointed Commissioners of the River Wear, and of the Port and Haven of Sunderland, in the County of Durham, and shall be so called, for putting this present Act, and the said last-mentioned Act in Execution, within the Limits herein after-mentioned; that is to say, The said Commissioners, or any Seven or more of them, shall and may, and they are hereby impowered and authorized, at all Times hereafter, as they shall see Occasion, to survey and improve the Navigation of the said River, so far as to a Place called South Biddick or Biddick Ford, and no further, and the Port, Haven, and Harbour, of Sunderland, as the same extends from the Promontory or Point called Souter Point, about Two Miles from Sunderland Bar, towards the North East, and so into the Sea, to Five Fathom at Low Water, and from thence in a supposed direct Line, till it fall opposite to that Land called Ryhop Dean, about Two Miles towards the South.

Restriction of the Commissioners Limits.

And be it further enacted by the Authority aforesaid, That the said last-mentioned Act, and all and every the Duties, Powers, Penalties, Forfeitures, Clauses, and Provisoes, therein contained, and not hereby altered or varied (except the Powers thereby vested in the said Commissioners for making the said River navigable, between South Biddick or Biddick Ford and Newbridge) shall be and continue in full Force and Effect; and from and after the Expiration of the Term of Twenty one Years, by the said last-mentioned Act granted, the same shall be and is hereby continued for the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall be executed for the Intents and Purposes in the said last-mentioned and this present Act expressed and declared (except the making the said River navigable between South Biddick or Biddick Ford aforesaid, and Newbridge)

Act 20 *Geo.* II. further continued for 21 Years.

And

And, for the better raising Money necessary for the Purposes of the said last-mentioned and this present Act, and carrying the same into Execution, be it further enacted by the Authority aforesaid, That from and after the said Twenty third Day of June, for and during the Continuance of the said last-mentioned Act, and this present Act, every Coal Owner for the time being, and their Fitters and Coal Factors, shall severally and respectively pay for all Coals and Cinders to be led and brought to the said River, between South Biddick or Biddick Ford aforesaid, and the City of Durham; and from any Staith or Staiths, Place or Places, there made or erected, or to be made and erected; and from thence cast or delivered on Board any Ship, Boat, Keel, Barge, Lighter, or other Vessel, and navigated, carried, or conveyed, down the said River, to the Port of Sunderland, or any Part of the said River below South Biddick or Biddick Ford aforesaid, the several and respective Sums herein after-mentioned; that is to say, Duties payable by this Act.

The said Coal Owners respectively, any Sum not exceeding Three Halfpence for every Chaldron of such Coals and Cinders; and the said Fitters or Coal Factors respectively, any Sum not exceeding One Halfpenny for every Chaldron of such Coals and Cinders, and so in Proportion for any greater or less Quantity.

Provided always, That nothing herein contained shall prevent the said Commissioners from receiving such Duties as are now due, and which shall arise or become due, under the said last-mentioned Act, until the said Twenty third Day of June inclusive, for all Coals and Cinders already led and brought, or, before that Time, to be led and brought, to the said River, at any Staith between South Biddick or Biddick Ford and Newbridge aforesaid. Commissioners to receive the Duties under the last Act until 23 *June* next.

And it is hereby enacted and declared, That the true and exact Quantities of all such Coals and Cinders as shall be led and brought to the said River, between South Biddick or Biddick Ford aforesaid and the City of Durham, shall be ascertained, and the Duties hereby made payable for the same, collected, levied, and raised, in such Manner and Form, and by such Ways and Means, and with, under, and subject to, such Provisoes, Pains, Penalties, Powers, and Remedies, as are by the said last-mentioned Act directed, appointed, and prescribed, in that Behalf, and shall be applied as herein after is mentioned. Duties how to be raised.

Provided also, and be it enacted, That no Commissioner or Commissioners appointed by or in pursuance of the said Qualification of Commissioner

last-mentioned or this present Act (other than and except as in the said last-mentioned Act is excepted) 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 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, Bill, Plaint, 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.

Penalty on acting if not qualified.

Commissioners to take the following Oath before they act.

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 by the said last-mentioned Act, and hereby given, other than administering the Oath; videlicet,

The Oath.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner, in pursuance of an Act, For the better Preservation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*; and of an Act, intitluled, *An Act for continuing, amending, and rendering more effectual so much of an Act made in the Twentieth Year of His present Majesty's Reign, intituled,* An Act for the better Preservation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*, *as relates to the Port and Haven of* Sunderland *and the River* Wear, *between* South Biddick, *or* Biddick Ford, *and the said Port and Haven.*

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

And be it further enacted by the Authority aforesaid, That the Treasurer, Clerk, and Bailiff, appointed or to be appointed in the Execution, and for the Purposes, of the said last-mentioned Act, or this present Act, shall, before they, or any of them, enter upon his or their respective Offices, severally take the following Oath; that is to say, Officers to take the following Oath

I *A. B.* do swear, That I will truly execute and discharge, to the best of my Knowledge and Power, the Trust and Employments to me given and committed, without any Favour or Affection, Malice or Corruption, whatsoever; and that I will, when and as often as I shall be thereunto required, truly and faithfully account before the Commissioners of the River *Wear*, and the Port and Haven of *Sunderland*, appointed by an Act of Parliament made in the Twentieth Year of the Reign of King *George* the Second, and by another Act of Parliament made in the Thirty second Year of the Reign of His said Majesty, or any Seven or more of them, assembled at their publick Meetings, for all and every Sum or Sums of Money which I, or any Person or Persons for me, shall at any Time receive by virtue of the Trust or Employment now committed unto me. The Oath.

So help me GOD.

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

And, for the constant supplying the Number of Commissioners, in case of Death or Refusal to act, Avoidance, or other Incapacity of any of them, be it further enacted by the Authority aforesaid, That at any Time within Six Months after the Death of any of the said Commissioners, or Notice of such Avoidance, Incapacity, or Refusal, or if any Person or Persons who shall be elected a Commissioner or Commissioners as aforesaid, shall neglect or refuse to act after Two Calendar Months Notice shall be given him or them by the said acting Commissioners, or any Seven or more of them, for that Purpose; then, and in any of the said Cases, and not otherwise, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from time to time, at their publick Meetings, to elect and appoint (by Order entered in the Book wherein they enter their Orders and Proceedings, On Death, &c. of Commissioners, others to be chosen.

ceedings, signed by them) such other Person or Persons to be Commissioner or Commissioners, in the Place or Places of such Commissioner or Commissioners so dying, avoiding, becoming incapable, or refusing, as aforesaid, as they shall think fit; and such Commissioner and Commissioners, so from time to time elected and appointed, shall, from and after such Election and Appointment, have the same Power and Authority in all Things as if he or they had been appointed by this present Act, and as the other Commissioners herein before-named have hereby granted and given to them.

Powers for improving the Navigation.

And it is hereby further enacted by the Authority aforesaid, That the said 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 and appoint, their Agents, Officers, Workmen, and Servants, shall be and are hereby impowered and authorized to cleanse, deepen, and enlarge, the Channel at the Mouth of the said River Wear, and to lengthen the present Pier there; and also to build such other Pier or Piers, Quay or Quays, Jettee or Jettees, and make and effect such other Works at or near the Mouth of the said River, as shall be by them adjudged necessary to render the said Port and Haven safe and commodious, and the said River more effectually navigable; and for that Purpose to dig, take up, remove, and carry away, any Rocks, Stones, Sands, Gravel, Rubbish, or other gross Matter, which shall obstruct, prejudice, or hinder, the Navigation of the said Port, Haven, and River, and cast, lay, and lodge, the same behind such Pier or Piers, Quay or Quays, Jettee or Jettees, 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, Stones, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the Navigation of the said Port, Havrn, and River, either in sailing, hawling, or towing, of Ships, Boats, Keels, and other Vessels, with Men, Horses, or otherwise; and also to build, erect, set up, and make, at the said Port, Haven, and River, or upon the Lands adjoining or near to the same, such Quays, Wharfs, Jettees, Crabs, Capsterns, Mooring Anchors, Dolphins, and other Engines, Polls, Stoops, Landing-places, Weighing-beams, Work-houses, and Ware-houses, for the Purposes

poses only of carrying on, completing, and preserving, of the Navigation, and rendering the said Harbour safe and commodious, and for other Works and Conveniencies necessary and requisite for those Purposes, 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 all Sorts of Materials to or from the said Port, Haven, or River, and also to carry and convey the same in, over, and upon, any Lands or Grounds, in order to the making, carrying on, perfecting, improving, and finishing, 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 get, dig, take, and carry away Soil, Sand, Clay, Stones, Rocks, 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 Port, Haven, and River, (not being the Ground whereon any House stands, or an Orchard, Paddock, planted Walk, or Avenue to an House) 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 necessary or proper for the rendering the said Port and Haven safe and commodious, and for the Improvement of the Navigation of the said River, and 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 Lands, Tenements, or Hereditaments, respectively, for any Damage that may happen or be occasioned to such Lands, Tenements, or Hereditaments, 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 they are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages,

Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall judge necessary or proper to erect any Pier or Piers, Quay or Quays, Jetty or Jetties, upon, or to be cut, dug, 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, Administrators for Cestuique Trusts, whether Infants or Issue unborn, Tenants in Tail, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person and Persons whomsoever who are or shall be seised or possessed of, or interested in, any such Messuages, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwise to contract for, and to sell and convey, the Inheritance in Fee-simple of all or any such Messuages, 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 Estate, Right, 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 whatsoever, and all claiming or to claim by, from, or under 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 or they shall do by virtue and in pursuance of this Act; and the said Commissioners, or any Seven or more 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 inrolled with the Clerk of the Peace for the County of Durham; and true Copies of the same, signed by the said Clerk of the Peace for the time being, or his Deputy, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever.

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

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

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

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

pearing, 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 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 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 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, Lands, Tenements, or Hereditaments, or any Part thereof; 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 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 Fifteen Days before such Meeting, to the Parties concerned, or left at his, her, or their Dwelling-house or Houses, or usual Place of Abode, or with the Tenant or Occupier of the Premisses as aforesaid, 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

Jurors may be challenged.

Witnesses may be summoned, and examined on Oath.

Jury to assess Damages;

Verdict of the jury to be binding and conclusive.

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ing any Title or Interest in the same Messuages, Lands, Tenements, or Hereditaments, or any thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick or Corporate, Infants, Ideots, Lunaticks, Femes Covert, Tenants for Life or Lives, Tenants in Tail, Tenants in Fee-simple, Customary or Copyhold Tenant, and Tenants for Term of Years, and their respective Heirs, Successors, Executors, Administrators, or Assigns, and all claiming, or to claim, by, from, or under him, her, or them, or any of them, or otherwise howsoever.

Penalty on Witnesses refusing to give Evidence, &c.

Provided always, and be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses as aforesaid (he, she, or they, being paid, or being tendered to him, her, or them, Satisfaction for Attendance as aforesaid) shall neglect or refuse to appear, or give Evidence upon Oath, at the Time, Place, and on the Occasion, to be specified in such Summons; or if any Person summoned to appear as a Juryman as aforesaid, shall refuse to appear and be sworn, or to give his Verdict; or if any Person or Persons summoned to attend as a Witness or 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, not exceeding the Sum of Five Pounds, to be levied, recovered, and applied, in such Manner as herein after is 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, 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 Fees and Expences payable by virtue of this Act to the said Sheriff or Coroner, Jurymen and Witnesses, respectively, shall be so paid by the said Commissioners out of the Monies to arise by virtue of the said last-mentioned and this present Act; but if the Verdict be given for no more or less Money than shall have been offered by the said Commissioners, or any Seven or more of them, previous to the summoning such Jury, for such Recompence or Satisfaction, then such Fees and 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 deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum so assessed and adjudged as aforesaid.

Verdict and Judgment to be filed by the Clerk of the Peace.

And it is hereby further enacted, That the said Verdicts and Judgements shall be set down in Writing (without any Stamps thereupon) under the Hands and Seals of the said Commissioners, or any Seven or more of them, acting in the Premisses, and be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the said County of Durham, by the Clerk of the Peace for the time being, or his Deputy; and the same, or true Copies thereof, without Stamps, shall be taken, adjudged, and deemed, good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same, without Fee or Reward, at all Times, and may take Copies thereof; paying for such Copies after the Rate of Two Pence per Sheet, accounting Seventy two Words to each Sheet, and so in Proportion for any greater or lesser Number of Words.

How Satisfaction is to be made for future Damages not foreseen or provided for.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick or Corporate, shall, at any Time hereafter, happen to sustain any Damage from the said Commissioners, or any Person or Persons authorized by them, in putting in Execution the Powers vested in them by the said last-mentioned and this present Act, in his, her, or their Messuages, Lands, Tenements, or Hereditaments, for which no Recompence shall have been made, by reason of any Act, Neglect, or Default of the said Commissioners, or their Agents, Workmen, or Servants; then, and in every such Case, if the said Commissioners, or any Seven or more of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or any Seven or more of them, shall enquire of and ascertain such Damages by a Jury, to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, and record the same, in like Manner and Form as are herein before particularly mentioned and directed.

Upon Satisfaction being made, Commissioners may proceed in the Works.

And be it further enacted, That, on Payment or Tender of the Sum or Sums of Money so agreed on, contracted for, or assessed and adjudged for Damages to the Parties concerned, or for the Purchase of any Messuages, Lands,

Lands, Tenements, or Hereditaments, as aforesaid, or legal Tender made to them respectively; which Sum or Sums of Money the said Commissioners, or any Seven or more of them, are hereby authorized and directed to pay out of the Monies to be raised by virtue of this Act; and in case any such Party or Parties cannot be met with, or shall refuse to accept the same, then upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Seven or more of them, by Writing under their Hands and Seals, shall appoint, for the Use of the Parties so interested as aforesaid; it shall and may be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon, remove, cut, dig, and use, such or so much of the said Messuages, Lands, Tenements, Hereditaments, and Premisses, for which Satisfaction shall have been contracted for, agreed on, assessed, or decreed, as aforesaid, and thereon to make, erect, or do any Works, Matters, or Things, for the Improvement of the Navigation of the said Port, Haven, and River, and supporting and maintaining the same, during the Term hereby granted, or for executing any of the Powers in this or the said last-mentioned Act expressed, 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 Person and Persons employed by or under them, against the Owners, Occupiers, or other Persons interested therein, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons whomsoever, to all Intents and Purposes whatsoever.

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 Port, Haven, or 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.

Commissioners not to make any Ways but for the Purposes of Navigation.

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 bending, 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.

Officers to account upon Oath.

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, from time to time, as and when they see proper, to summon before them, and examine upon Oath, if they think fit, all and every or any of the Officers or Persons employed in, or intrusted with, the Receipt, Disbursement, or Application, of all or any of the Money to be raised by virtue of the said former or this present Act: And every such Officer and Person, employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any 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, disbursed or applied, as aforesaid; and in case any such Officer, or Person so employed or intrusted as aforesaid, shall be found in Arrear, and refuse to pay the same, or shall refuse to account, then, and in either of the said Cases, it shall be lawful for the said Commissioners, or any Seven or more of them, 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, and shall be required and refuse to account for; and for want of sufficient Distress, by like Warrant under their Hands and Seals, to commit such Person to the Common Gaol of the said County, 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

ney as they the said Commissioners, or any Seven or more of them, shall think fit, and which Composition they are hereby impowered to make and receive; 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 the Name of their Chairman for the time being, against such Officer or Person so refusing, neglecting, or making Default, as aforesaid, for the Recovery of the Money which shall be in his Hands.

Officers to deliver up Books.

And be it further enacted by the Authority aforesaid, That if any Person, who hath been or shall be a Clerk, Treasurer, or Bailiff, or other Officer to the said Commissioners, shall refuse or neglect to deliver up to the said Commissioners, or any Seven or more of them, being thereunto required by the said Commissioners, or any Seven or more of them, either by a personal Demand, or by Writing under their Hands left at the last usual Place of Abode of such Clerk, Treasurer, Bailiff, or other Officer, at a certain Time and Place in such Demand or Writing to be appointed, all the Books, Papers, and Writings, in his or their Custody or Power, relating to any Matter or Thing done under the Powers of the said last-mentioned or this present Act; it shall and may be lawful for the said Commissioners, or any Seven or more of them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein he or they shall dwell, there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Commissioners, or any Seven or more of them, or their Order, all and every the said Books, Papers, and Writings, or shall have given an Account thereof to the Satisfaction of the said Commissioners, or any Seven or more of them.

And be it further enacted, That the Form of every Assignment of the Duties arising by virtue of the said last-mentioned or this present Act, as a Security for any Sum or Sums to be borrowed on the Credit of the said Acts, 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 Twentieth Year of the Reign of His Majesty King *George* the Second, for the better Preservation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*; and of another Act, made in the Thirty second Year of the Reign of His said Majesty, intituled, *An Act for continuing, amending, and rendering more effectual, so much of*

an Act made in the Twentieth Year of His present Majesty's Reign, intituled, An Act for the better Preservation and Improvement of the River *Wear*, and Port and Haven of *Sunderland*, in the County of *Durham*, *as relates to the Port and Haven of* Sunderland, *and the River* Wear, *between* South Biddick, *or* Biddick Ford, *and the said Port and Haven*; We, *C. D. E. F. G. H.* and *I.* being Seven of the Commissioners appointed by or in pursuance of the said Acts, do, in Consideration of the Sum of
advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Acts, hereby assign One
Part of the Duties arising by virtue of the same Acts, unto the said *A. B.* his Executors, Administrators, and Assigns, to have, hold, and enjoy the same, from henceforth, as a Security, for and until the said Sum of
with Interest, after the Rate of for One hundred Pounds for One Year, shall be repaid.

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 publick Meeting, make such Assignment or Assignments, shall be equally intitled to his or their Proportion of the said 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 on any other Account whatsoever; and the Money so borrowed shall be applied, in the First Place, in discharging the Expences incurred in and about the obtaining of this Act, and afterwards, in such Manner as the said Duties are directed to be applied in and by the said Acts: 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 Two or more credible Witnesses, in the Words following, or to the like Effect:

Assignments to be entered in a Book.

Assignments may be transferred.

I Do

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

Witness, { *E. F.* / *A. B.*

Which said Transfer or Assignment shall be produced and notified to the Clerk or Treasurer for the time being, who shall register and enter the same in the said Book or Books to be kept for entering the said original Assignment, for doing whereof he shall be paid One Shilling by the Person requesting the same; and after such Entry thereof made, and not till then, every such Transfer shall 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 Transfer being entered and paid for as aforesaid; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Money due thereupon. Clerk's Fee.

And be it further enacted, That the Owner, Master, or Skipper, of every Ship, Keel, Boat, or other Vessel, shall be, and is hereby, made answerable for any Damage or Mischief done by such Ship, Keel, Boat, or other Vessel, through any wilful Act, Default, or Neglect, of any of the Crew, Keelmen, Boatmen, or Watermen, belonging thereto, to any of the Pier or Piers, Quay or Quays, Wharf or Wharfs, Jettee or Jettees, or other Works, which are or shall be made or maintained by virtue of the said Acts, or for any Trespass done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the said Port, Haven, or River, other than by haling or towing as aforesaid; and such Owner, Master, or Skipper, of such Ship, Keel, or other Vessel, or any of them, shall or may be sued for the same in the Name of the Chairman for the time being to the said Commissioners, as if such Damage or Trespass had been done or committed by the Owner, Master, or Skipper 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 Owners of Vessels answerable for any Damage done to the Works by the Crew, &c.

his

his and their Damages thereby sustained, but also Double Costs of Suit.

Every Ballast Keel, when loaden, to swim 9 Inches above the Water.

And whereas the Owners and Skippers of Ballast Keels in and upon the said Port, Haven, and River, do overload their Ballast Keels, whereby such Keels are sometimes sunk, and at other Times, the said Owners and Skippers are under a Necessity of casting out a Part of their Loading, to prevent the sinking thereof, to the great Prejudice of the Navigation in the said Port, Haven, and River, be it therefore enacted, That from and after the Twenty fourth Day of July, One thousand seven hundred and fifty nine, every Ballast Keel, and every Boat, or other Vessel, used in the said Port, Haven, and River, for the carrying and unloading of Ballast, shall, when loaden, swim at least Nine Inches above the Water from the Upper Edge of the Bind in every Part thereof: And if any Owner or Owners, Skipper or Skippers, of such Ballast Keels, or other Vessels, shall load, or take on Board, or cause, permit, or suffer, to be loaden or taken on Board, his or their respective Ballast Keels or Vessels, such and so great a Quantity of Ballast, Sand, Gravel, Rubbish, or other gross Matter, that the same, when loaden, shall not swim at least Nine Inches above the Water, from the Upper Egde of the Bind, in every Part thereof, he and they shall forfeit and pay, for every Offence, any Sum not exceeding Forty Shillings, to be levied, recovered, and applied, in such Manner as herein after-mentioned.

The Owners Names to be marked on the Vessels.

And be it further enacted, That the Owner, Master, or Skipper, of every Ballast Keel, or other Vessel, carrying Ballast, shall cause the Name of the Owner to be set thereon, in White Capital Letters, in some conspicuous Part on each of the Outsides thereof, and higher than the same shall sink into the Water when loaded; and every such Owner, Master, or Skipper, neglecting or refusing so to do, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, as the said Commissioners, or any Seven or more of them, shall order, direct, or appoint; and to be recovered and applied, in such Manner as herein after-mentioned.

Penalty.

Boats sunk to be weighed up.

And be it further enacted, That if any Ship, Boat, Keel, or other Vessel, shall happen to be sunk in the said Port, Haven, or River, and the Owner, Master, or Person having the Care or Management thereof, do not, within the Space of Twenty four Hours, weigh or draw up the same again, and hale the same out of the Way of other Vessels passing and repassing in the said Port, Haven, or River, or within that Time give sufficient Security

curity to any One or more of the said Commissioners for so doing, and remove the same within Seven Days, or at the next Spring Tides, then it shall and may be lawful to and for the Agent or Agents, Servant or Servants, of the said Commissioners, to weigh or draw up and haile the same out of the Way of other Vessels passing or repassing in the said Port, Haven, or River, and to detain and keep the same, and her Rigging and Tackle, and Loading, if preserved, till Payment of all Expences occasioned thereby; and if Payment thereof be not made in Five Days after the same shall be so drawn or weighed up, then it shall be lawful to and for the said Agent or Agents, Servant or Servants, to sell such Vessel, her Rigging and Tackle, for the reimbursing the said Expences, and other Charges of weighing or drawing up and hailing out of the Way, detaining, keeping, and selling the same; returning the Overplus (if any) to the Owner, Master, or Person having the Management of such Ship, Boat, Keel, or Vessel, before she was sunk.

Penalty on Persons damaging the Works, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously break, throw down, destroy, or damage, any Works whatever, now made or erected, or to be made or erected, by the said Commissioners, whereby the said intended Navigation shall be hindered or obstructed, or any Damage done to the said Port or Haven, such Person or Persons being thereof convicted, at the Assizes or General Quarter Sessions of the Peace to be held in and for the said County of Durham, shall be adjudged guilty of Felony, and be transported to some of His Majesty's Plantations or Colonies in America, for the Term of Seven Years.

Penalty on Persons giving false Evidence.

And be it further enacted, That all and every Person and Persons who, in any Examination upon Oath, directed to be taken and made by virtue of the said last-mentioned or this present Act, shall give false Evidence before any Person or Persons thereby or 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.

Application of the Duties, &c.

And be it further enacted, That not only the Money arising by the Duties granted during the Continuance of the said last-mentioned and this present Act, but also all and every the Penalties, Sum and Sums of Money,

which shall be forfeited or shall become due or payable by virtue of the said last-mentioned or this present Act, shall, from time to time, be levied and raised in such Manner and Form, and by such Ways and Means, and with, under, and subject to, such Pains, Penalties, Powers, and Remedies, as are by the said last-mentioned Act directed, appointed, and provided; and that all and singular such Duties, and all Fines, Penalties, Forfeitures, and Sums of Money, so to be set, imposed, paid, or levied, by virtue of the said last-mentioned or this present Act, and not otherwise thereby or hereby directed to be applied or disposed of, shall be paid to such Person or Persons as by the said Commissioners, or any Seven or more of them, at their publick Meetings, shall be appointed and authorized to receive the same; and the Money so to be received for and during the Continuance of the said Acts, shall, after Discharge of the Expences incurred in and about the obtaining this Act, be applied and employed for the defraying the Charges and Expences to be laid out and disbursed in, about, and for the several Uses, Ends, and Purposes, of this present Act, and according to the true Intent and Meaning thereof.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and it is hereby enacted by the Authority aforesaid, That every Person who shall think himself or herself aggrieved by the Order or Judgement, or any Warrant of the said Commissioners, on account of or touching any Fine, Forfeiture, or Penalty incurred by the said Acts, may appeal to the Justices of the Peace for the said County of Durham, at their General Quarter Session of the Peace, to be holden within Six Calendar Months next after such Order or Judgement given or granted as aforesaid; the Person or Persons so appealing giving Security to the Satisfaction of the Commissioners, or any Seven or more of them, 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 Justices of the Peace at the said Quarter Sessions, in case such Order or Judgement shall be affirmed, such Person or Persons giving Fourteen Days Notice of his, her, or their Intention to appeal; and the said Justices, at the said General Quarter Sessions, 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,

Security to be given to prosecute.

Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quash'd for want of Form.

Provided, That no Order, or other Proceedings, to be made or had by or before the said Commissioners, or any Seven or more of them, in relation to the Premisses, shall be quashed or vacated for want of Form only.

No Order to be repealed, unless 11 Commissioners be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Commissioners, or any Seven or more of them, for or concerning the executing the Trusts, Powers, and Authorities, of the said Acts, shall be revoked, repealed, or set aside, by any subsequent Order of the Commissioners, unless Eleven Commissioners shall be then present.

Commissioners who are justices may act as such.

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

Commissioners not to prejudice any Staiths, &c.

Provided always, and it is hereby 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 by their Order or Direction, to pull down, demolish, alter, or prejudice any Coal Staith, Ballast Quay, or Wharf, now standing and being on any Part of the said River between the Sea and South Biddick, or Biddick Ford aforesaid, which were made, built, or erected respectively, before the passing the said last-mentioned Act, or any Coal Staith, Ballast Quay, or Wharf, erected and built since the passing the same Act, which are not publick Nuisances by Law.

Commissioners may gratify Informers out of the Penalties imposed on Offenders.

And whereas the casting of Ballast or other gross Matter within the said Port, Haven, or River, hath of late been much practised, to the great Damage of the Navigation thereof, and it has been found by Experience to be a Discouragement to Informers against Offenders in casting Ballast or other gross Matter, that the Commissioners are not impowered to recompense such Informers; be it therefore enacted by the Authority aforesaid, That the said Commissioners shall be and they are hereby authorized and impowered to give such Informers any Sum not exceeding One Moiety of the Penalties to be by them laid and imposed on all such Offenders; any thing in the said last-mentioned Act contained to the contrary in any wise notwithstanding.

Penalty on Persons obstructing the Passage Boats.

And be it further enacted, That if any Person or Persons having the Command, Care or Management of any Ship, Keel, Boat, or other Vessel, shall put, lay, moor,

or

or anchor, the same in any Part of the said Port, Haven, or River, so as to obstruct or hinder the Navigation of the said River, or the Passage of any other Ship, Keel, Boat, or other Vessel, or the carrying on the Works to be done in pursuance of this Act, and shall not immediately, or as soon as may be after Notice to remove the same given by any Agent or Servant to be appointed by the said Commissioners, or any Seven or more of them, by Writing under their Hands, or by any other Person concerned in navigating any Ship, Keel or Keels, Vessel or Vessels, so obstructed, remove such Ship, Keel, Boat, or other Vessel; he or they shall, for every such Offence, to be proved before the said Commissioners, or any Seven or more of them, at any of their publick Meetings, by the Confession of the Offender or Offenders, or by the Oath of One or more credible Witness or Witnesses, forfeit and pay Five Shillings for the First Hour, and any Sum not exceeding Five Shillings an Hour for every other Hour, such Ship, Keel, Boat, or other Vessel, shall continue to hinder or obstruct the Navigation of the said River, or the Passage of any Ship, Keel, Boat, or other Vessel, or the carrying on of the said Works, after such Notice to remove the same as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners to remove, or cause to be removed, any such Ship, Keel, Boat, or other Vessel, in such Manner as shall be necessary for avoiding any Obstruction in the said Navigation, or in the carrying on of the said Works, and to detain such Ship, Keel, Boat, or other Vessel, and the Loading and Tackle thereof, or any Part thereof, until the Charges of such Removal, and the Sum and Sums of Money to be forfeited as aforesaid, are paid and satisfied.

Method of proceeding against Offenders.

Provided also, and it is hereby enacted, That if any Offender or Offenders against this Act shall withdraw or retire, so that the said Commissioners, or any Seven or more of them, or the Person or Persons by them employed, cannot serve their Warrant or Warrants upon him, her, or them, for the levying or raising the Penalties and Sums of Money to be incurred and forfeited by such Offender or Offenders; then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to commence and prosecute an Action at Law in any Court of Record, in the Name of their Chairman for the time being, against such Offender or Offenders, for the Recovery of all such Penalties, Forfeitures, and Sums of Money, as in and by this Act are imposed, laid, and charged upon any such Offender or Offenders.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet at the House of Master Michael Harrison, Innkeeper, in Sunderland, on the Twenty seventh Day of June next after passing this Act, and then proceed to put this Act in Execution; and shall then adjourn themselves, and shall afterwards meet, from time to time, at the Place aforesaid, or at such other Place or Places as the said Commissioners, or any Seven or more of them, shall appoint, and as often as it shall be necessary for putting the said last-mentioned and this present Act in Execution: And if it shall happen that there shall not appear at any publick Meeting which shall be appointed to be held by Adjournment, a sufficient Number of Commissioners to act at such Meeting; then, and in such Case, the Clerk to the said Commissioners, and the Chairman for the time being, with One or more of the Commissioners who shall be present at such appointed Meeting, shall and may adjourn the said Meeting to any other Day, not exceeding Three Weeks from thence next following: And if it shall happen that none of the Commissioners shall appear at any Meeting to be appointed by Adjournment or otherwise, that then, and in such Case, the Clerk to the said Commissioners, by Notice in Writing under his Hand, to be affixed at the Market Cross of Sunderland aforesaid, and of the City of Durham respectively, and at the Market Cross in Chester le Street, shall appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Three Weeks on which such last Meeting of the said Commissioners was appointed to be held, or on any other Day within the last Fourteen Days of the said Three Weeks.

Times and Places of General Meetings of the Commissioners.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby impowered, by Writing under their Hands and Seals, to appoint and employ any Officer or Officers, or other Person or Persons whatsoever (besides a Treasurer, Clerk, and Bailiff) that shall be necessary for the Intents and Purposes expressed in the said last-mentioned Act, and this present Act, and for carrying the same into Execution, and to allow to such Officer or Officers, or other Person or Persons, such Salaries, Wages, or Recompence, as the said Commissioners, or any Seven or more of them, shall, by Writing under their Hands and Seals, order or direct; which said Officer or Officers, or other Person or Persons, so to be appointed and employ-

Commissioners may appoint Officers besides a Treasurer, Clerk, and Bailiff.

ed as aforesaid, shall, from time to time, and at all Times whatsoever, be removeable at the Will of the said Commissioners, or any Seven or more of them; and they the said Commissioners, or any Seven or more of them, shall have Power and Authority to appoint any other or others in his and their Place and Places.

Navigation to be free.

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

Notice by Advertisement to be given of all Bye-laws which shall be made.

And it is hereby further enacted, That publick Notice shall be given of all Bye-laws, Rules, Orders, and Constitutions, which shall hereafter be made in pursuance and by virtue of the said last-mentioned Act, by advertising the same 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 directed by the said Act.

Reservation of Rights to Land-owners, &c.

Provided always, and it is hereby declared by the Authority aforesaid, That nothing in this Act contained shall extend in any wise to destroy or prejudice any Right which the Lord Bishop of Durham and his Successors, and his and their Lessees, of the Beaconage and Anchorage of the said Port, Haven, and River, or the Proprietors and Owners of Sunderland Ferry-boat, and Hilton Ferry-boat, or any other Ferry-boat or Boats upon the said River, now have, or could or might have, or lawfully claim, in or upon the said River, or within the said Port or Haven

ven and Town of Sunderland, or otherwise howsoever, in case this Act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Limitation of Actions.

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

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, 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.

FINIS.