



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. xxxix.

An Act to repeal the Provisions of the Acts relating to the Bridge and Ferries across the River *Wear* in the Borough of *Sunderland*, and to grant further Powers for the Maintenance and Improvement of such Bridge and Ferries, and the Approaches and Landing Places connected therewith, or for the Erection of a new Bridge in lieu of the existing Bridge across such River. [13th July 1857.]

**W**HEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building a Bridge across the River* 32 G. 3. c. xc. *Wear, from the Bank or Shore thereof, in the Parish of Bishop Wearmouth in the County of Durham, to the opposite Shore, in the Parish of Monk Wearmouth in the same County*, and which Act is hereinafter designated as the first-recited Act: And whereas by "The Borough of *Sunderland* Act, 1851," (in this Act called "the Act of 14 & 15 Vict. c. lxxvii. 1851,") it was enacted that all the Powers, Rights, and Privileges by [Local.] 6 G the



*The Wearmouth Bridge Act, 1857.*

the first-recited Act or any other Act or Acts, or otherwise howsoever, conferred on or given to or vested in the Commissioners for executing the first-recited Act, should apply to and be vested in the Mayor, Aldermen, and Burgesses of the Borough of *Sunderland* (in this Act called "the Corporation"), and be exercised and enjoyed by them and their Committees, Officers, and Servants, under the same Penalties, Provisions, and Restrictions, and subject to the same Duties and Liabilities, so far as the same might for the Time being be applicable, as were by such first-recited or other Act or Acts imposed on or applicable to those Commissioners, and the Name and Corporate Seal of the Corporation might be used when necessary in reference thereto in like Manner in all respects as if the Corporation instead of the said Commissioners had originally been authorized to carry the first-recited Act into execution, and the Corporation might, as they thought fit, from Time to Time allow the said Bridge to be used Toll-free, or, except as therein-after mentioned, might collect the Tolls authorized to be taken by the first-recited Act, or any Part thereof; provided that so long as there was any Money to the Credit of the "*Wearmouth Bridge Account*," and applicable to the Repair of the Bridge, the Corporation should allow the Bridge to be Toll-free: And whereas since the passing of the Act of 1851, the Corporation have found it essential to expend a considerable Sum of Money in the Repair, Maintenance, and Support of the Bridge, and they have nearly exhausted the Money standing to the Credit of "*Wearmouth Bridge Account*," in the said Act mentioned: And whereas in consequence of the present insecure State of the Bridge, it is expedient that the Corporation should have Power to strengthen and improve the same, and to alter the Level thereof, or to take down and remove and to rebuild such Bridge or some Part thereof, and to alter and improve the Approaches thereto, and to construct all necessary Works for such Purposes: And whereas it is expedient that Power be granted to the Corporation to make certain Alterations and Improvements connected with the existing Ferries across the River *Wear*, authorized to be maintained by the first-recited Act, and vested in the Corporation by the Act of 1851: And whereas Plans and Sections showing the Line, Situation, and Levels of the proposed Works, and describing the Lands to be taken for the Purposes thereof respectively, with Books of Reference to such Plans, containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of *Durham*: And whereas, for the Purpose of effecting the aforesaid Objects, it is expedient that the first-recited Act, and so much of the Act of 1851 as relates to the said Bridge, and which is herein-after referred to as "the Bridge Clauses of the Act of 1851," should be repealed, and the Powers and Provisions in such Act contained should, subject to certain Modifications, be re-enacted in this Act, and that additional

Powers



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Powers of raising and levying the Funds required for the Objects aforesaid should be conferred upon the Corporation; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Wearmouth Bridge Act, 1857.*" Short Title.

II. In construing this Act, the Term "the Bridge" means the existing Bridge over the River *Wear*, or any Bridge to be constructed in lieu thereof; the Word "Ferries" shall mean and extend to the Ferries, and all Rights, Privileges, and Powers connected therewith, and their Appurtenances and Works, which were vested in the Corporation previous to the passing of this Act, and which the Corporation may make or acquire under the Powers of this Act. Construction of Terms.

III. The Corporation shall be and are hereby empowered by the Council of the Borough to carry this Act into execution. Corporation to execute Act.

IV. The first-recited Act, and the Bridge Clauses of the Act of 1851, namely, the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Twenty-ninth, Thirtieth, Thirty-first, and Seventy-fourth Sections thereof, shall be and are hereby repealed. First-recited Act, and certain Sections of second-recited Act, repealed.

V. Notwithstanding such Repeal, but subject to the Provisions of this Act, the Corporation shall continue to be seised and possessed of and entitled to the said *Wearmouth Bridge*, and the Ferries and Ferry Boats, and to all the Lands, Buildings, Estates, Rights, Privileges, Interests, Moneys, Property, Effects, Chattels, Choses in Action, Claims, and Demands whatsoever, of or to which they, under or by virtue of the first-recited Act, or the Bridge Clauses of the Act of 1851, or otherwise howsoever, were immediately before the passing of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed. Corporation to remain entitled to their Property.

VI. Notwithstanding such Repeal, but subject to the Provisions of this Act, the several Clauses and Provisions whatsoever in favour of or relating to the Commissioners for executing the first-recited Act, or to the Corporation, contained in any Act or Acts other than the first-recited Act, and which immediately before the passing of this Act are in force, shall, on and from the passing of this Act, apply to Corporation to continue entitled to Powers under other Acts.

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to the Corporation, and shall for the Purposes of this Act continue and be in force accordingly; and the Corporation, by themselves, their Officers and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges, and be subject to all such Obligations, Liabilities, and Restrictions whatsoever, as, in case this Act were not passed, the Corporation by themselves, their Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy, or be subject to.

Conveyances, &c. to remain.

VII. Notwithstanding such Repeal, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Annuities, Covenants, and Securities made or entered into before the passing of this Act to, with, in favour of, or by, or for, or on behalf of the Commissioners for executing the first-recited Act, or the Corporation, or any Person on their Behalf respectively, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like Manner to all Intents and Purposes as if this Act were not passed.

Actions, &c. not to abate.

VIII. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Corporation before the passing of this Act, shall not abate or be discontinued, or be prejudicially affected by this Act, but, on the contrary, shall continue to take effect both in favour of and against the Corporation in like Manner to all Intents and Purposes as if this Act were not passed.

Tolls and Rates due to be recoverable.

IX. All Tolls and Rates which immediately before the passing of this Act are due and payable under or by virtue of the first-recited Act, or the said Bridge Clauses of the Act of 1851, to the Corporation by virtue of the first-recited Act and the Sections of the Act of 1851 hereby repealed, or either of them, shall from and after the passing of this Act be payable to and recovered by the Corporation in like Manner as any Tolls and Rates under this Act may be collected and recovered by the Corporation.

Debts due to and by Corporation to be paid to and by them.

X. All Persons who immediately before the passing of this Act owe any Sum of Money to the Corporation, or to any Person on their Behalf, in respect of the Bridge or Ferries, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Corporation, and all Debts and Moneys which immediately before the passing of this Act are due or owing by or recoverable from the Corporation in respect of the Bridge or Ferries, or for the Payment whereof the Corporation



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Corporation are or but for this Act would be liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by or be recoverable from the Corporation.

XI. Provided always, That notwithstanding the Repeal of the first-recited Act and of the Bridge Clauses of the Act of 1851, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the first-recited Act or the said Bridge Clauses of the Act of 1851, shall be as valid as if the first-recited Act and the said Bridge Clauses were not repealed; and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the first-recited Act and the said Bridge Clauses were not repealed, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered: Provided always, that the Generality of the preceding Provision shall not be confined or restricted by any Provision contained in this Act.

Continuing Rights, Liabilities, &c. under former Act.

XII. Notwithstanding such Repeal, all Books and other Documents by the first-recited Act or the Bridge Clauses of the Act of 1851 directed or authorized to be kept, and which if that Act or the said Clauses were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be Evidence.

XIII. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act.

8 & 9 Vict. c. 18. incorporated.

XIV. The Corporation shall from Time to Time repair and maintain the Bridge and the Approaches thereto, and also the Ferries, and provide, repair, and maintain sufficient and proper Ferry Boats for the Ferries, and all requisite Works and Conveniences for the same respectively, and duly keep the Bridge and the Ferries respectively open at all Times for public Traffic.

Corporation to maintain Bridge and Ferries.

XV. It shall be lawful for the Corporation, subject to the Provisions in this Act contained, and to the Powers of Deviation authorized by this Act, to make and maintain all or any of the Works herein-after more particularly described in the Line or Course and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels described on the said Sections; and the Corporation may enter upon, take, and use such of the Lands delineated on the said Plans, and described in the said Books of Reference, as shall be necessary for all or any of such Purposes.

Power to make Works according to deposited Plan.

[*Local.*]

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XVI. The

*The Wearmouth Bridge Act, 1857.*Description  
of Works.

XVI. The Corporation may, subject to the Provisions of this Act, execute all or any of the following Works which they may think requisite for the Purposes of the Bridge and Ferries, and the Approaches, Landing Places, and other Conveniences connected therewith respectively :

They may alter, widen, strengthen, and improve the Bridge, and may alter the Levels thereof :

They may, if they think proper, take down and remove the Bridge, and rebuild the same, either in the Site of the present Bridge, or in any other Situation within the Limits of lateral Deviation :

They may improve and extend the present Approaches to the Bridge, and alter the Lines and Levels thereof, and may alter the Course and Levels of the several Streets, Passages, and Places leading into the said Approaches shown on the said Plans :

They may maintain, alter, and improve the Ferries, and improve, enlarge, extend, and vary the Landing Places, and the Piers, Stages, and Works connected therewith, and construct new or improved Landing Places in lieu of or in addition to the existing Landing Places, and form new or improved Approaches to such Landing Places :

And for any of the Purposes aforesaid they may temporarily or permanently embank upon, widen, straighten, contract, or alter the Banks or Shores of the River, and may also fix, place, and erect within the River, under, near to, and on the Sides of the Bridge, such Piling, Scaffolding, Centering, and other Works and Conveniences as may be necessary for the Execution of the Works by this Act authorized connected with such Bridge :

They may, during the Progress of any of the Works, form and maintain such temporary Roads upon any of the Lands delineated on the said Plans as they deem necessary for the Accommodation of the Traffic :

They may alter, repair, or discontinue the before-mentioned Works, or any of them, and substitute others in their Stead :

They may cause, if they think fit, the Ferry Boats, or any of them, to be worked or propelled by Steam or other mechanical Power, and may establish Steam or other Communication between such of the Landing Places belonging to the Corporation as they think proper :

They may do all other Acts necessary for the Purposes aforesaid :  
Provided always, that in the Exercise of the said Powers the Corporation shall do as little Damage as can be, and shall make full Satisfaction, in manner herein and in any Act incorporated herewith provided, to all Parties interested for all Damage by them sustained by reason of the Exercise of such Powers.

Limits of  
Deviation  
from Line  
marked on  
Plans.

XVII. It shall be lawful for the Corporation to deviate from the Line or Situation of any Work delineated on the Plans deposited as aforesaid, and to construct any of the said Works within the Limits  
of



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of lateral Deviation delineated on such Plans, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation so delineated upon the said Plans, and that the Work by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided for in Cases of unintentional Errors in the said Books of Reference.

Deviation not to extend into Lands of Persons not mentioned in Books of Reference.

XVIII. The Corporation may, subject to the Provisions and Restrictions of this Act, deviate from the Levels of any of such Works, as shown on the Sections so deposited as aforesaid, to any Extent not exceeding Three Feet.

As to Deviation from Levels.

XIX. It shall not be lawful for the Corporation to execute any Works except for Repairs of existing Works on the Bed or Shore of the River *Wear*, below High-water Mark, without the Consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Consent of Commissioners of Woods and Forests.

XX. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or Books of Reference, it shall be lawful for the Corporation, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Durham*, and shall also be deposited with the Parish Clerks of the several Parishes in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerk of the Peace and Parish Clerks respectively along with the other Documents to which they relate, and thereupon such Plans or Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Corporation to make the Works in accordance with such Certificate.

Errors and Omissions in Plans, &c. may be corrected by Two Justices, who shall certify the same.

Certificate to be deposited.

XXI. Any new Bridge to be constructed under the Authority of this Act shall consist of One principal Arch, and of as many smaller or lesser Arches as the Corporation shall determine, which said principal

Dimension of new Bridge.



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cipal Arch shall be Two hundred and thirty-six Feet wide at the least, and shall be One hundred Feet high at the least, in the Centre, from the Low-water Mark of ordinary Spring Tides, to the Intent that the Navigation of the said River *Wear* may not in anywise be defeated, prejudiced, or obstructed; and the Road or Way over and along the Bridge shall be at least Twenty-six Feet wide in the Clear, (that is to say,) the Passage for Carriages, Horses, Beasts, and other Cattle at least Eighteen Feet wide, and a Path or Causeway raised not less than Six Inches on each Side, and not less than Four Feet wide, for Persons passing on Foot; and no House or Building shall be set up, erected, or built upon the Bridge, except such Toll Houses as the Corporation determine to be requisite or necessary for the Purposes of this Act.

Headway  
and Water-  
way to be  
maintained.

XXII. Whether the existing Structure be repaired or a new Bridge be erected, the Corporation shall maintain at all Times the present Amount of Headway and Waterway: Provided always, that the preceding Enactment shall not prevent the Erection of Piling, Scaffolding, or Centreing in the River for the Purpose of repairing or rebuilding the Bridge or altering the Levels thereof, or for accommodating the Traffic during such Repairs, Rebuilding, or Alteration of Levels, so that a Width of Sixty-five Feet clear Waterway be left in the Centre of the River and Two Side Openings of Forty-seven Feet in Width each; and the Headway shall not be diminished more than Six Feet in the Centre without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Centre Line  
to be adhered  
to.

XXIII. In constructing any Work in, across, or over the River, the Corporation shall not deviate from the Centre Line of the Work marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

As to certain  
Limits of  
Deviation  
for Ferries.

XXIV. The Corporation shall not, by reason of the Limits of Deviation of the Ferries shown across the River on the deposited Plans, acquire any other Right or Power on the River, so far as the Jurisdiction of the River *Wear* Commissioners extends, than may be necessary for the convenient Navigation of the Ferry Boats between the present or future Landing Places of such Ferries respectively.

Plans to be  
deposited  
with River  
Commis-  
sioners and  
Admiralty.

XXV. Previously to commencing any new Bridge, or improving the existing Bridge, or erecting any Scaffolding for the same, or the Works connected therewith, or commencing any Work under the Powers of this Act which shall extend beyond the Quay Line towards the



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the main Channel of the River *Wear*, or within the extreme Flow of the Equinoctial Spring Tide, or in any way affecting the Navigation of the said River, the Corporation shall at the same Time, as nearly as may be, deposit at the Admiralty Office, and also at the Office of the River *Wear* Commissioners, Plans, Sections, and Working Drawings of the Bridge, and Scaffolding and Works connected therewith, and other Works aforesaid, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge, Scaffolding, and Works shall be constructed only in accordance with such Approval.

XXVI. During the Reparation, Alteration, or Construction of the Bridge and Works connected therewith, the Corporation shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Corporation, for the Navigation and safe Guidance of Vessels, which Light shall be from Time to Time altered by the Corporation in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the Corporation shall neglect to exhibit and keep such Light burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Lights  
during  
Alterations.

XXVII. During the Construction of the Scaffolding or Works connected therewith, or other temporary Works affecting the Navigation, for the Purpose either of repairing the Bridge or erecting a new Bridge, and so long as such Scaffolding remains up, and during its Removal, or so long as such temporary Works may continue, the River *Wear* Commissioners may make such Regulations as they think necessary for the Safety of Shipping passing under or near such Scaffolding or other temporary Works, and for the Protection of such Scaffolding and temporary Works, and for preventing any greater Obstruction to the Navigation of the River than may be unavoidable; and if any Dispute shall arise between the Corporation and Commissioners, with respect to the Necessity or Efficiency of any such Regulations, such Dispute shall be determined by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, and such Regulations shall be published and may be enforced, with such Penalties attached thereto, as Byelaws are under the Provisions of the Harbours, Docks, and Piers Clauses Act, 1847, required to be published or may be enforced; and the River *Wear* Commissioners may, during the Construction, Maintenance, and Removal of the Scaffolding and Works

Regulations  
by River  
Commission-  
ers during  
temporary  
Works.

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River Com-  
missioners  
aforesaid



*The Wearmouth Bridge Act, 1857.*

may appoint  
Watchman  
to be paid  
by Corpor-  
ation.

aforesaid at the Bridge, appoint a competent Person to carry into effect and secure the Observance of such Regulations, and to superintend the Passage of Vessels under and near the Bridge, and the Safety of the Scaffolding and Works; and the Wages of such Person, not exceeding Thirty Shillings *per* Week, shall be paid by the Corporation; and it shall be lawful for any Two Justices, on the Application of the Corporation or River *Wear* Commissioners, to remove any such Person for any Cause which shall appear reasonable to such Justices, and the River *Wear* Commissioners may appoint another Person in his Place and Stead.

Works to be  
approved by  
Admiralty  
before com-  
mencing.

XXVIII. It shall not be lawful for the Corporation under the Powers of the Act to construct a new Bridge, or improve the existing Bridge, or any other Works in or across the River *Wear*, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Bridge or Work shall have been altered, repaired, or constructed, it shall not be lawful for the Corporation at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Bridge or Work shall be commenced or completed, or be altered, repaired, or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

No Ferry  
Boat to be  
navigated by  
fixed Chain.

XXIX. No Ferry Boat or Vessel shall be navigated by an affixed Chain crossing the Bed of the River *Wear* without the previous Consent of the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

Admiralty  
may order  
local Sur-  
vey at Ex-  
pense of  
Company.

XXX. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Corporation, in, over, or affect-  
ing



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ing any tidal or navigable Water or River, or Access thereto, or of the intended Site thereof, the Corporation shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Corporation, and if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Corporation.

XXXI. If any Work to be constructed or altered by the Corporation in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

Works abandoned may be removed by Admiralty at Expense of Company.

XXXII. If the Works shown on the said Plans and Sections, and by this Act authorized to be made, shall not be completed within Seven Years from the passing of this Act, then, on the Expiration of such Period, the Powers by this Act granted to the Corporation for executing such Works shall cease to be exercised, except as to so much of such Works as shall then be completed: Provided always, that all the Powers of this Act, with reference to the Removal and Rebuilding of the Bridge, may be exercised by the Corporation at any Time after the Expiration of such Period in case the Bridge be at any Time destroyed, or become so dilapidated that its Removal is expedient.

Period for Completion of Works.

XXXIII. It shall be lawful for the Corporation, in addition to the Lands delineated on the said Plans, to purchase by Agreement, and hold any other Lands, not exceeding in the whole One Acre, which they think necessary for any of the Purposes of this Act.

Additional Lands may be purchased.

XXXIV. It shall be lawful for the Corporation from Time to Time, in or upon any Lands within the Limits of Deviation, to deposit and work Materials for building and repairing the Bridge, or the Landing Places for the Ferries, or the Approaches thereto, and to make any temporary Erections necessary for constructing or repairing the Bridge, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands in manner provided by "The Lands Clauses Consolidation Act, 1845."

Power to use Lands within Limits of Deviation for depositing Materials, &c.

XXXV. If



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Penalty for wilfully allowing Ships to come in contact with Bridge.

XXXV. If the Master or the Person having the Charge of any Vessel or Float of Timber shall wilfully or negligently allow such Vessel or Float of Timber to come in contact with the Bridge, or the Works connected therewith, such Master or Person shall be liable to a Penalty not exceeding Five Pounds for every such Offence, in addition to the Payment for any Damage occasioned to such Bridge.

Owner of Vessel to be answerable for Damage to Works.

XXXVI. The Owner of every Vessel or Float of Timber shall be answerable to the Corporation for any Damage done by such Vessel or Float of Timber, or by any Person employed about the same, to the Bridge, or the Works connected therewith, and the Master or Person having the Charge of such Vessel or Float of Timber through whose wilful Act or Negligence any such Damage is done shall also be liable to make good the same, and the Corporation may detain any such Vessel or Float of Timber until sufficient Security has been given for the Amount of Damage done by the same: Provided always, that nothing herein contained shall extend to impose any Liability for any such Damage upon the Owner of any Vessel, where such Vessel shall at the Time when such Damage is caused be in charge of a duly licensed Pilot, whom such Master or Owner is bound by Law to employ and put his Vessel in charge of.

As to the Recovery of Amount of Damage.

XXXVII. If the Amount claimed in respect of any such Damage as aforesaid does not exceed Fifty Pounds, such Damage shall be ascertained and the Amount thereof shall be recovered before Two Justices, and in addition to the Remedies hereby provided for the Recovery of the same, the Justices before whom the same are recovered may cause the Vessel or Float of Timber causing such Damage, and any Tackle or any Furniture thereof, to be distrained and kept until the Amount of Damage and Costs awarded by them is paid, and if the same be not paid within Seven Days after such Distress or Keeping, may cause the Property so distrained or kept, or any Part thereof, to be sold, and out of the Proceeds of such Sale may pay the Amount of Damages and Costs awarded by such Justices, and all the Charges incurred by the Distress, Keeping, and Sale of such Property.

Owner may recover Damages from his Servants.

XXXVIII. If the Owner of any Vessel or Float of Timber make Satisfaction for any such Damage as aforesaid, wilfully or negligently done by the Master or Person having charge of such Vessel or Float of Timber, or if the Owner of any Vessel or Goods in any other Case has been compelled to pay any Penalty or Costs by reason of any Act or Omission of any other Person, the Person who actually did such Damage or who committed such Offence shall repay to the Owner of such Vessel or such Goods the Amount of the Damage or Penalty and Costs, together with the Costs of the Proceedings to enforce such Repayment.

XXXIX. The



*The Wearmouth Bridge Act, 1857,*

XXXIX. The respective Companies supplying Gas and Water within the Borough of *Sunderland* may maintain, and from Time to Time renew, repair, and alter their existing Mains or Pipes across the said Bridge belonging to those respective Companies, and may substitute others in lieu thereof, provided the aggregate Weight of the Mains and Pipes belonging to each of the said Companies between the Two Abutments of the Bridge shall not at any One Time, except with the Consent of the Corporation, exceed the aggregate Weight of the existing Mains or Pipes of those respective Companies between such Abutments; but such Companies respectively shall not, without the Consent of the Corporation, lay down or place any additional Mains, Pipes, or other Works across the Bridge.

Existing Pipes over Wearmouth Bridge may be maintained, but no additional Pipes to be laid without Consent.

XL. It shall be lawful for the Corporation at any Time, and from Time to Time, when and as they may deem it expedient, to provide Funds for the Purposes of this Act, to cause to be erected and set up a Toll House at, upon, or near to either End of the Bridge, and from Time to Time to erect, provide, and maintain such Toll Gates, Posts, and other Conveniences near or adjoining to the said Toll House as the Corporation shall think proper; and any Tolls which the Corporation may order to be taken, not exceeding the respective Tolls following, shall or may be demanded and taken at either of the Toll Houses to be erected as aforesaid, by such Person or Persons as the Corporation shall from Time to Time appoint to receive the same; (that is to say,)

Power to erect Toll House, and to take Tolls at Bridge.

For every Horse or other Beast of Draught drawing any Carriage of any Description whatever, Sixpence :

For every Horse or other Beast, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, Tenpence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Swine, Sheep, or Lambs, Fivepence *per* Score, and so in proportion for any greater or less Number :

For every Truck or Barrow the Sum of One Penny, in addition to the Toll upon the Person wheeling or drawing the same :

For every Foot Passenger One Halfpenny :

Which said Tolls may be demanded and taken before any Person, or before any Horse, Beast, Cattle, Sheep, or Swine is permitted to pass over the said Bridge, and the same Tolls shall be vested in the Corporation for the Purposes of this Act.

XLI. In all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any Toll by this Act authorized to be collected, the Sum of One Halfpenny shall be taken in lieu of such fractional Part.

As to Fraction of a Halfpenny in Tolls.

[*Local.*]

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XLII. The



*The Wearmouth Bridge Act, 1857.*

Tolls to be charged equally.

XLII. The aforesaid Tolls shall at all Times be charged equally, and no Reduction, Exemption, or Advance in the said Tolls shall, either directly or indirectly, be made partially or in favour of or against any particular Person.

Exemption from Tolls.

XLIII. No Toll for passing over the Bridge shall be demanded or taken by virtue of this Act for Her Majesty or any of the Royal Family, or for any Persons, Horses, or Carriages attending Her Majesty or any of the Royal Family, or returning therefrom, or for any Policeman on Duty, or for Horses, Carts, or Waggon employed only in carrying or conveying any Vagrants sent by a legal Pass, or any Prisoner sent by a legal Warrant, or returning empty after having been so employed, or for any Person attending the same, or for any such Vagrants or Prisoners, or for any Horses or Carriages of whatever Description, or any Person employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same, or for any Officer of the Customs when in the Execution of his Duty, or for any Soldiers on their March or on Duty, or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses, or other Beasts, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers, or for any Person in charge of the same, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, or the Person in charge thereof, employed in conveying any Ordnance or Barrack, or Commissariat or other Public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, or for any Yeomanry Cavalry Man, or Volunteer Cavalry or Infantry, provided that such Person be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same,

every



*The Wearmouth Bridge Act, 1857.*

every such Person for every such Offence shall forfeit any Sum not exceeding Forty Shillings.

XLIV. A List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Corporation, shall be published by the same being painted upon One Toll Board or more, in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters upon Paper affixed to such Board, and such Board shall be exhibited at every Toll Gate where such Tolls shall be made payable.

List of Tolls to be exhibited on a Board.

XLV. No Tolls shall be demanded or taken by the Corporation during any Time at which the Board herein-before directed to be exhibited shall not be so exhibited.

Tolls to be taken only whilst Board exhibited.

XLVI. It shall be lawful for the Corporation from Time to Time to vary or reduce all or any of the Tolls hereby granted for such Time as they shall think proper, and again to raise or take the Tolls so varied or reduced, or any Part thereof, so that the same do not in any Case exceed the Tolls herein-before granted; and the Tolls so varied or reduced, or again raised, shall be collected and recovered in the same Manner as the Tolls hereby granted are authorized or directed to be collected and recovered.

Power to reduce and take off Tolls.

XLVII. If any Person subject to the Payment of the Tolls hereby made payable, or any of them, or any Person having charge of any Horse, Beast, Carriage, or Thing in respect of which Toll is payable under this Act, shall, after Demand made thereof by any Collector appointed to receive Toll, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector, by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, Cattle, Carriage, or Truck for or in respect of which such Tolls ought to have been paid, until full Payment thereof, or to seize and distrain any Horses or other Cattle or Beast, together with the Bridles, Saddles, Gears, Harness, and Accoutrements thereunto belonging, or any Carriage drawn by any such Horse, Cattle, or Beast, or any Article or Thing in or upon the same, or belonging to such Person; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels, or Things so seized or distrained, or any Part thereof, returning the Overplus, if any, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

Power to stop any Person refusing to pay Toll.

XLVIII. If



*The Wearmouth Bridge Act, 1857.*

Penalty for evading Toll.

XLVIII. If any Person shall wilfully evade the Payment of the said Tolls by any Means whatever, or shall forcibly pass along the said Bridge, or through any Toll Gate without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Persons taking off Horses or carrying Goods in order to avoid Payment of Tolls.

XLIX. If any Person shall unload, or cause to be unladen, any Grain, Goods, Wares, Merchandises, or other Thing whatsoever, or take off any Horse or Beast of Draught from any Coach, Waggon, Cart, or other Wheel Carriage within Two hundred Yards from either End of the Bridge, and carry or cause to be carried such Grain, Goods, Wares, Merchandises, or other Thing across the Bridge, either on Foot or on Horseback, or across the River *Wear* in a Boat or other Vessel, with an Intent to avoid any of the Tolls hereby granted or imposed, every Person so offending shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Penalty for conveying Articles, &c. across River in Boats within certain Limits.

L. If any Person not authorized by the Corporation, or their Lessee or Servant, shall employ or use any Boat, Barge, or other Craft in ferrying or conveying across the said River *Wear*, at any Place to the Eastward of the Landing Places now used for the Ferry Boat at *Southwick* Quay, or nearer to the Mouth of the Harbour of *Sunderland* than the same Landing Places are situated, any Grain, Merchandise, Persons, Cattle, or Carriages, or other Things whatsoever, for Hire or Gain, the Owner of every such Boat, Barge, or other Craft, or the Person employing or using the same, shall forfeit the Sum of Twenty Shillings for every Sack or Parcel of Grain, Parcel or Piece of Merchandise, and for every Person, Horse, Mule, Ass, Beast, Sheep, Swine, Calf, Lamb, Coach, Waggon, or other Carriage or Thing whatsoever so ferried or conveyed across the said River: Provided always, that such Owner or Person shall not be liable to any Penalty if he shall prove to the Satisfaction of the Justices before whom the Penalty is sought to be recovered that such Grain, Merchandise, Persons, Cattle, Carriages, or other Things were not ferried or conveyed across the said River for Hire or Gain.

No Penalty unless Articles conveyed for Hire.

For punishing Toll Collectors misbehaving.

LI. Every Collector of the Tolls by this Act granted shall place his Christian and Surname, painted on a Board in distinct and legible Characters, on some conspicuous Part of the Toll House or Toll Gate whereat he shall be on Duty immediately on his coming on Duty, and shall continue the same so placed during the whole of the Time he shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Toll than he shall be authorized to do by virtue of the Powers



*The Wearmouth Bridge Act, 1857.*

Powers of this Act and of the Orders of the Corporation made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person who shall have paid the legal Toll from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Horse, Beast, Cattle, Carriage, or any Person from passing upon or along the Bridge, then and in every such Case every such Collector shall forfeit any Sum not exceeding Five Pounds for every such Offence.

LII. If any Collector of Tolls or other Officer employed by the Corporation be discharged or suspended from his Office, or die or abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representative of any such Collector or other Officer refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Corporation, or to any Person appointed by them for that Purpose, any Dwelling House, Office, or other Building belonging to the Corporation, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Corporation in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then upon Application being made by the Corporation to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Corporation or any Person appointed by them for that Purpose.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

LIII. No Collector or Person renting the Tolls by this Act authorized to be taken in respect of the Bridge, or residing in any Toll House erected by the Corporation for the Purposes of such Collection, and no Apprentice or Servant of any such Collector or Person, shall thereby gain a Settlement in any Parish or Place whatsoever; and no Tolls to be taken at any Gate erected or to be erected by the Corporation, nor Toll House erected or to be erected for the Purpose of collecting the same, nor any Person in respect of such Tolls or Toll House shall be rated or assessed towards the Payment of any Poor's Rates, or any other public or parochial Levy whatsoever.

No Person to gain a Settlement by renting Tolls or Residence in Toll Houses.

LIV. The Corporation may demand, take, and recover all such Tolls and Sums of Money for the Use of the Ferries, or any of them, as the Corporation have by Custom, Prescription, or otherwise been accustomed to receive previous to the passing of this Act; and sub-

Corporation may take the accustomed Charges and other Tolls for Use of Ferries.

[*Local.*]

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*The Wearmouth Bridge Act, 1857.*

ject to such Tolls and Sums of Money, and to any Exemptions therefrom in force and allowed at the Time of the passing of this Act, the Corporation may, in respect of any Passenger, Animal, or Thing to which such accustomed Tolls or Sums of Money do not apply, demand, take, and recover for the Use of the Ferries, or any of them, all such and the same Tolls as they are by this Act authorized to take in respect of the Bridge: Provided always, that nothing herein contained shall subject any Officer of the Customs, when in the Execution of his Duty, to the Payment of any Toll for crossing or recrossing by any of the Ferries.

Corporation  
may appoint  
Collectors of  
Ferry Tolls.

LV. The Corporation may provide Toll Houses at the Ferries, or any of them, and may appoint Collectors, and all the Provisions hereinbefore contained with respect to the Tolls upon the Bridge, and the Collection thereof, and the Appointment, Powers, Duties, and Liabilities of Collectors of such Tolls, shall extend and apply to the Ferries; and all Persons using the Ferries, or any of them, shall be subject to the same Penalties for evading the Payment of Tolls or other Charges for the Use of any Ferry as are imposed by this Act with respect to the Bridge.

Power to re-  
duce Ferry  
Tolls.

LVI. It shall be lawful for the Corporation from Time to Time to reduce the said Tolls and Sums of Money, and again to raise the same to any Extent, not exceeding the Tolls and Sums which the Corporation may by Custom, Prescription, or otherwise have been accustomed to receive previous to the passing of this Act, or which they are authorized by this Act to take and receive.

Power to  
lease the  
Tolls.

LVII. It shall be lawful for the Corporation from Time to Time, by Lease to take effect in possession within Three Months from the letting thereof, to let the Tolls to be collected by virtue of this Act or otherwise in respect of the Bridge or Ferries, or any or either of them, to any Party for any Period not exceeding Seven Years from the Commencement of any such Lease: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls shall have been given by the Corporation by Advertisement at least Fourteen Days prior to the Meeting of the Council at which it shall be intended to let the Tolls.

Lessees to be  
deemed Col-  
lectors.

LVIII. During the Continuance of any such Lease, the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Power of collecting and recovering such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Corporation.

LIX. If



*The Wearmouth Bridge Act, 1857.*

LIX. If any such Lease shall have become void or voidable according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall have become payable, it shall be lawful for the Corporation to determine such Lease, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case the Corporation may again let the Tolls to the same or any other Person, or cause them to be collected, in the same Manner as if no such former Lease had been made relative thereto.

Power to determine Lease of Tolls.

LX. Upon the Determination of any such Lease it shall be lawful for any Justice, upon Application made by the Corporation, to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, or other Building, with the Appurtenances thereto, belonging to the Corporation, and remove from the same the Lessee or Collector, or other Person found therein, together with his Goods, and take possession thereof, and of the Property found therein belonging to the Corporation, and deliver the same to them or any Person appointed by them for that Purpose.

Lessees making default to be removed.

LXI. The Corporation may from Time to Time make such Byelaws as they think fit for regulating the Use of the Ferries, and the Number of Passengers to be conveyed in the Ferry Boats; and the Corporation may from Time to Time, as they shall think fit, repeal or alter any such Byelaws: Provided always, that such Byelaws shall not be repugnant to the Laws of *England*; and such Byelaws shall be reduced into Writing, and have affixed thereto the Common Seal of the Corporation, and if affecting other Persons than the Officers and Servants of the Corporation, shall be confirmed and published as provided by the Provisions of the Harbours, Docks, and Piers Clauses Act incorporated with this Act.

Byelaws may be made as to Use of Ferries, &c.

LXII. The Sections of the Harbours, Docks, and Piers Clauses Act, 1847, numbered 84, 85, 86, 87, 88, 89, and 90 respectively, are incorporated with this Act, and shall be applicable to the Byelaws by this Act authorized to be made respecting the Ferries; and the Expression "the Undertakers" in that Act shall for the Purposes of this Act mean the Corporation, and "the Harbour, Dock, and Pier" shall for the Purposes of this Act mean "the Ferries."

10 & 11 Vict. c. 27. incorporated.

LXIII. In addition to the Money which the Corporation have borrowed or may borrow under the Act of 1851, or which may be due and

Money may be borrowed on Security of Tolls.



*The Wearmouth Bridge Act, 1857.*

and owing by the Corporation under the Provisions of such Act, they may from Time to Time and at any Time hereafter borrow at Interest, on Mortgage on the Security of the Tolls and Sums of Money payable to them in respect of the Bridge and in respect of the Ferries, or any of such Tolls and Sums of Money, any Sums of Money they may require for any of the Purposes of this Act, not exceeding in the whole the Sum of One hundred thousand Pounds, whereof a Sum not exceeding Eighty thousand Pounds shall be applicable to the Purposes of the Bridge, and a Sum not exceeding Twenty thousand Pounds to the Purposes of the Ferries; and after having paid off any Money so borrowed, except by means of the Sinking Funds, they may reborrow the Amount so paid off, and so *toties quoties*.

Part of  
10 & 11 Vict.  
c. 16. incor-  
porated.

LXIV. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are incorporated with this Act.

Application  
of Money  
raised.

LXV. The Money raised under the Authority of this Act by Mortgage shall be applied in the Repair and Improvement of the Bridge and Approaches, or the Erection of a new Bridge, and in the Improvement of the Ferries, and the making of the new Works connected therewith, and in otherwise carrying the Purposes of this Act into execution in connexion with the Bridge and Ferries.

Corporation  
to keep dis-  
tinct Ac-  
counts of Re-  
ceipts and  
Payments  
under Act.

LXVI. The Corporation shall keep proper Accounts of all their Receipts, Credits, Payments, and Liabilities with respect to the Execution of this Act; and in order the better to show the State of the Affairs respecting the Bridge and Ferries, those Accounts shall be kept separate and distinct from all their other Accounts; and from and after the Commencement of the Receipt of Tolls in respect of the Bridge, the Corporation shall keep the Accounts of the Ferries separate and distinct from those of the Bridge, and shall place all Moneys received and expended under the Powers of this Act to the Credit or Debit of those Accounts in respect of which such Monies have been received or paid.

Application  
of Moneys  
standing to  
the Wear-  
mouth  
Bridge Ac-  
count.

LXVII. All Moneys standing to the *Wearmouth Bridge Account*, and received in respect of the Bridge and Ferries, and carried to that Account, shall, until the Corporation shall keep the Accounts of the Ferries separate and distinct from those of the Bridge, be applied in the Repair and Maintenance of the Bridge, and in the Maintenance, Management, and working of the Ferries, and in carrying the Purposes of this Act into execution in relation to such Bridge and Ferries.

Application  
of Moneys  
received  
from Bridge.

LXVIII. When and after the Corporation shall keep such separate Accounts of the Bridge and Ferries as aforesaid, all Moneys received

on



*The Wearmouth Bridge Act, 1857.*

on account of the Tolls and Sums of Money in respect of the Bridge shall be applied in Payment of the Interest of such Portion of the Money raised under the Authority of this Act by Mortgage as shall be applied in the Repair and Improvement of the Bridge and Approaches, or the Erection of a new Bridge, and in otherwise carrying the Purposes of this Act into execution in connexion with the Bridge, and in the Repair and Maintenance of the Bridge, and in carrying the Purposes of this Act into execution in relation to such Bridge, and in forming the Sinking Fund for Repayment of the Portion of the Money borrowed as aforesaid in respect of the Bridge; and after such Repayment any Surplus shall be allowed to accumulate at Compound Interest, and shall form a Reserve Fund for the Purposes of the Bridge herein-after mentioned.

LXIX. When and after the Corporation shall keep such separate Accounts of the Bridge and Ferries as aforesaid, all Moneys received on account of the Tolls and Sums of Money in respect of the Ferries shall be applied in Payment of the Interest of such Portion of the Money raised under the Authority of this Act as shall be applied in the Improvement of the Ferries, and the making of the new Works connected therewith, and in otherwise carrying the Purposes of this Act into execution in connexion with the Ferries, and in the Maintenance, Management, and Working of the Ferries, and in carrying the Purposes of this Act into execution in relation to such Ferries, and in forming the Sinking Fund for Repayment of the Portion of the Money borrowed as aforesaid in respect of the Ferries; and after such Repayment any Surplus shall be allowed to accumulate at Compound Interest, and shall form a Reserve Fund for the Purposes of the Ferries herein-after mentioned.

Application  
of Moneys  
received  
from Ferries.

LXX. When and so soon as the Accumulations arising from the Tolls and Sums of Money in respect of the Bridge, and carried to the Bridge Reserve Fund, amount to the Sum of Five thousand Pounds, the Corporation shall apply the Interest arising from such Money in the Repair and Maintenance of the Bridge; and so long as such Interest shall (either alone or together with any other Money which the Corporation may now or may hereafter be authorized to apply towards such Repair and Maintenance from the General Improvement Fund of the Borough, or any other Fund under their Control) be sufficient for such Repair and Maintenance, the Corporation shall allow the Bridge to be used Toll-free; and when and so soon as the Accumulations arising from the Tolls and Sums of Money in respect of the Ferries, and carried to the Ferries Reserved. Fund, amount to the Sum of Ten thousand Pounds, the Corporation shall apply the Interest arising from such Money in the Maintenance, Management, and Working of the Ferries; and so long as such Interest shall (alone

When the  
Bridge to be  
Toll-free.

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*The Wearmouth Bridge Act, 1857.*

or together with any other Money which the Corporation may now or hereafter be authorized to apply towards such Maintenance, Management, or Working from the General Improvement Fund of the Borough, or any other Fund under their Control) be sufficient for such Maintenance, Management, and working, the Corporation shall maintain, manage, and work the Ferries Toll-free, and permit the same to be used Toll-free.

Application  
of Reserve  
Fund.

LXXI. The Money carried to the Bridge Reserved Fund shall be applicable to any extraordinary Expenses and Repairs of the Bridge, and if after having taken off the Tolls upon the Bridge the Corporation shall find it necessary, by reason of any such extraordinary Expenses and Repairs, again to take the Tolls upon the Bridge, it shall be lawful for the Corporation, subject to the Provisions and Restrictions of this Act, again and from Time to Time to demand and take the Tolls in respect of the Bridge; and the Money carried to the Ferries Reserved Fund shall be applicable to any extraordinary Expenses of Maintenance and Management, Working and Repairs of the Ferries, and if after having taken off the Tolls upon the Ferries, or any of them, the Corporation shall find it necessary, by reason of any such extraordinary Expenses and Repairs, again to take the Tolls upon the Ferries or any of them, it shall be lawful for the Corporation, subject to the Provisions and Restrictions of this Act, again from Time to Time to demand and take the Tolls in respect of the Ferries or any of them.

Investment  
of the re-  
served  
Funds.

LXXII. The Moneys from Time to Time forming the respective Reserved Funds shall from Time to Time be invested by the Corporation in the Name of such Persons as the Corporation shall appoint in that Behalf, in the Purchase of Exchequer Bills or in Government or Real Securities.

Recovery of  
Damages  
and Penal-  
ties.

LXXIII. The Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and "with respect to the Settlement of Disputes by Arbitration," shall be incorporated with and form Part of this Act, and such Clauses shall for the Purposes of this Act be construed as if the Words "Bridge and Ferries" had been used therein instead of the Word "Railway."

Powers of  
the Act for  
the Preser-  
vation of  
River Wear  
saved.

LXXIV. Nothing in this Act shall invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, Trusts, or Authorities which by an Act of Parliament passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth are vested in Commissioners for the better Preservation and Improvement of the said  
River



*The Wearmouth Bridge Act, 1857.*

River *Wear*, and the Port and Haven of *Sunderland* in the County Palatine of *Durham*, except only that no such Rights, Powers, Trusts, or Authorities shall be exercised so as to prevent or interrupt the Execution of the Purposes of this Act.

LXXV. Nothing in this Act contained shall extend or be construed to extend to take away, destroy, alter, defeat, prejudice, or lessen any Right or Privilege which Sir *Hedworth Williamson* Baronet, his Lessees, Tenants, or Assigns, have or are entitled to in the said Ferry called *Sunderland Ferry*, or any Right or Passage therein, in respect of the Cell or Manor of *Monk Wearmouth* in the said County of *Durham*, or of any Messuages, Lands, Tenements, or Hereditaments, Parcel of or belonging to the same, but that all and every such Rights and Privileges shall from henceforth and at all Times hereafter continue and remain in, and shall and may be enjoyed by, the said Sir *Hedworth Williamson*, and all and every other Persons or Person who may at any Time or Times hereafter be the Owner or Owners of the same Cell or Manor of *Monk Wearmouth*, or of any Messuages, Lands, Tenements, or Hereditaments, Parcel of and belonging to the same, and his and their respective Heirs, Lessees, Tenants, or Assigns, in as full and ample a Manner as the same have heretofore been used or enjoyed, in pursuance of a certain Instrument or Award duly executed, under the Hands and Seals of Sir *Robert Eden*, Sir *William Blackett*, and Sir *William Hustler*, Baronets, bearing Date the Twenty-fifth Day of *March* One thousand seven hundred and ten, and enrolled in the Court of Chancery or Court of Pleas at *Durham*: Provided always, that the Corporation shall, so far as they were liable previous to the passing of this Act, maintain the said Ferry, with a proper Boat and Attendance thereupon, for the Use of the said Cell or Manor aforesaid upon the Terms settled in the said Award.

Saving Rights of Sir H. Williamson in *Sunderland Ferry*.

LXXVI. Nothing in this Act contained shall extend or be construed to extend to take away, destroy, alter, defeat, prejudice, or lessen any Right of Passage which the Tenants or Occupiers of certain Farms and Houses in the Townships of *Monk Wearmouth*, *Southwick*, and *Fullwell*, in the Parish of *Monk Wearmouth* aforesaid, have or are entitled to over the said Ferry called *Sunderland Ferry*, in right of their respective Farms and Houses, such Tenants or Occupiers paying for their Passage over the same Ferry such annual or yearly Payments as they have heretofore been accustomed to pay.

Saving Rights annexed to certain Farms and Houses in *Monk Wearmouth*, *Southwick*, and *Fullwell*.

LXXVII. Provided always, That if any Person shall claim and take the Benefit of any of the Rights or Privileges aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Penalty on Persons illegally taking the Benefit thereof.

LXXVIII. Nothing



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*The Wearmouth Bridge Act, 1857.*

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Saving  
Rights of  
the Crown.

LXXVIII. Nothing whatsoever contained in this Act, or in any of Acts herein recited or referred to, shall extend to authorize the said Corporation to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of  
Act.

LXXIX. The Costs, Charges, and Expenses incident to and attending the applying for, obtaining, and passing of this Act shall be paid by the Corporation out of "*Wearmouth Bridge Account*," or out of the Moneys received by them for the Purposes of this Act.

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