

ANNO TERTIO

VICTORIÆ REGINÆ.

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Commissioners.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Adamson*, *James Allison*, *John Thomas Alcock*, *Samuel Alcock*, *Charles Alcock*, *Joseph Andrews*, *Edward Askill*, *Ralph Atkinson*, *Peter Austin*, *John Austin*, *John Atkin*, *William Bell*, *George Booth*, *George Robert Booth*, *John Bell*, *Thomas Brown* the younger, *Robert Brown*, *William Byers*, *William Booth*, *George Bolam*, *William Blackett*, *Albany Baker*, *John Barry* the younger, *John Gordon Black*, *William Beckwith*, *Thomas Blair*, *William Briggs*, *John Coull Carr*, *William Carr*, *John Cropton*, *Robert Calvert*, *George Cooke*, *John Crozier*, *Thomas Crozier*, *John Ibbotson Cooper*, *Ralph Dauson*, *James Dannatt*, *William Lees Dobson*, *Martin Douglas* the younger, *Thomas Douglas*, *William Doxford*, *Bartholomew Dowell*, *Thomas Elliott*, *Robert French*, *Henry Ferguson*, *Jesse Graydon*, *John Mowbray Gales*, *Thomas Gales*, *Richard Greenwell*, *Thomas Hunter*, *John Hunter*, *John Hutchinson*, *William Holmes*, *Ralph Hutchinson*, *William Herring* the younger, *Anthony Hoggard*, *Frederick Horn*, *George Harrison*, *George Hudson*, *George Hutchinson*, *George Wilkin Hall*, *James Hall*, *Sanderson Howe*, *William Holmes*, *William Hodgson*, *James Craggs Herring*, *Nathan Horn*, *David Jonasohn*, *William Kirk*, *William Kirk* the younger, *Michael Kirton*, *Ralph Kirton*, *John Kidson*, *Philip Laing*, *John Lambton*, *Robert Liddell*, *Robert Leech*, *Joseph Lumsdon*, *Robert Leadbitter*, *Martin Lonie*, *Thomas Longstaff*, *Andrew Muir*, *Henry Moon*, *Henry Moon* the younger, *George Moon*, *Samson Mills*, *Humphrey Middleton*, *John Moore*, *Anthony John Moore*, *Henry Magee*, *John Murray*, *Robert Mitchinson*, *William Nicholson*, *William Nicholson* the younger, *John Nicholson*, *Thomas Ogden*, *William Ord*, *Thomas Bell Ord*, *Errington Bell Ord*, *Robert Ord* the younger, *Thompson Oliver*, *Hugh Panton*, *Benjamin Parker*, *Thomas Parker*, *William Potts*, *John Penman*, *James Parkin*, *Hill Parker*, *Phineas William Palmer*, *John Powe*, *George Paul*, *Thomas Reed* the younger, *Thomas Reed* (*Nicholson Street*), *John Robinson*, *John Robinson* (*Nicholson Street*), *John Ritson*, *George Richardson*, *John Ranson*, *Richard Robinson*, *Thomas Ridley*, *John Ridley*, *William Wealands Robson*, *Matthew Robson*, *John Riseborough*, *Robert Scurfield*, *Robert Scurfield* the younger, *Bryan Scurfield*, *Robert Surtees*, *William Surtees*, *Joseph Spence*, *William Snowball*, *Joseph Shevill*, *George Spark*, *John Spoor*, *Edward Smith*, *John Scott*, *John Storey*, *Thomas Speeding*, *Bailey Sacker*, *Thomas Boyes Simey*, *Henry Tanner*, *Robert Tail*, *Matthew Thompson*, *Turner Thompson*, *Thomas Thompson*, *John Temperley*, *William Thompson*, *John Thompson*, *George Thompson*, *Thomas Vint*, *James Vint*, *Richard Vipond*, *John Watson*, *Caleb Wilson*, *Andrew White*, *Richard White*, *Thomas Walker*, *William Walker*, *John Wilkinson*, *Moses Wilkinson*, *George Wood* (*Bridge Street*), *Thomas Wood*, *Joseph Norman Wilson*, *John Watson* Surgeon, and *Michael Willey*, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Commissioners for putting this Act into execution.

Qualification of Commissioners.

II. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall in his own Right be possessed or entitled unto Property in Shipping registered at the said Port of *Sunderland* of the

Value of One thousand Pounds Sterling, free from Reprizes, and shall also be a resident Inhabitant in the Borough of *Sunderland* in the County of *Durham*, or within Seven Miles thereof; and if any Person not being so qualified, or not having taken or subscribed the Declaration herein-after mentioned, or being disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner, except in administering the said Declaration, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case in any Court of Record at *Westminster*; and every Person so sued or prosecuted for acting, not being duly qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act.

Commissioners to make the following Declaration.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Declaration herein-after mentioned, until he shall have taken and subscribed before Two or more of the said Commissioners, at a Meeting to be holden by virtue of this Act, a Declaration in the Form or to the Effect following, and which Declaration the said Commissioners are hereby authorized to administer to each other:

'I *A. B.* do declare, That I am truly and *bonâ fide* in my own Right possessed of Property in Shipping registered at the Port of *Sunderland* in the County of *Durham* of the Value of One thousand Pounds Sterling, over and above all Reprizes, and also that I am a resident Inhabitant in the Borough of *Sunderland* in the County of *Durham*, or within Seven Miles thereof, and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act passed in the Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for establishing and maintaining a proper and effective Watch on the River* Wear *in the Port or Haven of* Sunderland near the Sea *in the County of* Durham.'

Acts before Conviction valid.

IV. Provided always, and be it further enacted, That all Acts and Proceedings by any Persons touching the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, whether he shall or shall not have made the Declaration hereby required as aforesaid, be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Commissioners not to act when interested.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Office or Place of Profit or Emolument under this Act.

VI. And

Election of Commissioners on Emergencies.

VI. And be it further enacted, That when and so often as any of the Commissioners herein named, or hereafter to be elected by virtue of this Act, shall die, or refuse to act, or by any of the Clauses of Disqualification herein mentioned shall become disqualified or incapable of acting, it shall be lawful for the remaining or surviving Commissioners present at any Meeting to be holden for that Purpose in pursuance of this Act to elect and appoint some other Person or Persons in the Place or Stead of such Commissioner or Commissioners so dying or becoming disqualified, or incapable or refusing to act as aforesaid, and every such Commissioner so from Time to Time elected and appointed shall have the same Powers and Authorities as if he had been originally named and appointed a Commissioner in and by this Act.

Commissioners not to vote under certain Circumstances.

VII. Provided always, and be it further enacted, That no Commissioners shall vote for or join in the Removal or Appointment of the Treasurer, Clerk, Collector or Collectors, Surveyor or Surveyors, or any Person or Persons to be appointed or employed by virtue of this Act, who hath not acted as a Commissioner at one public Meeting of the said Commissioners at least within Twelve Calendar Months next before such Removal, or next before such Office or Offices shall have become vacant.

Meetings of Commissioners.

VIII. And be it further enacted, That the said Commissioners shall meet at the *Exchange Buildings* or some convenient House in the Borough of *Sunderland* on the First Day of *September* One thousand eight hundred and forty, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution; and in case no Commissioners, or less than Five Commissioners, shall attend such Meeting, then such Meeting shall be deemed to be adjourned, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall, at such Meeting, and at their several Meetings to be holden from Time to Time, adjourn themselves, and afterwards meet at the same Place, or some other convenient Place within the said Borough, as the said Commissioners shall from Time to Time appoint, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act or adjourn, or appearing shall not adjourn such Meetings, the Clerk to the said Commissioners shall from Time to Time as often as such Case shall happen adjourn such Meeting to some other Day, within Fifteen Days next following, to be holden at the same Place, and the said Clerk shall cause Notice of such Adjournment to be given at least Three Days previous to the Day to which such Meeting shall be adjourned: Provided always, that the said Commissioners shall, at all their several Meetings, defray and bear all their own Expences.

Orders of Commissioners to be

IX. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at

at a Meeting or Meetings to be held in pursuance thereof and not otherwise (except in Cases hereby otherwise particularly provided for), and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act which are hereby directed to be made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting being not less than Five (except in Cases where any other Number is by this Act named for any particular Purpose); and all Acts, Orders, and Proceedings had, made, done, or taken by or before such Five Commissioners shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners, once made, agreed, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Revocation or Alteration shall be agreed to be made by a greater Number of Commissioners than were present when such Order or Determination was made or entered into.

made at Meetings.

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

Meetings on Emergency.

XI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, wherein fair and regular Entries shall be made of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to this Act, and the Chairman of each Meeting of the said Commissioners shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such

Proceedings to be entered.

Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act; and every such Book shall at all seasonable Times be open to the Inspection of the said Commissioners without Fee or Gratuity.

Commissioners being Justices may act as such.

XII. Provided always, and be it further enacted, That it shall be lawful for such of the Commissioners as shall be in the Commission of the Peace for the Borough of *Sunderland* or for the County of *Durham* to act as Justices in the Execution of this Act, notwithstanding their being Commissioners under this Act, except in Cases where they may be personally interested.

Appointment of Officers.

XIII. And be it further enacted, That the said Commissioners shall and may and they are hereby empowered, by Writing under their Hands, from Time to Time to elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Monies to be raised or paid under or by virtue of this Act, and all such other Officers and Servants as they the said Commissioners shall think proper for carrying into execution and effect the Purposes of this Act, save and except the Superintendent of the River Police herein-after named and appointed, and also save and except the Men to be appointed Police Constables for the Purposes and in the Manner herein-after mentioned; and the said Commissioners shall and may and they are hereby empowered from Time to Time to remove such Treasurer, Clerk, and Collector, and other Officers to be appointed, or any of them, except as aforesaid, every such Treasurer, Clerk, and other Officer so to be removed having Seven Days Notice duly given him or them at his or their usual Place of Abode, before the Time of voting for his Removal, and to appoint any other Person or Persons, except as aforesaid, in the Room or Place of such of them as shall be removed, or shall die, or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act to pay such Salaries or Allowances to the said Officers and other Persons so to be appointed and employed in the Execution of this Act as aforesaid as they the said Commissioners shall deem reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer or other Person, except the Superintendent of the said Police, as they shall think reasonable.

Same Person not to act as Clerk and Treasurer.

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

or

or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer in the Execution of this Act, or being the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, any 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 Her Majesty's Courts of Record at *Westminster*.

Officers to account.

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

to render such Accounts, or to produce the Vouchers relating thereto, in his Possession or Power, or that any Books, Papers, or Writings relating to the Execution of this Act remain in his Custody or Power, and that he refuses or wilfully neglects to deliver or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice is hereby required to commit such Offender to some Common Gaol or House of Correction in or for the County, Borough, 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 said Vouchers relating thereto, or until he shall have delivered up such Books, Papers, and Writings, or given Satisfaction in respect thereof to the said Commissioners, or 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 Three 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.

Power to borrow Money.

XVI. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, from Time to Time, when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Three thousand Pounds, upon the Credit of the Rates or Duties to be raised and collected by virtue of this Act, and by Writing under their Hands and Seals to mortgage or assign all or any Part of the said Rates or Duties to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of such Mortgages or Assignments shall be defrayed by the said Commissioners; and every such Mortgage or Assignment shall be in the Words or to the Effect following; that is to say,

Form of Assignment.

'WE of the Commissioners acting in execution
'of an Act passed in the Third Year of Her present Majesty
'Queen *Victoria*, intituled [*here set forth the Title of this Act*], in
'consideration of the Sum of advanced and lent by
'*A. B.* [*insert the Name, Place of Abode, and other necessary Addition*
'*of the Lender,*] upon the Credit and for the Purposes of the said
'Act to grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, [*or* to his *or* her Trustee *or* Trustees, *as the*
'*Case may require,*] such Proportion of the Rates or Duties arising
'by virtue of the said Act as the said Sum of doth or
'shall bear to the whole Sum which may at any Time be borrowed, or
'become due or owing, or charged upon the Credit of the said Rates

'or Duties, to be had and holden from this Day of until
'the said Sum of with Interest at the Rate of *per*
'*Centum per Annum*, to be paid, shall be fully repaid and satisfied. In
'witness whereof we have hereunto set our Hands and Seals
'the Day of in the Year of our Lord One
'thousand eight hundred and .'

And every such Mortgage or Assignment shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, and whereof the common Excess or Difference shall be always One; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be granted, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof and to all Profit and Advantage arising therefrom, according to the true Intent and Meaning of this Act.

Accounts to be kept of Receipts and Payments.

XVII. 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 regular and Accounts to be entered therein of all Sums of Money received and expended for or on account of this Act, and of the several Acts, 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 or Mortgagees aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and if the Clerk or Clerks to the Commissioners, or other Person or Persons with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall, on any reasonable Demand, refuse to permit, or shall not permit the said Commissioners, or such Mortgagees as aforesaid, or any of them, to inspect the said 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 any such Offence.

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

XVIII. And be it further enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of their Clerk, or in the Name of any of the said Commissioners; and no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted, by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk or of such Commissioner, shall abate or be discontinued by the Death or Removal of such Clerk or Commissioner, or by the Act of such Clerk or Commissioner without the Consent of the said Commissioners, but the Clerk to the said Commissioners for the Time being, or any of the said Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action or Indictment, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action, Indictment, or Suit shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall always

always be reimbursed and paid, out of the Monies to be raised by this Act, all such Costs and Charges as by the event of any Proceedings he shall be put unto or become chargeable with by reason of his being made Plaintiff or Defendant therein, and such Clerk or Commissioner shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall have arisen in consequence of his or their own wilful Neglect or Default, or have been brought or defended without the Order of the said Commissioners at a Meeting held for that Purpose; provided also that such Clerk or Commissioner shall not, by reason of his or their being such Clerk or Commissioner, be deemed an inadmissible Witness or Witnesses in any such Action, Suit, or Proceeding, unless it be on his or their own personal Account.

Execution upon Judgments may be issued against any Commissioner.

XIX. Provided always, and be it further enacted, That Execution upon any Judgment in any such Action as aforesaid obtained against the Clerk or any One of the said Commissioners, whether as Plaintiff or Defendant, may be issued against any Commissioner or Commissioners for the Time being; provided always, that every such Clerk or Commissioner in whose Name any such Action or Suit shall be commenced, prosecuted or defended, and every such Commissioner or Commissioners against whom Execution upon any Judgment obtained in any such Action shall be issued as aforesaid, shall always be reimbursed and paid, out of the Monies to be raised by this Act, all such Costs and Charges as by the event of any such Proceedings he or they shall be put unto or become chargeable with.

Commissioners may establish a Watch and Police Force on the River Wear.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered, to establish, support, and maintain a proper and effective Watch or Police Force on the River *Wear* in the said Port or Haven of *Sunderland near the Sea* in the County of *Durham*, under the sole Control and Management of the said Superintendent hereafter to be appointed, in and through the several Parishes of *Sunderland near the Sea*, *Bishop Wearmouth*, and *Monkwearmouth*, in the said County, between the Piers on the East, and *Deptford* on the West, and provide Fire Engines, Boats, and other Vessels, with the Apparatus and Equipments necessary for the Protection of the Shipping, and the Cargoes on board of the same, from Thieves, Depredators, or other disorderly Persons, as also from Fire and other Casualties, in such Manner and to such Extent as to the said Commissioners shall seem necessary and expedient.

Rates and Duties.

XXI. And be it further enacted, That the following Rates or Duties shall be raised and paid the First Voyage once in every Year for each and every Ship or Vessel which shall enter into or pass out of the said Port or Haven of *Sunderland near the Sea* in the County of *Durham*; (that is to say) any Sum not exceeding in the whole the Sum of One Penny for every Ton Burden which such Ship or Vessel shall measure or contain, according to the Certificate of Registry thereof respectively; and which said Rates or Duties shall be paid to such Person or Persons as the said Commissioners shall from Time to Time appoint by virtue of this Act,

by the Master or Person having the Command or Charge of every such Ship or Vessel which shall enter into or pass out of the said Port or Haven of *Sunderland;* and if any Master or Commander of any Ship or Vessel upon which the Rates or Duties are hereby imposed shall refuse or neglect to pay such Rates or Duties, upon Demand of such Person or Persons so appointed to receive the same, upon Proof thereof upon Oath before any Justice of the Peace, (which Oath such Justice is hereby required to administer,) the same Rates and Duties shall and may be levied by Distress and Sale of the Tackle, Apparel, Furniture, Sails, Ropes, or other Materials of and belonging to such Ship or Vessel, by Warrant under the Hand and Seal of such Justice; such Defaulter having been first duly summoned by such Justice to appear before him at a Time and Place to be named in such Summons; and the Overplus (if any) to be raised by such Distress and Sale shall be returned to the Owner, or Master or Person having the Command or Charge of such Ship or Vessel, after deducting the Costs and Charges attending such Distress and Sale; and the Rates and Duties payable for each such Ship or Vessel shall become and be a Debt due from the Owner or Owners of such Ship or Ships to the said Commissioners.

Ships not to be cleared till Rates are paid.

XXII. Provided always, and be it further enacted, That the Collector, Comptroller, or other Officer of the Customs at the said Port or Haven of *Sunderland* may, with the Consent of the Commissioners of Her Majesty's Customs, refuse to give any Sufferance, Warrant, Cocket, or Transire for the Delivery, Shipment, or Clearance of any Coals or Goods in any such Ship or Vessel, Inwards or Outwards, until the Master thereof shall produce a Receipt, signed by the said Receiver or Collector, of the Rates or Duties having been paid; and that every Master, Commander, or Owner of any such Ship or Vessel who shall refuse or neglect to pay the said Rates or Duties shall for every such Refusal or Neglect forfeit a Sum not exceeding Ten Pounds of lawful Money of *Great Britain.*

Exempting Her Majesty's Ships.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge any Ships or Vessels belonging to Her Majesty, or in the Service of Her Majesty's Customs or Excise respectively, or in the Service of Her Majesty's Postmaster General, with any of the Rates or Duties imposed by this Act, or in the Employ or Service of the Ordnance.

For appointing temporary Officers.

XXIV. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Rates or Duties or other Money to be received by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for any Three or more of the said Commissioners, although they shall not be assembled at any public Meeting pursuant to this Act, to call a Meeting of Emergency to appoint a Person to fill such Situation until the next Day of Adjournment.

All Monies vested in Commissioners.

XXV. And be it further enacted, That all Monies to be raised or collected by virtue of this Act shall be and the same are hereby vested

vested in the said Commissioners; and out of the first Money arising from the Rates or Duties which shall be collected by virtue of this Act the said Commissioners, or any Five or more of them, shall in the first place pay and discharge all the Expences and Charges of procuring and passing this Act, and shall apply the Remainder of the Money so raised in paying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and to such other Purposes as are hereby directed.

Appointment of Constables.

XXVI. And be it enacted, That the Superintendent for the Time being of the Police Constables of the said Borough of *Sunderland* shall and he is hereby authorized from Time to Time, with the Consent and Approbation of the said Commissioners, to appoint such Number of able-bodied Men to act as Police Constables, to be called the River Police, as the said Commissioners shall think fit, and from Time to Time direct; and the said Superintendent is hereby authorized from Time to Time, of his own sole Authority, and free from all Control of the said Commissioners, to suspend, remove, or dismiss any Person or Persons so appointed as Police Constables as aforesaid, for Misconduct or Misbehaviour in his or their Office, and, with the like Consent and Approbation as aforesaid, to appoint any other Person or Persons in his or their Place or Stead; and that it shall be lawful for the said Commissioners from Time to Time to increase or diminish the Number of Men to be appointed as aforesaid, as to the said Commissioners shall seem fit; and that the said Commissioners shall and may and they are hereby authorized and required to pay all such Wages, and make such Remuneration to the said Superintendent, as shall be deemed fair and reasonable, and to pay such Wages and make such Remuneration to such Policemen as the said Commissioners shall think fit; and that the said Commissioners shall and may and are hereby authorized to purchase a sufficient Number of Fire Engines, with the Apparatus and Equipments necessary for the same, and also a sufficient Number of Boats or other Vessels fit and proper for the Use of such Policemen on the River, and for containing such Fire Engines as aforesaid, and also provide proper Watch-houses, Clothing, and Arms for the Use of such Policemen as aforesaid, and shall and may make such Orders and Regulations as the said Commissioners shall think fit respecting the keeping, Management, and Conduct of such Fire Engines and Apparatus, and for the Conduct and Management of the Firemen and Persons having the Custody and Management thereof, and as shall be necessary for the Protection and Security of the Owners of Ships and other Property upon the said River *Wear*.

Duties of and Regulations respecting Constables.

XXVII. And be it enacted, That all Police Constables appointed in pursuance of this Act shall be employed and are hereby authorized and required to keep proper and effective Watch upon all Parts of the said River *Wear* between the Piers at the Entrance of the said Port on the East and *Deptford* on the West, during the whole or such Periods of the Year as the said Commissioners shall think fit; and the Constables to be appointed in pursuance of this Act shall act as Constables for preserving the Peace by Day and Night, and for preventing Felonies and Misdemeanors, and apprehending Offenders

Offenders against the Law, on all such Parts of the said River as aforesaid, and shall also aid and assist at all Times in saving and protecting the Shipping and other Property on the said River in Cases of Accident, Distress, or Danger arising from Freshes or Floods, as also in Cases of Fire and other Casualties; and every such Police Constable shall be sworn in manner directed by an Act of Parliament passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, respecting the Constables to be appointed in pursuance of that Act, and the Constables appointed in pursuance of this Act shall upon all such Parts of the said River have all such Powers and Privileges, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any Justices of the Peace having Jurisdiction in any Place or Places in which they shall be called upon to act as Constables for conducting themselves in the Execution of their Office; and the said Constables to be appointed in pursuance of this Act shall have Authority to act as Police Constables of the said Borough, and shall have all and every of the Powers, Authorities, and Privileges by the said Act of the Fifth and Sixth Year of the Reign of His said late Majesty given or granted to the Constables appointed in pursuance of that Act, and the said Superintendent for the Time being shall also be the Superintendent of the said River Police, and shall have the same Powers and Privileges, and shall be liable to the same Duties and Responsibilities, as the Superintendent for the Time being now has or is liable to, or shall have or be liable to, as Superintendent for the Time being of the said Police Contstables for the said Borough; and the said River Police shall at all Times be under the sole Direction, Management, and Control of the said Superintendent, who shall from Time to Time and at all Times have full Power and Authority to suspend or dismiss any such Police Constable, free from any Control on the Part of the said Commissioners; and the said Superintendent shall also from Time to Time direct and appoint how and where the said River Police Constables shall be stationed, and how and in what Manner they shall go their Rounds or Beats, and the Limits of the same; and it shall be lawful for any Two Justices of the Peace having Jurisdiction within the said Borough, at any Time to suspend or dismiss any such Police Constable whom they shall think negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed, or cease to belong to the said River Police Force, all Powers vested in him as a Constable or otherwise by virtue of this Act shall immediately cease; and no Man dismissed by any Two Justices as aforesaid shall be re-appointed without the Consent of Two of the Justices of the Peace having Jurisdiction within the said Borough: Provided always, that nothing in this Act contained shall in anywise diminish, prejudice, or affect the Rights or Powers of the said Police Constables of the said Borough on the said River *Wear*, or in the said Port of *Sunderland*; and such Policemen shall take such Persons, so to be apprehended as aforesaid,

5 & 6. W. 4. c. 76.

within Twenty-four Hours (or as soon as conveniently may be) before some of Her Majesty's Justices of the Peace for the said Borough of *Sunderland* or County of *Durham*, to be examined and dealt with according to Law.

Penalty for injuring Fire Engines, &c.

XXVIII. And be it further enacted, That in case any Person shall destroy or injure any of such Fire Engines, Apparatus, and Equipments, Boats or other Vessels, or other Property belonging to the said Commissioners, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds besides the Damage and Injury so done, to be ascertained by the Justices before whom such Offender or Offenders shall be carried.

Appeal in case of Dispute with the Superintendent.

XXIX. And be it enacted, That in case the said Commissioners shall at any Time be dissatisfied with the Conduct of the said Superintendent, or with the Direction, Management, or Control of the said River Police, or any Matter or Thing relating to the said River Police, it shall be lawful for the said Commissioners to make any Appeal, Complaint, or Representation thereof in Writing to the Council of the said Borough, or to the Justices acting in and for the said Borough, as to the said Commissioners shall seem meet, by delivering Notice of such Appeal, Complaint, or Representation to the Town Clerk or the Mayor for the Time being of the said Borough, and the said Council, or the said Justices acting in and for the said Borough as aforesaid, in Petty Sessions assembled, as the Case may be, shall forthwith proceed to consider such Appeal, Complaint, or Representation, and shall and they are hereby required to make such lawful Determination or Order thereupon as to the said Council or the said Justices shall seem fit and proper.

As to Property found by the Commissioners.

XXX. And for the more effectual Protection and Preservation of Property in the said River *Wear* and the Port or Harbour of *Sunderland* within the Limits specified in this Act, be it further enacted, That in all Cases where any of the Watch or Policemen, or other Persons in the Employ of the said Commissioners under this Act, shall find or discover any Boat, Timber, or other Property floating loose upon the said River and within the Limits of this Act, and shall remove the same so as to prevent its being carried out to Sea or otherwise lost or damaged, such Watch or Policeman or other Person shall forthwith place the same under the Care, Order, and Control of the said Commissioners, or as the said Commissioners shall direct, and the Owner of such Boat, Timber, or other Property, or Person, claiming to have the same delivered up to him, shall be subject and liable to pay and shall pay to the said Commissioners, or to such Person as they shall appoint to receive the same, a reasonable Sum as Salvage for the Recovery of such Boat, Timber, or other Property, before the same shall be delivered up to such Owner or Person, so as that such Sum shall not exceed Ten *per Cent.* of the fair Value of such Boat, Timber, or other Property so removed; and, in case of any Dispute as to the Amount of such Sum, or the Liability of the Party to pay the same, between the Commissioners and the said Owner or Person claiming the said Boat, Timber, or other Property, such

Dispute shall be settled in a summary Way by any Two Justices of the Peace for the said Borough of *Sunderland* or the said County of *Durham*, whose Decision shall be final.

Penalty for Neglect of Duty.

XXXI. And be it further enacted, That if such Policemen, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Superintendent, or shall in any Manner wilfully and knowingly neglect their Duty, or if the said Firemen or any of them shall not observe, perform, and keep the Orders Rules, and Regulations which may be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect their Duty, every Person so offending, being convicted thereof by any Two Justices of the Peace, shall for such Offence be liable to be imprisoned in the House of Correction for any Time not exceeding Fourteen Days, or to be fined in any Sum not exceeding Forty Shillings, or to be dismissed from his Office, as such Justices shall in their Discretion think meet.

Penalty on Publicans harbouring Policemen during the Time of Duty.

XXXII. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale, Beer, Spirituous or other Liquors, or keeping any Cook, Coffee Shop, or Eating House, shall knowingly entertain or harbour in his or her House, Outhouses, or Premises any Policeman or Constable employed under or by virtue of this Act, or permit or suffer any of them to be and remain in his or her House or Premises during any Part of the Time appointed for his being on Duty, every such Victualler, Alehouse Keeper, or other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to reward Policeman disabled or wounded in execution of his Duty.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause Rewards in Money to be paid out of the Monies arising by this Act to any Policeman appointed by virtue of this Act who may be disabled or wounded in the Execution of his Duty, as they the said Commissioners shall deem reasonable; provided that Intimation thereof be given to the said Commissioners in the Notice calling a Meeting for the Purpose of giving such Rewards.

Recovery and Application of Penalties.

XXXIV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the said Borough of *Sunderland* or for the said County of *Durham*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment thereof, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine every Witness upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall

shall be issued, and the Costs and Expences of levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Township or Place within which the Offence shall be committed; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizances or otherwise; but if upon the Return of such Warrant or Warrants it doth appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the said County of *Durham*, or to the Common Gaol for the said Borough of *Sunderland*, at the Discretion of such Justice or Justices, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged in due Course of Law: Provided always, that it shall be lawful for the said Commissioners, when and so often as they shall think fit, to give all or any Part of the Penalties or Forfeitures which shall be incurred by reason of any Offence or Offences agains this Act to the Informer or Informers against such Offender or Offenders.

For compelling Witnesses to attend.

XXXV. And be it further enacted, That it shall be lawful for any Justice of the Peace acting in and for the said Borough of *Sunderland* or the said County of *Durham* to issue his Summons requiring any Person to appear before any such Justices of the Peace for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justices of

of the Peace then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justices or any other Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justices shall seem meet; and no Person, although liable to the Rates or Duties to be hereby levied, shall be deemed an incompetent Witness in proof of any Offence against this Act by reason of any Penalty or Forfeiture for such Offence being applicable in aid of the said Rates; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the said Rates.

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

XXXVI. And be it further enacted, That when by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offenders Goods and Chattels, in manner hereby directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

XXXVII. And be it further enacted, That in all Cases in which by this Act any Penalty or Penalties is or are made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act 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 to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been taken or exhibited by or before such Justice; and all such Proceedings by Summons without Information shall be good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Penalties to be sued for within a certain Time.

XXXVIII. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information be given of such Offence or Offences or Proceedings commenced on account thereof within Three Calendar Months next after the Offence committed, save and except the Penalties in and by this Act inflicted for Nonpayment of the Rates or Duties in and by this Act directed to be made and levied.

For the more easy Conviction of Offenders.

XXXIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according

according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say,)

'BE it remembered, That on [*Time of Conviction*] *A.B.* [*Name and Addition of Offender*] was convicted before me [*or* us] [*Name and Style of Convicting Justice or Justices*], for that the said *A.B.* [*Name of Offender*] on [*Time of committing Offence*], at [*Place of committing Offence*], did [*here state the Offence against this Act according to the Fact*], contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*]; and I [*or* we] do therefore declare and adjudge that the said *A.B.* [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*], as also the Sum of which we adjudge and determine as Costs attending the same, and in default of Payment of the said several Sums shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Distress not to be deemed unlawful for Want of Form.

XL. And be it further enacted, That when 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 the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action at Law.

Appeal.

XLI. And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act, (save and except in Cases of the saving of any Boat, Timber, or other Property, as herein-before provided for,) may appeal to any Court of General or Quarter Sessions of the Peace, to be holden within Four Months after such Conviction for the County or for the Borough wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Fourteen Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into Recognizance with a sufficient Surety or Sureties before a Justice of the Peace within such Fourteen Days, or at any Time during his Custody, on giving to the Complainant Three Days Notice in Writing of his Intention so to do, and of the Name, Description, and Place of Abode of his proposed Surety or Sureties, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of

the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Notice to be given before commencing Action.

XLII. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, or for any Trespass or other wrongful Proceeding arising out of any thing done in pursuance of this Act, nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action is brought; and in case no such Tender shall have been made it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for Want of Form.

XLIII. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatever, into any of Her Majesty's Courts of Record at *Westminster* or Court of Pleas at *Durham*, any Law or Statute to the contrary thereof in anywise notwithstanding.

What shall be deemed Service of Notice on the Commissioners.

XLIV. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice in Writing upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Clerk of the said Commissioners, or left at the Office of such Clerk, or at his last usual Place of Abode, or upon any Agent or other Officer empowered by the said Commissioners, or left at his last usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Public Act.

XLV. 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.

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