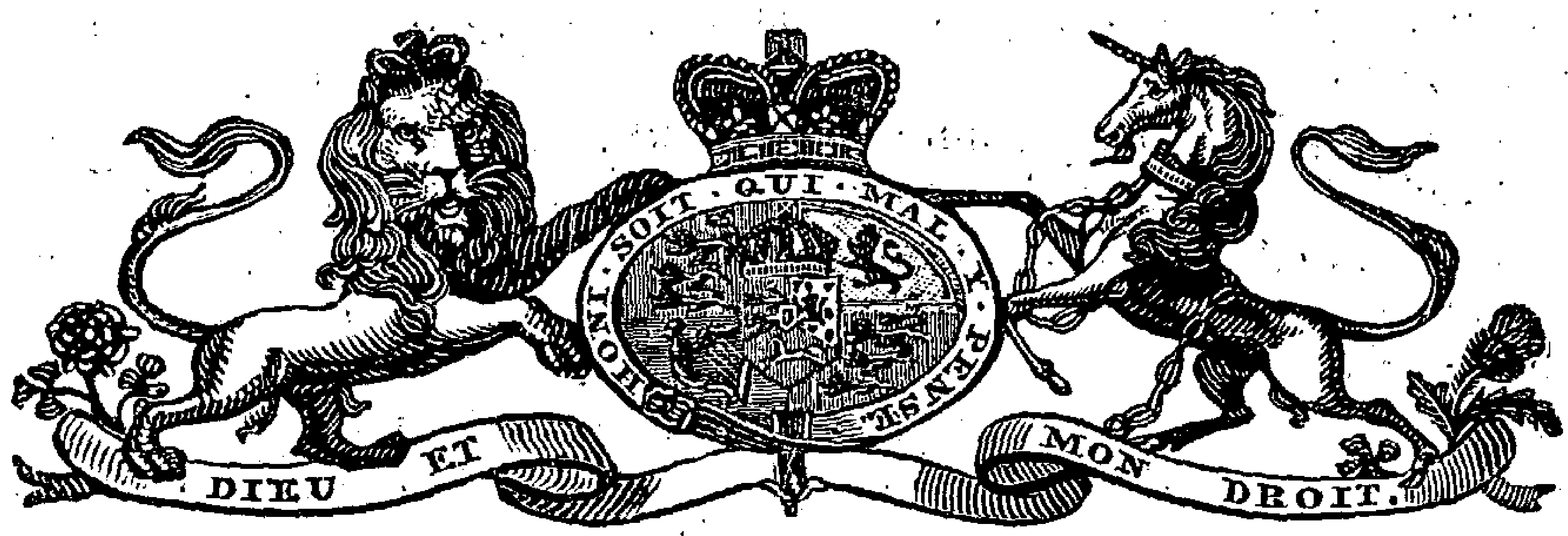


ANNO SEXTO

GULIELMI IV. REGIS.

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Cap. xxx.

An Act to enable the *Wearmouth* Dock Company to make and maintain a proper and convenient Entrance into the *Wearmouth* Dock at the Port of *Sunderland* in the County Palatine of *Durham*.

[19th *May* 1836.]

Letters Patent, 26 July 1834.

WHEREAS by Royal Charter or Letters Patent under the Great Seal of *Great Britain*, bearing Date the Twenty-sixth Day of *July* in the Fifth Year of the Reign of King *William* the Fourth, and in the Year of our Lord One thousand eight hundred and thirty-four, after reciting that the Port of *Sunderland* had not sufficient Space for the Accommodation of Shipping resorting thereto, and that it would tend to the Improvement of the said Port and Security of such Shipping if a Dock with One or more Basin or Basins, and One or more Entrance or Entrances, and suitable Wharfs, Quays, Warehouses, and other Buildings and Works, were constructed within the said Port on the North Side of the River *Wear*, certain Persons and their Associates were incorporated for the Purpose aforesaid under the Name or Style of the *Wearmouth* Dock Company: And whereas the said Company has, in

pursuance of the said Charter, purchased a Site for the Construction of the said Dock and Works, and has at a great Expence made considerable Progress and is now proceeding in completing the said Dock and Works, and the same, if properly completed, would be highly advantageous to the Port and Haven of *Sunderland* and the Trade thereof: And whereas it is essential to the proper Completion of the said Dock that a sufficient and convenient Entrance should be constructed therefrom to communicate with the River *Wear*, for which Purpose it will be necessary to take down, alter, and remove a Portion of a certain Quay or Pier erected on the North Side of the said River near the Mouth thereof by the Commissioners named and appointed in and by virtue of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth,
11 G. 4. c. 49. intituled *An Act for the Improvement and Preservation of the River* Wear *and Port and Haven of* Sunderland *in the County Palatine of* Durham, or their Predecessors acting under preceding Acts for that Purpose: And whereas a Map or Plan describing the Form and Situation of the said Dock, and of the Tidal Basin, Quays, Walls, Jetties, and other Works intended to be connected therewith, and of the intended Entrance therefrom to the said River *Wear*, has been deposited with the Clerk of the Peace for the County Palatine of *Durham*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for and notwithstanding any thing contained in the said Act of the Eleventh Year of the Reign of His Majesty King *George* the Fourth, it shall and may be lawful for the *Wearmouth* Dock Company, and they are hereby authorized and empowered, by themselves, their Agents, Workmen, and Servants, to make, form, and construct, maintain and repair, a good and sufficient Opening or Entrance, not exceeding One hundred and forty-five Feet in Width, through the Western End of the said Quay or Pier, to communicate with the River *Wear* from the intended Tidal Basin of the said Dock, as the same is delineated and described in the said Map or Plan so deposited with the Clerk of the Peace for the said County Palatine, and to take down so much and such Part of the said Quay or Pier as shall be necessary for the Purpose of constructing such Entrance, doing as little Damage as may be to the adjacent Parts of the said Quay or Pier: Provided always, that the Stone and other Materials of which such Part of the said Pier so to be removed by the said Dock Company is formed shall be and become the Property of the said Dock Company; and the Value thereof, in case of Dispute respecting the same, shall be estimated by Two indifferent Persons, one to be appointed by the said Dock Company and the other by the said Commissioners, or by an Umpire to be appointed by the said Two Arbitrators in case they cannot agree in their Award, and the Amount thereof shall be paid by the said Dock Company to the said Commissioners within Fourteen Days after the same shall be determined as aforesaid, or otherwise shall and may be recoverable by the said Commissioners by Action at Law against the said Dock Company in any of His Majesty's Courts of Record at *Westminster*

Company empowered to make Entrance to their Docks from the River Wear.

Dock Company to pay for Materials of Pier.

minster, and shall be applied by them in and towards the Purposes of the said recited Act.

For preventing Obstruction to the Navigation by Injury of adjacent Parts of Quay or Pier.

II. Provided always, and be it further enacted, That if in the Execution by the said Dock Company of any of the Powers of this Act the Stability of the adjacent Parts of the said Pier shall thereby be so far endangered as to give reasonable Cause for the Apprehension of Obstruction to the Navigation of the said River by the Fall thereof or of any Part thereof, or if any actual Obstruction shall be occasioned to the said Navigation by the Execution of any of the said Powers, it shall be lawful for the said Commissioners forthwith to do and execute all such Works as may be necessary or proper to secure the Safety of such Pier or to remove such Obstruction, and so as to restore such Pier to the same State in which it was prior to the happening of such Obstruction, Injury, or Damage; and all such Costs and Expences as shall be thereby incurred shall be borne and paid by the said Dock Company, and be recoverable from the said Dock Company by Action at Law in any of His Majesty's Courts of Record at *Westminster*, and shall be further and collaterally secured as herein-after mentioned.

Masonry of the Opening to be uniform with the new Pier.

III. And be it further enacted, That the Masonry at the Opening of the intended Tidal Basin, and also the Side Walls thereof extending Northwards as far as the intended Parapet of the said Quay or Pier, shall be executed of the same Materials and Solidity as and so as to correspond and be uniform with the Plan laid down by Sir *John Rennie* for rebuilding the said Pier.

Sand and Materials excavated from the Tidal Basin to be removed before any Part of the Pier is taken down.

IV. Provided also, and be it further enacted, That before any Part of the said Quay or Pier shall be removed or taken down all the Sand, Gravel, Stones, and other Rubbish necessary to be removed or excavated from or out of the Portion of Ground or Space intended to form the Tidal Basin shall be removed or taken away (as far as can be done), and shall not be permitted to be washed into the Tideway of the River *Wear*; and the Quay Wall at the Western Side of the said Tidal Basin towards the Space of Ground called the *Potatoe Garth*, delineated on the said Map or Plan, shall be made and constructed of solid and substantial Masonry to the Height or Level of ordinary Spring Tides at the least, and maintained and kept in good Repair by the said Dock Company, so that the Water which shall flow into the said Tidal Basin shall not be permitted to spread or flow into or over the said Space of Ground called the *Potatoe Garth*.

Company not to erect any permanent Work on the Space called the Potatoe Garth, nor to encroach

V. Provided always, and be it further enacted, That the said Dock Company shall not, in executing the Works hereby authorized, in anywise encroach upon or interfere with a certain Plot or Parcel of Ground delineated on the said Map or Plan deposited with the Clerk of the Peace as aforesaid, and on the said Plan marked Number 21, and in the Book of Reference lodged therewith in the said Office of the said Clerk of the Peace described to be "a Space of Ground between High

on the Quay Line.

High and Low Water Mark called the *Potatoe Garth*," nor anywise encroach upon or interfere with any Part of the Quay Line laid down pursuant to the Provisions of the herein-before recited Act, or the Acts therein recited or referred to, except such Dams, Coffer Dams, and other temporary Works as may be necessary for the Purpose of constructing, altering, or repairing the said Entrance or any Work connected therewith as herein-after provided, any thing in this Act contained to the contrary notwithstanding.

A Space of Ground on the East Side of the Tidal Basin to be set out for landing Materials required to rebuild the Pier.

VI. And be it further enacted, That the said Dock Company shall set out and appropriate a Space of Ground on the East Side of the Tidal Basin, extending from the intended Parapet of the Pier Northwards, and containing One Acre, free from the Flow of equinoctial Spring Tides, for the Use of the said Commissioners, for the landing, placing, and depositing of such Stone, Timber, and other Materials as may be required in building, repairing, or rebuilding the said Quay or Pier, or other Works connected therewith, such Space of Ground not being within the Distance of Ten Yards of the Quay Wall of the said Tidal Basin, and the said Commissioners shall and they are hereby authorized to land, discharge, and deliver the said Stone, Timber, and Materials from and within the said Tidal Basin at a convenient Place therein; and until the same is prepared and ready to be used for such Purpose they shall and are hereby authorized to land, discharge, and deliver the same at and from the temporary Wharf already made and constructed by the said Dock Company, and to have and enjoy a free Passage over the Ground lying between the said Dock and Basin, for which Purpose the said Company shall and they are hereby required to form a temporary Gangway or Framing over the Dock Entrance: Provided always, that the said Dock Company shall at all Times have the Use of so much of the said Acre of Land as shall not be actually occupied by the said Commissioners for the Purposes aforesaid.

Company required to afford Shelter to Vessels of the Commissioners under 11 G. 4. c. 49.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, and all or any Persons or Person in their Employment, to cause any Vessels or Craft of the said Commissioners which shall become exposed to Danger from tempestuous Weather in the said Tidal Basin to be removed into, and the said Dock Company are required to admit such Vessels and Craft within their inner Dock for Refuge, whenever the Gate thereof can be opened to admit them without Injury to the said Dock and Works, or Danger to the Ships and other Vessels therein, and the Cargoes of such Barges, Craft, or Vessels shall be discharged in such inner Dock in some Situation convenient for the Transport thereof to the said Place of Deposit.

Commissioners empowered to erect Cranes, &c. on Land adjoining the Quay Wall of the Tidal Basin.

VIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to erect, place, and maintain such Crane and direct double Railway near or adjoining to the Quay Wall of the said Tidal Basin as shall be necessary for the Purpose of landing and embarking Stones and Materials for the Purpose of repairing or rebuilding any Part of the said Pier and Works connected therewith, under the Jurisdiction

Jurisdiction of the said Commissioners, at such convenient Spot or Place as shall be agreed upon by and between the Engineer of the said Commissioners and the Engineer of the said Dock Company, or in case of their Disagreement as shall be fixed upon and directed by such Engineer as shall upon Application be appointed by the Deputy Master of the Corporation of the Trinity House of *Deptford Strond*, *London*.

Stairs or Steps to be made in Walls of Tidal Basin.

IX. And be it further enacted, That the said Company shall and they are hereby required to erect or construct Stairs or Steps in the Walls of the Tidal Basin in the Place specified in the said Map or Plan, and that the Public shall at all Times have free Liberty of Passage by and along the same.

Tidal Basin not to be sluiced.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Dock Company in any Case to sluice the said Tidal Basin; and further, that the Openings in the Dock Gates or otherwise shall be used at such Time of Tide and in such Manner only as not to produce any Injury to the Navigation of the said River, or the said Port or Harbour.

Company empowered to place Buoys and erect Coffer Dams for constructing of Docks and Entrances.

XI. And be it further enacted, That it shall and may be lawful for the said Dock Company to place Buoys in the River *Wear* in any Place or Places within Fifty Yards of any Part of the Jetty at the Western Side of the said intended Tidal Basin, and also to erect such Dams, Coffer Dams, and other temporary Works within the Tideway of the said River, at all Times when it shall be necessary so to do for the Purpose of constructing, altering, or repairing the said Entrance or other Works connected therewith, so as no Damage, Obstruction, or Injury shall be done to the free Navigation of the said River, or to the said Port or Haven, by the placing of such Buoys, or the erecting of such Dams, Coffer Dams, or other Works; and it shall be lawful for the said Dock Company, their Agents, Servants, or Workmen, as often as Occasion shall require, to enter on, dredge, excavate, and deepen the Beach and Bed of the said River at all or any Places or Place within Sixty Yards of the said intended Entrance into the said Tidal Basin, and for ever afterwards to maintain and preserve the said River within such Distance of such Depth as shall be sufficient to admit Vessels navigating or coming into the said Basin and Dock from the said River, and to fix Capsterns, Posts, Rings, and Blocks on the said Quay or Pier, on convenient Parts adjoining the said Opening, for the better working Ships and Vessels entering or departing from the said Dock, which said Capsterns, Posts, Rings, and Blocks shall at all necessary Times be available to the Public when not used by the said Dock Company; and it shall and may be lawful for the said Company at all Times to remove and take away any Wrecks of Ships or Vessels, or any Vessels that shall be sunk, or any Wood, Timber, Stores, Anchors, or other Obstructions or Impediments that may be found or may arise within the Bed of the said River within the aforesaid Distance from the Entrance of the said Dock; and it shall be lawful for the said Company to demand and receive from

the Owner or Owners of any such Vessels or Vessel which shall be so wrecked or sunk, or from any Persons or Person causing or making such Obstruction or Impediment, the Amount of the Expences which shall have been incurred or expended by the said Company in removing the same; and in case any such Owners or Owner, Persons or Person, shall refuse or neglect to pay such Amount to the said Dock Company for the Space of Fourteen Days after Demand thereof made by any Clerk or Collector or Officer of the said Company, the same shall be recoverable by the said *Wearmouth* Dock Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

If Works are reported to be prejudicial, such Report shall be forwarded to the Admiralty, who shall refer the same to Three Engineers.

XII. Provided always, and be it further enacted, That if at any Time or Times during the Construction or after the Completion of any of the Works by this Act authorized the Engineer to the said Commissioners shall report that the same or any of them are prejudicial or injurious to the free Navigation of the said River, or to the said Port or Haven, the said Commissioners shall forward such Report of their Engineer to the Lords Commissioners of the Admiralty, previously delivering a Copy thereof at the Office of the said Dock Company, with Notice of their Intention to transmit such Report to the said Lords Commissioners, and the said Lords Commissioners shall refer such Report and the Matter thereof to Three competent Engineers for their Opinion, Determination, and Award thereon; and such Engineers shall thereupon examine such Witnesses and make such Inquiries as to them shall seem necessary or proper in that Behalf, and shall with all convenient Speed under their Hands certify their Opinion, Determination, and Award of and concerning the same, and give such Directions, extending, if necessary, to the diminishing the Width of the Opening through the said Pier, and even to the closing such Opening and reconstructing the Pier, as to them shall seem expedient for preventing or removing all Damage, Prejudice, and Injury to the free Navigation of the said River or to the said Port or Haven, and shall transmit such Opinion, Determination, and Award to the said Lords Commissioners, who shall cause the same to be communicated to the said Commissioners and the said Dock Company respectively; which said Opinion, Determination, and Award, and all Directions therein contained, shall be final and conclusive to all Intents and Purposes whatsoever; and the said Dock Company shall, within Twenty-eight Days next after Notice shall have been given to them by the said Commissioners for that Purpose, do, execute, and perform all such Works, Acts, Matters, and Things as may by the said Opinion, Determination, and Award be required to be done, executed, and performed by them; and in case the said Dock Company shall refuse or shall neglect for the said Space of Twenty-eight Days to do, execute, perform, fulfil, and complete such Works, Acts, Matters, and Things, or any of them, then and in such Case it shall be lawful for the said Commissioners forthwith to cause the same to be done, executed, performed, fulfilled, and completed, and the Costs and Charges incurred by the said Commissioners in and about the same shall be borne and paid by the said Company, and shall be recoverable by the said Commissioners from the said Dock Company by Action at Law in any of His Majesty's Courts of Record at

at *Westminster*, and the Payment thereof shall be further secured as hereinafter mentioned.

Admiralty not to appoint any Engineer previously consulted by Commissioners or Dock Company.

XIII. Provided always, and be it further enacted, That the said Lords Commissioners shall not appoint for the Purposes aforesaid any Engineer or Engineers who shall have been previously consulted by the said Commissioners or the said Dock Company respectively concerning the said Entrance or Works, and whose Name or Names shall, previously to such Appointment being made, have been by the said Commissioners or the said Dock Company respectively notified in Writing to the said Lords Commissioners as having been so consulted; but it shall not be lawful for either of the said Parties to object to the said Award, Order, and Determination on the Ground of any of the said Engineers having been so previously consulted as aforesaid, unless the Party objecting shall have given such written Notification as aforesaid.

Expences of Reference to Admiralty

XIV. And be it enacted, That the Expences of and incident to any such Appointment of Engineers as aforesaid by the said Lords Commissioners shall be ascertained and stated in the Award of the said Engineers, and shall be borne and paid by the said Commissioners and the said Dock Company in equal Shares.

Dock Company before commencing Works to give Security.

XV. Provided always, and be it further enacted, That before the said Company shall commence any of the Works by this Act authorized, the said Company shall cause to be transferred into the Names of the Chairman for the Time being of the said Commissioners and the President for the Time being of the said Company, in the Books kept by the Governor and Company of the Bank of *England* for registering the Transfers of the Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, so much of either of the said Bank Annuities as according to the Market Price of such Annuities on the Day on which such Transfers shall be completed shall be of the Value of Five thousand Pounds Sterling, and the Persons into whose Names the said Bank Annuities shall be so transferred shall stand possessed thereof upon Trust and for the Purpose of securing to the said Commissioners the Payment of all and every Sum and Sums of Money which shall or may become payable by the said Dock Company to the said Commissioners under or by virtue of the Provisions of this Act; which Sums of Money shall accordingly from Time to Time, upon the Application of the said Commissioners, be raised by the said Trustees by Sale of a competent Part or Parts of the said Bank Annuities, and paid over to the said Commissioners; and the Dividends and Interest of such Part or Parts of the said Bank Annuities as shall not be sold and applied for that Purpose shall be payable and paid as the same shall become due to the said Dock Company; and, subject to the Trusts and Purposes aforesaid, the said Bank Annuities, and the Interest, Dividends, and Produce thereof, shall be held in Trust for the said Dock Company; and upon and after the Expiration of Three Years, to be computed from the Day on which (the said Tidal Basin, and the Opening or Entrance thereto through the said Pier, having previously been completed,) the said Dock shall be opened for

for the Admission of Vessels, in case no Dispute or Question shall be then pending between the said Commissioners and the said Dock Company herein provided to be adjusted and settled by Engineers to be appointed by the Lords Commissioners of the Admiralty, the said Trustees shall transfer the said Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or so much thereof as shall then remain invested in their Names, to the said Dock Company, or in such Manner as they shall under their Common Seal appoint: Provided always, that such Re-transfer shall not in anywise prejudice or affect the Right of the said Commissioners to recover from the said Company any Sum or Sums of Money which may thereafter become due and payable by the said Company to the said Commissioners under or by virtue of any of the Provisions of this Act.

Appointment of new Trustees in case of Death.

XVI. Provided always, and be it further enacted, That in case the Chairman of the said Commissioners into whose Name jointly with that of the President of the said Company the said Bank Annuities may have been transferred, or any Trustee to be appointed in his Stead as herein-after mentioned, shall die before the Expiration of the said Term of Three Years, or before the said Trusts shall have been fully performed, then and so often as such Event shall occur it shall be lawful for the said Commissioners to appoint some other Person to be a Trustee in the Stead of the Trustee so dying; and in case the President of the said Company into whose Name jointly with that of the Chairman of the said Commissioners the said Bank Annuities may have been transferred, or any Trustee to be appointed in his Stead as herein-after mentioned, shall die before the Expiration of the said Term of Three Years, or before the said Trusts shall have been fully performed, then and so often as such Event shall happen it shall be lawful for the said Company by Writing under their Common Seal to appoint some other Person to be a Trustee in the Stead of the Trustee so dying; and when and as often as any new Trustee shall be appointed under the Authority of this Act, the said Bank Annuities, or so much thereof as shall not have been disposed of for the Purposes aforesaid, shall be transferred by the surviving Trustee into his own Name jointly with that of the new Trustee so appointed as aforesaid; and the Expences attending such Transfer shall be borne by the Party by whom the new Trustee shall be appointed.

Company to make Bridge at Entrance Gate of Dock.

XVII. And be it further enacted, That it shall be lawful for the said Dock Company and they are hereby required, on making the said Opening through the said Quay or Pier, to make and construct a good, substantial, and commodious Bridge for Foot Passengers over the Gates of the said Dock, and for ever to keep the same in good and substantial Repair, with proper and sufficient Fences thereto, so as to afford a free Passage and Communication to and from the said North Pier; and the said Dock Company shall also set out and preserve a good and commodious Road for Carriages and Horses over and along the North and East Sides of the said Dock, so as to afford a free and uninterrupted Passage for Carriages to and from the said North Pier;

or the said Company shall, at their Option, make in lieu of such Road and Foot Bridge a good and substantial Bridge for the Passage of Carriages over and across the said Entrance Gate of the said Dock.

Coals and Cinders shipped in Dock to pay River Dues.

XVIII. And be it further declared and enacted, That all Coals and Cinders which shall be shipped at the said Dock or Basin shall be subject and liable to the Rates and Duties imposed by the said Act of the Eleventh of *George* the Fourth, and such Rates and Duties shall be ascertained and payable and recoverable in manner by the said Act provided.

Preserving Rights of Commissioners.

XIX. And be it further enacted, That nothing in this Act contained shall extend to prejudice or derogate from any of the Rights and Privileges of the Commissioners of the River *Wear*, except in so far as by this Act is expressly provided.

Restraining Masters of Vessels from anchoring Ships within a certain Distance of the Dock.

XX. And for the better making and preserving a free and clear Passage and Entrance from the River *Wear* into and out of the said Dock and Basin for all Ships and Vessels; be it further enacted, That if any Master or other Person having the Charge or Command of any Ship or Vessel of any Description whatsoever shall place or shall permit or suffer the same to remain in the River *Wear* within Sixty Yards of the Entrance of the said Dock or Basin hereby authorized to be made, and shall not immediately or as soon afterwards as may be practicable, upon being thereto required by the Harbour Master for the Time being of the said Commissioners or the Dock Master of the said Company, remove such Ship or Vessel, every such Master and other Person so offending shall for every such Offence forfeit and pay to the said Company the Sum of Five Pounds, and the further Sum of One Pound for every Hour during which such Obstruction shall remain after such Notice shall have been given, which shall be recoverable by the said *Wearmouth* Dock Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and in case the Master or the Person having the Command of such Ship or other Vessel shall not remove the same immediately or as soon after as may be practicable, upon being required so to do, it shall be lawful for the said Harbour Master or Dock Master forthwith to remove the same.

Limiting Time for Construction of Works.

XXI. And be it further enacted, That in case the Works by this Act authorized shall not be completed within Three Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term all the Powers by this Act granted shall cease and determine.

For Payment of Expences of the Act.

XXII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing of this Act shall be paid and discharged by the said Company, out of the first Monies that shall come to their Hands, in preference to all other Payments whatsoever.

Public Act.

XXIII. 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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