ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxviii.

An Act for amending and rendering more effectual an Act of King *George* the Third, for improving the Pier and Port of *Hartlepool* in the County of *Durham*. [1st *June* 1832.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for improving the Pier and Port of* Hartlepool *in the County of* Durham : And whereas the Pier situate in or near the Town and at the Entrance of the Port of *Hartlepool*, notwithstanding the Provisions of the said Act, continues to be in a State of Decay, and in imminent Danger of total Destruction ; and it is expedient that the said Pier should be effectually repaired and maintained, or that the same should be taken down and rebuilt, and that the Entrance to the said Port should be deepened and improved : And whereas the making and completing the said Works would not only be of great Advantage to the Commerce of the said Port, but would be the Means of affording Shelter and Protection at all Times to Ships and other Vessels employed in the Coasting Trade, and would otherwise be of great public Utility : And whereas the beneficial Purposes aforesaid cannot be effected unless Power is given for raising a further Sum of Money, and it is expedient that the said Act should be amended, and that some of the Powers and Provisions thereof should be repealed, or altered and enlarged : May it therefore please Your Majesty that

53 G. 3. c.35.

it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers and Provisions, Rates, Tolls, Duties, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein contained, shall (save and except such Parts thereof as are varied, altered, or repealed,) be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

Recited Act to be effectual for carrying this Act into execution.

II. And be it further enacted, That so much of the said recited Act of the Fifty-third Year of the Reign of His Majesty King *George* the Third as imposes or charges any Rates or Duties on Ships or other Vessels entering into or using the said Port of *Hartlepool*, and any yearly Sum or Payment on Boats or Cobles used within the said Port, belonging to any Fisherman, Pilot, or other Person or Persons residing in the Town of *Hartlepool*, and on Dwelling Houses situate within the Township of *Hartlepool*, shall be and all the same Rates, Duties, and yearly Payments are hereby severally repealed and made void.

The Duties granted by the former Act repealed.

III. And be it further enacted, That Sir *William Chaytor* Baronet, *William Russell* Esquire, M.P., *John Cartwright*, *Thomas Robinson Grey*, *Henry Donkin Percival Forster*, *George Townshend Fox*, *John Fawcett*, *Matthew Woodifield*, *John Radcliffe Wilson*, *George Blakelock*, *Robert Stephenson*, *Thomas Freshfield Scarth*, *William Bolam*, and *John Burrell* (being duly qualified according to the Provisions of the said recited Act) shall be and they are hereby joined with the existing Commissioners for executing the said recited Act; and they, together with the said existing Commissioners, are hereby declared to be Commissioners for executing the said recited Act and this Act.

Additional Commissioners appointed.

IV. 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*, the Rate and Duty of One Halfpenny for every Ton of the Burden 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 Ship or Vessel to be ascertained according to the Rules prescribed by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the registering of* British *Vessels*:

Which Rates or Duties hereby granted shall be payable and recoverable in like Manner, and with the like Exemptions as to Ships and other Vessels employed in His Majesty's Service, as in the said recited Act are provided or mentioned with respect to any of the Rates or Duties by the said recited Act granted, and hereby repealed.

V. Pro-

The King's Ships and Government Vessels exempted.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Vessels or Ships of War belonging to His Majesty, or to any Vessels employed in His Majesty's Service, or in the Service or Employ of the Ordnance, Customs, Excise, or Postmaster General.

Commissioners may lessen the Duties, and raise them again.

VI. Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, at any Time or Times, with the Consent of the Persons, Bodies Politic or Corporate, entitled to Five Sixth Parts of the Principal Sums for the Time being due and owing on Security of the said Rates and Duties, to lessen, lower, diminish, or reduce the Rates and Duties of Tonnage hereby granted and made payable, or any of them, and also to advance and raise the same again, in such Manner as to them shall from Time to Time seem meet and expedient, so as the said Rates or Duties when so advanced and raised again do not exceed the Rates or Duties herein-before granted; and the Rates or Duties so lessened or reduced shall and may from Time to Time be collected, received, or recovered by such Ways and Means as the original Rates or Duties hereby granted are authorized to be collected, received, or recovered; any thing herein contained to the contrary notwithstanding.

For settling Disputes respecting Rates.

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

Power to borrow a further Sum of Money.

VIII. And be it further enacted, That it shall be lawful for the Commissioners for the Time being authorized to carry the said recited Act and this Act into execution to borrow and take up at Interest, in addition to the Sum of Three thousand Pounds by the said Act authorized, any further Sum or Sums of Money not exceeding Five thousand Pounds, for the Purposes of the said recited Act and this Act; and the said Commissioners are hereby authorized and empowered, from Time to Time, by Writing under their Hands and Seals, to assign the Duties by this Act 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

Sum or Sums of Money to be borrowed as aforesaid, with lawful Interest for the same, to such Person or Persons, Body or Bodies Politic or Corporate, 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 respective Executors, Administrators, Successors, and Assigns; which Assignments may be made in the Manner and Form authorized by the said recited Act; and all and every Person or Persons, Body or Bodies Politic or Corporate, 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 Assignments mentioned to be advanced, without any Preference by reason of the Priority of Assignment or any other Matter.

Application of Money.

IX. And be it further enacted, That all the Monies to be borrowed on Security as aforesaid, and all the Rates and Duties hereby granted or made payable, and all the Fines, Penalties, and Forfeitures by the said recited Act and this Act severally imposed or authorized to be imposed, and all other Monies which shall arise or be received by virtue of the said recited Act or 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 the said recited Act and this Act authorized to be done, and all other the Costs, Charges, and Expences in and about the putting of the said recited Act and this Act into execution; and lastly, in reducing and paying off and discharging all the Principal Monies which shall be borrowed in pursuance of this Act.

Commissioners may make Contracts.

X. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, in their own Name or in the Name of their Chairman for the Time being, to enter into any Contract with any Person or Party for the Performance of all or of any of the Works by the said recited Act or this Act authorized to be done: Provided always, that every such Contract shall specify the several Works to be done, and the Prices to be paid for the same, and the Periods within which such Works are to be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by Five or more of the said Commissioners or by the said Chairman, and also by the other Person or Party, or be sealed with the Seal of the Body Corporate contracting to perform such Works respectively; and all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the Commissioners; and the said Commissioners or Chairman so contracting shall and they are hereby respectively required to take Security, either in the Name of the Chairman or of the Clerk of the said Commissioners, or in the Name of any Five or more of the said Commissioners, as the Case may

may be, from every such Contractor, for the due Performance of his Contract; and in case the same shall not be duly performed according to the true Intent and Meaning of such Contract, the said Commissioners or the said Chairman, as the Case may require, shall and may bring any Action at Law or Suit in Equity against the Person or Party so neglecting to perform such Contract, for any Injury sustained on account of the Nonperformance thereof; and upon proving the signing of the said Contract, or the affixing of the Common Seal thereto (as the Case may be), and the Nonperformance thereof, the said Commissioners or Chairman (as the Case may be) shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

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

XI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and expended for or on account of the said recited Act and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been expended; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners or of any Mortgagees on the Rates or Duties by this Act authorized, without Fee or Reward; and the said Commissioners and Mortgagees aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and if the Clerk or Clerks to the said Commissioners, or any Person or Persons with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall on, any reasonable Demand, refuse to permit or shall not permit the said Commissioners or such Mortgagees as aforesaid, or any of them, to inspect the said Books, Accounts, and Papers, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks or other Person or Persons so refusing shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Same Person not to act as Clerk and Treasurer.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or elect the Person who may be appointed their Clerk in the Execution of the said recited Act and this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of the said recited Act and this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk for the Purposes of the said recited Act and this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or if any Person, being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer in the Execution of the said recited Act and this Act, or being the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as

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

Officers to account.

XIII. And be it further enacted, That every Officer or other Person continued or appointed by the said Commissioners shall, at such Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, which Account shall show the Money received and also the Money expended by such Officer or Person, and the Objects of such Expenditure, together with proper Vouchers for such Payments; and every such Officer or Person shall pay all such Money as shall remain due from him, to the said Commissioners, or to such Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or wilfully neglect to render such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or to deliver, within One Calendar Month after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of the said recited Act and this Act, or to give Satisfaction to the said Commissioners or to such other Persons as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Commissioners or by such Person as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, such Justice is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before him; and upon such Officer or Person appearing, or having been so summoned and not appearing, without some reasonable Excuse, or not being found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any Money remains due from such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Act or this Act remain in his Custody or Power, and that he refuses or wilfully neglects to deliver or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice is hereby required to commit such Offender to some Common Gaol or House of

Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have paid such Money as aforesaid, or have compounded with the said Commissioners for such Money, and have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) or until he shall have rendered such Accounts, or have produced the Vouchers relating thereto, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Commissioners or to such other Persons as aforesaid; but no such Offender shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months for Want of Distress only: Provided always, that no Prosecution or Commitment under the Provisions of this Act of any such Officer or Person as aforesaid shall discharge any Surety or Security that may have been taken by or given to the said Commissioners for the faithful Execution of his Office, or for the Payment of any Money received or to be received by him.

Penalty on casting Ballast within the Limits of this Act.

XIV. And be it further enacted, That if any Person shall, under any Pretence whatever, cast or unload, out of or from any Ship, Keel, Boat, or other Vessel, any Ballast, Sand, Stone, Rubbish, Wreck, Filth, Gravel, or other Substance into the Sea nearer to the Entrance of the said Port than *Huntcliffe Foot* on the South and *Black Halls* on the North, or within Twenty Fathoms at Low Water between *Huntcliffe Foot* and *Black Halls*, or within the Limits of the said Port, or shall cast or unload, out of or from any Ship, Boat, or other Vessel, or out of or from any Carriage, or from any Quay, Yard, Place, or Ground adjoining to or near the said Port, into the said Port, or within the Limits herein-before mentioned, or shall dig and remove from or out of one Part of the said Port and cast into another Part thereof, any Soil, Ballast, Sand, Stones, Rubbish, Wreck, Filth, Gravel, Coal Ashes, or other Substance, (except upon Lands above the full Sea and Tide Mark, or upon some Quay or Staith situated higher than the Flux of the Tide,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

For securing unknown Offenders.

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

Distress not to be deemed unlawful for Want of Form.

XVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any Party making the same be deemed a Trespasser, on account of any Defect or Want of

of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but the Party aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

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

Recovery and Application of Penalties.

XVIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in the said recited Act or in this Act mentioned, in relation to which the Manner of convicting the Offenders is not herein particularly mentioned or directed, shall be adjudged by and recovered before some Justice of the Peace for the County, Riding, or Division in which said Offence may occur, in a summary Way; and such Justice is hereby authorized and empowered to convict the Offender or Offenders upon Information on the Oath or Affirmation of any Person, or on the Confession of the Party offending, which Oath or Affirmation such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Half of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the said Commissioners, and be applied for the Purposes of this Act, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, one Half to the Informer and one Half to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers to the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County, Riding, or Division, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Eight Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty and such Costs as aforesaid, and the

the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods or Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, Riding, or Division, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), shall be sooner paid and satisfied, or unless such Offender or Offenders shall be otherwise discharged by due Course of Law.

Penalties, &c. may be recovered on Summons, and without Information in Writing.

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

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

XX. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Chairman for the Time being, or in the Name of any One of the Commissioners, and all Actions or Proceedings which may be necessary to be brought or instituted for or in respect of any Matter or Thing arising out of the said recited Act or this Act may be brought or instituted in the Name of their Clerk or Chairman, or in the Name of any of the said Commissioners; and no Action or Proceeding which may be so brought or instituted by or against the said Commissioners shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death of such Chairman or Commissioner, or by any Act or Default of such Clerk, Chairman, or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk, Chairman, or Commissioner as aforesaid shall be deemed Plaintiff or Defendant in any such Action or Proceeding (as the Case may be), except in case of Actions prosecuted between the said Commissioners and their Clerks for the Time being: Provided always, that in all Cases wherein the Clerk or Chairman for the Time being, or any Commissioner as aforesaid, shall be Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk or Chairman or of such Commissioner as aforesaid, such Clerk or Chairman

man or such Commissioner may and shall, if not otherwise interested or objectionable, be a good and competent Witness or Witnesses in such Action or Proceeding either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or Chairman or such Commissioner, as the Case may be, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every such Clerk, Chairman, or Commissioner in whose Name any Action or Proceeding shall be instituted or defended as aforesaid shall always be reimbursed, out of the Money to arise by virtue of this Act, all such Damages, Costs, and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall arise in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Order or Direction of the said Commissioners.

Limitation of Actions.

XXI. And be it further enacted, That no Action, Suit or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of the said recited Act and this Act, or either of them, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said recited Act and this Act or either of them, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter of Dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared thereto, or if Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant shall have his or her Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

XXII. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other

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

This Act not to hinder Wet Docks being made.

XXIII. Provided always, That nothing in the said recited Act or this Act contained shall extend to hinder, prevent, or obstruct any Body or Bodies Politic or Corporate, otherwise duly authorized, from making and maintaining any Wet Docks or other Works for the Improvement, Convenience, or Accommodation of the Trade and Commerce of the said Port of *Hartlepool*, or to prejudice or injure any such Docks or Works.

Lighthouses, &c. not to be erected, exhibited, or altered without the Sanction of the Trinity House.

XXIV. Provided always, and be it enacted, That nothing in the said recited Act or this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors to erect or alter any Lighthouse or Lighthouses, Beacon or Beacons, or exhibit or alter any Light or Lights, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond* as to the Situation of any such Lighthouse or Lighthouses, Beacon or Beacons, and the Description and Power of any such Light or Lights, and the Mode of exhibiting the same.

Saving the Rights of the Trinity House.

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

Saving the Rights of the Bishop of Durham and the Marquess of Cleveland.

XXVI. And be it further enacted, That nothing in the said recited Act or this Act contained shall extend or be construed to extend to take away, impeach, diminish, prejudice, or affect any Rights, Estates, or other Dues, Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, Pre-eminences, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham* or his Successors, or of or belonging to the Most Noble *William Harry* Marquess of *Cleveland*, his Heirs or Assigns, or any Person or Persons claiming or to claim under them, any or either of them, but saving and reserving to them, each and every of them, all such Rights, Titles, Advantages, and Interests as they or any of them had, exercised, received, or enjoyed before the passing of the said recited Act or of this Act, or as they could or might have had, exercised, received, or enjoyed if the said recited Act or this Act had not been passed, otherwise than as the same are by the said recited Act and this Act expressly taken away, varied, altered, or restrained.

XXVII. And

Saving the Rights of the Mayor and Burgesses of Hartlepool.

XXVII. And be it further enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any of the Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities of or in anywise belonging to the Mayor and Burgesses of *Hartlepool*, otherwise than as the same are by the said recited Act or this Act expressly taken away, varied, altered, or restrained.

Public Act.

XXVIII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.

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