ANNO QUINQUAGESIMO TERTIO

# GEORGII III. REGIS.

## *Cap.* 35.

An Act for improving the Pier and Port of *Hartlepool*, in the County of *Durham*.

[15th *April* 1813.]

WHEREAS the Pier, ſituate in or near the Town, and at the Entrance of the Port of *Hartlepool*, in the County of *Durham*, is in a State of conſiderable Decay, and in imminent Danger of total Deſtruction, whereby the Houſes and other Buildings in the ſaid Town would be much endangered: And whereas the repairing, enlarging, and maintaining the ſaid Pier, and improving the ſaid Port, would afford Security to the Town of *Hartlepool*, and would be of great Utility to the Coaſting Trade of this Kingdom: 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 *George Allan*, the Right Honourable *Henry Vane*, commonly called *Viſcount Barnard*, *Addiſon Fenwick*, *John Goodchild* the younger, *George Lewis Hollingsworth*, *Nathaniel Hollingsworth*, *Alexander Logan*, *James Myers*, *George Pocock*, *George Robinſon* of *Sunderland*, Sir *Martyn Stapylton* Baronet, *William Sedgwick*, *Cuthbert Sharp*, *Edward Stracey*, Sir *Henry Vane Tempeſt* Baronet, *Thomas Thompſon*, *William Vollum*, *John Ward*, *Rowland Webſter*, and ſuch other Perſons, not exceeding the Number of Twenty-five, as the ſaid Commiſſioners ſhall elect and appoint in Manner herein-after mentioned, ſhall be, and they are Commiſſioners.

are hereby appointed Commiſſioners for improving the Pier ſituate in or near the Town of *Hartlepool* aforeſaid, and alſo the Port of *Hartlepool* aforeſaid, extending from the Black Shore in the River *Tees*, on the South Part of the ſaid Town, as far as *Blackhalls*, along the Sea Shore on the North Side of the ſaid Town, and alſo for carrying into Execution the ſeveral Powers, Truſts, Intents, and Purpoſes of this Act.

Power to appoint new Commiſſioners.

II. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to elect and appoint (by Orders entered in a Book to be kept for that Purpoſe) ſome other fit and proper Perſon to be a Commiſſioner in the Place or Places of every or any Commiſſioner who ſhall die, or ceaſe for the Space of Two Years at any one Time to reſide in the County of *Durham*, or refuſe to act, or become incapable of acting in the Execution of this Act; and the Commiſſioners ſo from Time to Time elected and appointed ſhall, in all Reſpects, have the ſame Powers and Authorities in the Execution of this Act as if they had been named Commiſſioners in this Act.

Qualification of Commiſſioners.

III. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs at the Time of acting he ſhall, either in his own Right, or in Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, or Hereditaments held by him or her for a Life or Lives, or for ſome Eſtate of Inheritance, of the clear yearly Value of Twenty-five Pounds above Reprizes, or be poſſeſſed of a Perſonal Eſtate of the Value of Five hundred Pounds, over and above what will be ſufficient to ſatisfy all his juſt Debts.

Commiſſioners to take and ſubſcribe an Oath.

IV. Provided alſo, and be it further enacted, That each of the ſaid Commiſſioners ſhall take and ſubſcribe an Oath in the Form following, before he ſhall act in the Execution of this Act (other than in adminiſtering ſuch Oath); that is to ſay,

'I *A. B.* do ſwear, that I am, either in my own Right, or in Right of my Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, or Hereditaments held by me or my Wife for a Life or Lives, or for ſome Eſtate of Inheritance, of the clear yearly Value of Twenty-five Pounds above Reprizes, or am poſſeſſed of a Perſonal Eſtate to the Value of Five hundred Pounds (as the Caſe may be), over and above what will be ſufficient to ſatisfy all my juſt Debts; and that I will well and truly, according to the beſt of my Judgment and Ability, act in the Execution of the ſeveral Powers and Truſts repoſed in me as a Commiſſioner by virtue of an Act paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], without Favour or Partiality, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath the ſaid Commiſſioners, or any Three or more of them, are hereby authorized and required to adminiſter at the Firſt or any other Meeting of the Commiſſioners for executing this Act.

All Acts may be done by Five Com-

V. And it is further enacted, That all Acts, Proceedings, Matters, and Things herein directed or expreſſed to be done or executed by the ſaid

Commiſſioners relative to the Execution of this Act, may be done and executed by any Five or more of the Commiſſioners hereby appointed, or hereafter to be elected and appointed in purſuance of this Act, except only in the Caſes herein particularly directed or mentioned to be done or executed by any greater or leſs Number of them. Commiſſioners, unleſs otherwiſe directed.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Town Hall at *Hartlepool* aforeſaid, on the Second Day of *Auguſt* next after paſſing this Act, and ſhall then proceed to put this Act into Execution, and then adjourn themſelves, and ſhall afterwards meet from Time to Time at the Place aforeſaid, or at ſuch other Place or Places in the ſaid County within the Diſtance of Five Miles from the ſaid Town, as the ſaid Commiſſioners ſhall from Time to Time appoint; and in caſe after any ſuch Adjournment it ſhall appear to any Five or more of the ſaid Commiſſioners that a Special Meeting is neceſſary to be held previous to the Day of Adjournment, and they ſhall give Notice in Writing under their Hands of the Time, Place, and Purpoſe of ſuch Special Meeting, to be affixed on the Town Hall of *Hartlepool* aforeſaid; it ſhall be lawful for the ſaid Commiſſioners to hold ſuch Special Meeting or Meetings accordingly; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held in purſuance of this Act a ſufficient Number of Commiſſioners to act at ſuch Meeting, then, and in every ſuch Caſe, Three or more of the Commiſſioners, or the Clerk to the ſaid Commiſſioners, if none of the Commiſſioners ſhall be preſent, ſhall and may adjourn the ſaid Meeting to any other Day not exceeding Thirty Days from thence next following; and the ſaid Commiſſioners ſhall at their Meetings pay their own Expences. Meetings of Commiſſioners.

VII. And be it further enacted, That all Orders and Determinations of the ſaid Commiſſioners ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, and ſhall be entered in a Book or Books to be kept for that Purpoſe, and that no Order or Determination ſhall be made unleſs the major Part of the Commiſſioners preſent at any Meeting ſhall concur therein, and ſuch Orders and Proceedings ſo entered and ſigned by a competent Number of the ſaid Commiſſioners (as the Caſe may require), or by their Clerk by their Order, ſhall be deemed to be original Orders and Proceedings, and the ſaid Book or Books, and true examined Copies thereof, ſigned by the ſaid Commiſſioners or their Clerk, ſhall and may reſpectively be read in Evidence in Caſes of Appeal, and in all Suits or Actions touching any Thing done in purſuance of this Act. Orders of Commiſſioners to be made at Meetings, and entered in a Book.

VIII. Provided always, and be it further enacted, That no Order made by the ſaid Commiſſioners ſhall be revoked or altered at any ſubſequent Meeting, unleſs by a Majority of Commiſſioners at a Meeting where Seven at leaſt ſhall be preſent, and at leaſt Five of them ſhall concur therein. How to be revoked.

IX. And be it further enacted, That all ſuch Commiſſioners as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Commiſſioners, except only in ſuch Caſes where they ſhall be perſonally intereſted; and that no Perſon poſſeſſed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act ſhall on ſuch Account only be diſqualified from acting as a Commiſſioner. Commiſſioners being Juſtices may act as ſuch, and Mortgagees may act as Commiſſioners.

X. And

Power to elect Officers.

X. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to appoint and employ a Clerk, Treaſurer, Collector of Duties, Engineer, Haven Maſter, and any other Officer or Officers, that ſhall be neceſſary for carrying this Act into Execution, and at their Diſcretion to remove all or any of ſuch Officers, and appoint others in their Stead, and to allow all or any of ſuch Officers ſuch Salaries, Wages, or Recompences, as the ſaid Commiſſioners ſhall order or direct.

Powers to improve the Pier and Port.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners and their Agents, Officers, Workmen, and Servants, and they are hereby authorized and required, ſubject to the Reſtrictions herein-after contained, to deepen, cleanſe, ſcour, enlarge, contract, and otherwiſe improve the Channel of the ſaid Port of *Hartlepool*, within the Limits of this Act, and to enlarge, complete, repair, ſupport, and maintain the preſent Pier, and to build ſuch other Pier or Piers, or Part or Parts of a Pier or Piers, or to alter or vary the preſent or any other Pier or Piers to be built, and alſo to build any Quay or Quays, Jetty or Jetties, and to make and effect ſuch other Works within the Limits of this Act as ſhall be neceſſary for promoting and preſerving the Navigation of the ſaid Port, and the Uſe thereof, and for that Purpoſe to dig, take up, remove, and carry away any Rocks, Stones, Soil, Sand, Gravel, Rubbiſh, or other groſs Matter which ſhall obſtruct, prejudice, or hinder the Navigation of the ſaid Port, or the Improvement thereof, and to caſt, lay, and lodge the ſame behind ſuch Pier or Piers, Quay or Quays, Jetty or Jetties, as ſhall be requiſite for effecting the Purpoſes of this Act; and alſo to remove and take away all Beds of Gravel, Sand, Stones, or any other Obſtructions or Improvements whatſoever which may in any Way hinder or prevent the Navigation of the ſaid Port, within the Limits of this Act, or the Improvement or Uſe thereof as aforeſaid, and alſo to ſet up and make ſuch Crabs, Capſterns, Mooring Anchors, or Mooring Frames, Mooring Chains, Dolphins, and other Engines, Poſts, Stoops, Landing Places, Weighing Beams, and Workhouſes, as ſhall be neceſſary for the Purpoſe of rendering the Port of *Hartlepool* aforeſaid ſafe and commodious, and from Time to Time to alter, repair, increaſe, enlarge, and amend the ſame; and alſo to do and perform all other Works, Matters, and Things which ſhall be neceſſary or proper for the rendering of the ſaid Port ſafe and commodious.

Power to do the Works on certain Lands of the Corporation of Hartlepool, and of George Pocock, Eſq. without making any Satisfaction.

XII. And whereas the Mayor and Burgeſſes of the Borough of *Hartlepool* aforeſaid, and *George Pocock* Eſquire, ſome or one of them, are or is ſeiſed of the Scite of the preſent Pier, and of the Ground and Soil whereon the ſeveral Erections and Works to be made in purſuance of this Act are intended to be conſtructed, and the ſaid Mayor and Burgeſſes, and *George Pocock*, being deſirous of promoting the Improvement of the ſaid Port and the Security of the ſaid Town of *Hartlepool*, have conſented and agreed to appropriate the Scite of the preſent Pier, and ſo much and ſuch Parts of the Lands in or near the Town of *Hartlepool* aforeſaid as it ſhall be neceſſary to take or uſe for the Scite of the other Erections and Works intended to be conſtructed or made by virtue of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time, and at all Times hereafter, to enter into and upon, and take and uſe any of the Lands or Grounds of or belonging to the ſaid Mayor and Burgeſſes and their Succeſſors, or the ſaid *George Pocock*, his Heirs or Aſſigns, ſituate below the Line of the High Water Mark, and within the Townſhip

Township of *Hartlepool* aforesaid, or within the Distance of Two hundred Yards from the Boundary thereof, for the Purposes of this Act, not exceeding One Acre in the Whole, and it shall also be lawful for the said Commissioners, their Agents, Workmen, and Servants, to enter into and upon any of the Lands or Grounds of or belonging to the said Mayor and Burgesses, and their Successors, and the said *George Pocock*, his Heirs or Assigns, situate between High and Low Water Mark in the Township of *Hartlepool* aforesaid, or within the Distance of Five hundred Yards from the Boundary of the said Township, and to dig, remove, and carry away any Stones, Sand, Gravel, or other Materials, Matters, or Things for any of the Purposes of this Act, and that without making any Compensation or Satisfaction for any of the Land or Ground, or any other Matter or Thing which shall be taken, used, or damaged in the Execution of this Act.

Commissioners not to enter upon Lands of other Persons without their Consent.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners, or any other Person or Persons by virtue of this Act, to enter into or upon, or to take or use the inclosed or private Lands or Grounds of or belonging to any Person or Persons, Body or Bodies Politic or Corporate, for the Purposes of this Act, without the Consent in Writing of the Owner or Owners seised or entitled of or to such Lands and Grounds for some Estate of Freehold or Inheritance in Possession, for that Purpose first had and obtained; any Thing herein contained to the contrary thereof notwithstanding.

The Pier, &c. vested in the Commissioners.

XIV. And be it further enacted, That the Right and Property of the said Pier and of all the Buildings and other Works to be erected and made in pursuance of this Act, and the Ground and Soil constituting the Scite thereof, and all the Iron Work, Timber, Wood, Stone, and other Materials to be purchased for any of the Purposes of this Act, shall belong to, and the same are hereby vested in the said Commissioners for the Time being, who are hereby authorized to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred, as the Case shall require, against any Person or Persons who shall steal, take, or carry away, detain, demolish, destroy, break down, or injure any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for improving the Pier and Port of *Hartlepool*, without particularly naming such Commissioners, and the said Commissioners shall from Time to Time have full Power and Authority to sell and dispose of all or any Part of such Materials that shall be found useless to such Person or Persons as shall be willing to purchase the same, and the Money to arise therefrom shall be applied for the Purposes of this Act,

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

XV. And be it further enacted, That it shall be lawful for the Person authorized and appointed in pursuance of this Act to be and act as Haven Master within the said Port, to order and require every Person having the Command or Rule of any such Ship, Boat, or other Vessel coming or entering into, lying, being, or abiding within the said Port, within the Limits of this Act, to lie, moor, and anchor the same in such Place or Places within the said Port as the said Haven Master for the Time being shall

ſhall judge to be not injurious to the Navigation and Trade there, and as the ſaid Haven Maſter ſhall order or direct for that Purpoſe, and to alter or vary the ſame as may become neceſſary, and in caſe the Perſon then having the Command or Rule of any ſuch Ship, Boat, or other Veſſel, or the Owner or Owners thereof, ſhall refuſe or neglect to remove the ſame as ſoon as may be after being required, and to lie, moor, or anchor the ſame as the ſaid Haven Maſter ſhall require, order, or direct, the ſaid Perſon having ſuch Rule or Command, and the Owner or Owners of every ſuch Ship, Boat, or other Veſſel, for every ſuch Refuſal or Neglect, ſhall forfeit and pay a Sum not exceeding Five Pounds.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and ſuch Perſon or Perſons as they ſhall appoint in that Behalf, to demand and take, or cauſe to be demanded and taken, the ſeveral Rates or Duties following; (that is to ſay),

Tonnage Duty on Ships uſing the Port.

For every Ship or Veſſel entering into or uſing the ſaid Port of *Hartlepool*, any Sum not exceeding the Rate or Duty of Two-pence for every Ton of the Burthen of every ſuch Ship or Veſſel; to be paid by the Maſter or Owner thereof on every Voyage on which ſuch Ship or Veſſel ſhall enter or uſe the ſaid Port, (the Amount of the Number of Tons of each and every ſuch Ships or Veſſels to be aſcertained according to the Rules preſcribed by an Act paſſed in the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled *An Act for the further Increaſe and Encouragement of Shipping and Navigation*):

For every Boat or Coble uſed within the ſaid Port, and belonging to any Fiſherman, Pilot, or other Perſon or Perſons reſiding in the ſaid Town of *Hartlepool*, or within the Diſtance of One Mile therefrom, the yearly Sum of Five Shillings, to be paid by the Owner of or Perſon uſing every ſuch Boat or Coble:

For every Dwelling Houſe ſituate within the Townſhip of *Hartlepool* aforeſaid, the ſame being either ſeparately or jointly with any Lands or Tenements occupied therewith, of the annual Value of Five Pounds or upwards, any yearly Sum not exceeding One-fortieth Part of the Sum with or for which ſuch Dwelling and other Tenements ſhall be charged to the Poors' Rate for the current Year, to be paid by the Occupier or Occupiers, or Perſon or Perſons in Poſſeſſion thereof; which Rates or Duties it ſhall be lawful for ſuch Occupier or Occupiers, or Perſon or Perſons in Poſſeſſion, to deduct from the reſerved Rent which ſhall become due to his, her, or their immediate Landlord or Leſſor of the ſame Premiſes for the Time being reſpectively.

For recovering Rates and Duties.

XVII. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the Rates or Duties aforeſaid ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Rates or Duties as aforeſaid, to ſeize and diſtrain any of the Goods or Chattels of, belonging to, or in the Poſſeſſion of, the Perſon or Perſons liable to pay the ſame; and if ſuch Rates and Duties, or any Part thereof, and the reaſonable Charges of ſuch Diſtreſs ſhall not be paid within the Space of Five Days next after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Goods and Chattels ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale,

and

and what ſhall remain unſold (if any) upon Demand to the Owner thereof, after ſuch Rates and Duties and the reaſonable Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Exempting Veſſels on his Majeſty's Service.

XVIII. Provided always, and be it further enacted, That nothing in this Act ſhall extend to charge His Majeſty, or any other Perſon on His Behalf, with the Payment of any of the Tonnage Rates or Duties aforeſaid, for any of His Majeſty's Ships of War, or any other Ship, Tranſport, or Veſſel employed in or upon His Majeſty's Service in the Conveyance of any Officers or Soldiers, or any Horſes, Arms, Ammunition, or Baggage, to them or any of them belonging, nor to any Veſſel in the Service of His Majeſty's Cuſtoms, Exciſe, or Poſt Office.

For recovering Subſcriptions.

XIX. And be it further enacted, That if the ſeveral Perſons who have already ſubſcribed, or ſhall hereafter ſubſcribe, any Sum or Sums of Money towards the Expences of paſſing and executing this Act, or of repairing and completing the ſaid Pier, and of the making the ſeveral other Works authorized by this Act, or any of them, ſhall after Twenty Days previous Notice in Writing, under the Hands of the ſaid Commiſſioners, or their Treaſurer, Clerk, or Collector, to him, her, or them given or left at his, her, or their Dwelling Houſe, or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſo ſubſcribed, or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Commiſſioners to bring any Action of Debt or on the Caſe, Bill, or Suit, againſt any Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Executors or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and of ſuch Notice as aforeſaid, the reſpective Sums ſo ſubſcribed or agreed to be ſubſcribed, or ſo much thereof as ſhall be required to be paid in ſuch Notice, ſhall be recovered with full Coſts of Suit.

Power to borrow Money.

XX. And be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt any Sum or Sums of Money not exceeding Three thouſand Pounds for the Purpoſes of this Act, and the ſaid Commiſſioners are hereby authorized and empowered, from Time to Time, by Writing under their reſpective Hands and Seals, to aſſign the Duties hereby granted or made payable, or any Part or Parts thereof (the Coſts and Charges of making which Aſſignments ſhall be paid by the ſaid Commiſſioners), as a Security for any Sum or Sums of Money to be borrowed as aforeſaid, with the lawful Intereſt for the ſame, to ſuch Perſon or Perſons as ſhall advance or lend the ſame, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall direct or appoint, his, her, or their Executors, Adminiſtrators, and Aſſigns, which Aſſignments may be made in the Form following, or any other Form of Words to the ſame Effect:

Aſſignment of Duties.

'BY virtue of an Act paſſed in the Fifty-third Year of the Reign of His preſent Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] We being of the Commiſſioners for executing the ſaid Act do, in Conſideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purpoſes of the ſaid Act, hereby aſſign unto the ſaid

'his

'his Executors, Administrators, and Assigns, such Part of the Rates and 'Duties arising by virtue of the same Act as the said Sum of 'doth or shall bear to the Whole of the Principal Money due on the Se- 'curity of the said Rates and Duties, to have, hold, and enjoy the same 'from henceforth as a Security for, and until the said Sum of 'with Interest for the same, after the Rate of *per Centum* 'per Annum, shall be repaid.'

And all and every Person or Persons to whom any such Assignment or Assignments shall be made by the said Commissioners shall be equally entitled to his, her, or their Proportion of the said Rates and Duties, according to their respective Sums, in such Assignment mentioned to be advanced, without any Preference by reason of the Priority of Assignment, or any other Matter whatsoever.

Application of Money.

XXI. And be it further enacted, That all the Monies to be received by way of Subscription or borrowed on Security as aforesaid, and all the Rates and Duties hereby granted or made payable, and all the Fines, Penalties, and Forfeitures hereby imposed or authorized to be imposed, and all other Monies which shall arise or be received by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be paid to such Person or Persons as the said Commissioners shall authorize to receive the same, and shall be applied in the Manner following; (that is to say), in the first Place, in paying all the Costs, Charges, and Expences incurred in and about the preparing and passing of this Act; in the second Place, in paying all the Interest which shall become due upon the Money borrowed in pursuance of this Act; in the third Place, in defraying the Expences of completing the said Pier, and improving the said Port, and executing the several other Works by this Act authorized to be done, and all other the Costs, Charges, and Expences in and about the putting of this Act in Execution; and lastly, in reducing and paying off and discharging all the principal Monies which shall be borrowed in pursuance of this Act.

Power to make Bye-laws.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners to make, ordain, and establish such Bye-laws, Rules, Orders, Regulations, and Ordinances, for the better regulating of the said Port, and for the Security and Safety of the Works to be made and done in pursuance or by virtue of this Act; and for the Appointment, Regulation, Direction, and well conducting of Ships and Vessels into, out of, or whilst within the said Port, and of the Boats and other Vessels therein, and for any other Matter or Thing not herein-before particularly specified, as shall appear to the said Commissioners from Time to Time to be necessary and proper, and to alter, vary, and repeal the same as Occasion shall be or require, and to impose reasonable Fines and Forfeitures for the Breach or Non-performance of such Bye-laws, Rules, Orders, Regulations, and Ordinances, so as no one Penalty or Forfeiture shall exceed Five Pounds, which Fines and Forfeitures shall be recovered and levied as other Fines and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied; and that all such Bye-laws, Rules, Orders, Regulations, and Ordinances, and the Fines and Forfeitures for the Breach or Non-performance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up in Print in the said Town Hall of *Hartlepool*, and such Place or Places as the said Commissioners shall appoint; and, upon Application, a Copy thereof shall be delivered to the Owner, or

Perſon or Perſons having the Rule or Command of any Ship or Veſſel requiring the ſame, on Payment to the Haven Maſter of the Sum of Sixpence for the ſame; provided ſuch Bye-laws, Rules, Orders, Regulations, and Ordinances be not inconſiſtent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to the Directions in this Act contained, all which Bye-laws, Rules, Orders, Regulations, and Ordinances, and all Convictions for Offences againſt the ſame ſhall be ſubject to Appeal to the Quarter Seſſions in the Manner herein-after provided.

The Manner of levying Rates, Penalties, &c.

XXIII. And be it further enacted, That all the Penalties and Forfeitures which ſhall become due or payable by virtue of this Act, ſhall and may from Time to Time be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, or other Perſon or Perſons liable to pay the ſame, by a Warrant or Warrants under the Hand and Seal, or Hands or Seals of One or more Juſtice or Juſtices of the Peace for the ſaid County of *Durham*, to be directed to the Conſtable of the Place where ſuch Offence ſhall be committed, or to any other Perſon or Perſons whom the ſaid Juſtice or Juſtices ſhall think proper; and in caſe the Party offending, or refuſing, or neglecting to pay, ſhall not pay the Money for which ſuch Goods and Chattels ſhall be ſo diſtrained, and the reaſonable Charges of diſtraining and keeping the ſame, within Five Days after ſuch Diſtreſs, it ſhall be lawful for the Perſon or Perſons making ſuch Diſtreſs to ſell the Goods and Chattels ſo diſtrained, and thereout to pay the Money ſo due, rendering the Surplus, if any, (after deducting the reaſonable Charges of Diſtreſs and Sale) to the Owner of the Goods ſo diſtrained; and in caſe ſufficient Diſtreſs cannot be found, then the ſaid Juſtice or Juſtices may and is, and are hereby authorized and empowered by Warrant or Warrants under his Hand and Seal, or their Hands or Seals, to commi ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the ſaid County, there to remain without Bail or Mainprize until the Money ſo due, with reaſonable Expences occaſioned by the Non-payment thereof, ſhall be fully paid and ſatisfied; provided that no Perſon ſhall be confined in the ſaid Gaol above the Space of Three Calendar Months for any of the Offences aforeſaid.

Perſons aggrieved may appeal to Quarter Seſſions.

XXIV. Provided always, and it is hereby enacted, That every Perſon who ſhall think himſelf or herſelf aggrieved by any Bye-law, Rule, Order, Regulation, or Ordinance made in purſuance of this Act, or by the Conviction of any Offence againſt the ſame, or by any other Matter or Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, may appeal to the Juſtices of the Peace for the County of *Durham*, at any General Quarter Seſſions of the Peace to be holden within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at leaſt in Writing to the ſaid Commiſſioners, or any of them, their Clerk, Treaſurer, or Collector, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, and within Five Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into

ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way; and if they ſee Cauſe may mitigate any Penalty, or vacate or ſet aſide any Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts to the Parties appealing, or appealed againſt, as to them the ſaid Juſtices 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.

Limitations of Actions.

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

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1813.