ANNO PRIMO

GEORGII IV. REGIS.

Cap. V.

An Act for repealing an Act of His late Majesty's Reign, for making a Harbour in the Cove of *Beer*, in the County of *Devon*, and for granting more effectual Powers for effecting the Purpose aforesaid. [22d *June* 1820.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making a Harbour in the Cove of* Beer, *in the County of* Devon: And whereas the Commissioners named in and appointed by the said recited Act are all dead (except Two) without having elected or appointed any other Persons to act as Commissioners to put the said Act into Execution; and no Meetings have been held, nor any Proceedings had, in order to carry the Powers and Provisions of the said recited Act into Execution: And whereas a safe and commodious Harbour for Ships, Boats, and other Vessels may be made within the said Cove: And whereas the Right Honourable *John* Lord *Rolle* is Lord of the Manor of *Beer*, in the Parish of *Seaton* and *Beer*, in the said County, and is the Owner or Proprietor of the greater Part of the Lands and Estates within the said Manor and Tithing of *Beer*: And whereas the completing of the said Harbour would be of great Benefit to all Persons employed in the Coasting Trade, and in the Fisheries carried on at the said Cove, as well as at *Brixham* and other Places along the Coast of the said County, and for the Inland Trade and Navigation into the adjacent Counties of *Dorset* and *Somerset*, 32 G. 3. c. 92.

Somerset, and would in other respects be of great public Utility: And whereas the said *John* Lord *Rolle* is willing and desirous at his own Expence to complete the said Harbour, on being paid a reasonable Sum of Money, by way of Tonnage, on all Ships, Boats, and Vessels frequenting the said Harbour, and Duties on Coal, Culm, or Cinders, and Corn, Grain, Goods, Wares, and Merchandizes; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas it is expedient that the said Act should be repealed, and that more effectual Powers should be granted for effecting the Purposes aforesaid: May it therefore please Your Majesty that it may be enacted; and be it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 the said recited Act, passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and that this Act shall from and after the passing hereof commence, take place, and be put in Execution instead thereof.

Recited Act repealed.

Commissioners appointed.

II. And be it further enacted, That the Lord of the said Manor of *Beer* for the Time being, the Vicar of *Seaton* and *Beer* for the Time being, together with *William Tucker*, *Benjamin Bowden Dickinson*, *Thomas Stevens*, *William Hanning*, and the Reverend *John Moore*, shall be and are hereby appointed Commissioners for putting this Act in Execution; and it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, by Contract or otherwise, to cause a Pier to be erected within the said Cove, in such Place, and of such Construction and Dimensions as they shall think proper, and to make or cause to be made such convenient Ways and Approaches to and from the same as they shall judge necessary, and also to cause to be done such other Works, Matters, and Things as they shall judge necessary or expedient, for the Purpose of making a safe and commodious Harbour within the said Cove; and every Contract to be made for the Purposes aforesaid shall be binding upon the said Commissioners, and also upon the Person or Persons contracting to perform any of the Works aforesaid; and in case any such Works shall not be well and sufficiently done and performed, according to such Contract, the said Commissioners, or any Three or more of them, may cause an Action to be brought in any of His Majesty's Courts of Law in the Name of any one of them, or of their Clerk or Surveyor, against any such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damage sustained by reason of the Non-performance thereof.

Power to appoint additional Number of Commissioners.

III. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, at their First Meeting to be holden in pursuance of this Act, to elect any additional Number of fit and proper Persons, not exceeding Ten in the whole, to be Commissioners for the Purposes of this Act; and such Commissioners so elected shall be and are hereby vested with the same Powers and Authorities for executing this Act, as if they had been named and appointed Commissioners in and by this Act.

IV. And

Appointing new Commissioners.

IV. And be it further enacted, That when and as often as any of the said Commissioners shall die, or remove out of the Counties of *Devon*, *Dorset*, or *Somerset*, or become incapable of acting as Commissioners in the Execution of this Act, the surviving or remaining Commissioners, or any Three or more of them, shall and may at any Time, at a Meeting called for that Purpose, elect and appoint other fit and proper Persons, residing in one of the said Counties of *Devon*, *Dorset*, or *Somerset*, to be Commissioners in the Room of such Commissioners as have died, removed, declined to act, or become incapable of acting for the County where any Vacancy shall happen; and every Commissioner so elected and apppointed shall have the like Power to act in the Execution of this Act as the Commissioner in whose Room he shall have been elected and appointed as aforesaid was authorized by this Act to do; and the said Commissioners, or any Three or more of them, shall from Time to Time meet at such Places as they shall think proper for executing the Powers hereby vested in them, Fourteen Days previous Notice of every such Meeting being given in some public Newspaper printed or circulated in the City of *Exeter*, or in the County of *Devon* (Meetings by Adjournment only excepted); and the said Commissioners shall at all their Meetings defray their own Expences.

Qualification of Commissioners.

V. Provided always, and be it further enacted, That no Person who shall hereafter be elected and appointed a Commissioner by virtue of this Act, shall be capable of acting as such, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate within one of the Counties of *Devon*, *Dorset*, or *Somerset*, of the clear yearly Value of Thirty Pounds, being Freehold, or of the clear yearly Value of Sixty Pounds, being Leasehold, for one or more Life or Lives, or for a Term of Years determinable on a Life or Lives, or shall reside within the said County, and be possessed of or entitled unto a Personal Estate, or Real and Personal Estate together, of the Amount or Value of Two hundred Pounds; and if any Person who shall hereafter be elected and appointed a Commissioner as aforesaid shall act as such in the Execution of this Act, not having such Qualification as aforesaid, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being made of his having acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

Commissioners to appoint Officers and enter

VI. And be it further enacted, That the said Commissioners, or any Three or more of them, shall and may from Time to Time, by Writing under their Hands, appoint a Treasurer and Clerk, and a Collector of the said Duties, and also a Surveyor of the said Works, and may from Time to Time remove all

their Proceedings and Accounts.

all or any of the said Officers at their Will and Pleasure; and out of the Money arising by virtue of this Act shall pay such Salaries or other Allowances to the said Officers, or any other Person or Persons employed in or about the Execution of this Act, as they shall judge reasonable and proper; and the said Commissioners shall and are hereby required to take such Security from every such Treasurer and Collector, for the due Execution of their respective Offices, as they shall think proper; and that all Orders and Proceedings of the said Commissioners, or any Three or more of them, shall be entered in a Book to be kept for that Purpose by their said Clerk, and every such Entry being signed by the said Commissioners, or any Three or more of them, shall and may be produced and read in Evidence in all Courts whatsoever; and such Book shall at all seasonable Times be open to the Inspection and Perusal of any Persons being Creditors upon or liable to the Payment of such Duties, paying for such Inspection the Sum of One Shilling; and such Persons may take Copies thereof or Extracts therefrom, paying for such Copies or Extracts after the Rate of Sixpence for every One hundred Words.

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

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Duties hereby granted, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Clerk restrained from acting as Treasurer, and vice versa.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

IX. And

To prevent injuring the Works.

IX. And for preventing any Injury being done to the said Pier, or to Ships and other Vessels within the said Harbour, be it further enacted, That any Person to be appointed by the said Commissioners, or any Three or more of them, by Writing under their Hands, shall and may and he is hereby authorized and empowered from Time to Time to order and require all Persons having the Care, Command, or Rule of any Ship, Boat, or other Vessel entering into or being within the said Harbour, to lie, anchor, and moor such Ship, Boat, or other Vessel in such Place or Places within the said Harbour, and in such Manner as the Person so appointed shall from Time to Time order and direct, so that no undue Preference shall be given to any Person in the mooring or removing any Ship, Boat, or Vessel upon any Pretence whatsoever; and in case any Person having the Care, Command, or Rule of any such Ship, Boat, or Vessel shall wilfully lie, anchor, or moor any Ship, Boat, or Vessel contrary to the Orders and Directions of the Person so appointed as aforesaid, or if any Person shall empty or throw any Stones, Ballast, Earth or Rubbish, or any other Thing into any Part of the said Harbour, to the Prejudice thereof, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Person (other than the Lord of the said Manor for the Time being) shall take away any Ballast, Shingle, or Stones from the said Harbour, (without the Consent of the said Commissioners, or any Three or more of them, or their Surveyor), every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to collect certain Duties.

X. And, in order to defray the Expence of building the said Pier, and of doing and performing the several other Works aforesaid, and of maintaining and supporting the same, be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, or such Person or Persons as they shall for that Purpose appoint, to ask, demand, take, and receive from Time to Time, for all Ships, Boats, and other Vessels which shall come into or make use of the said Harbour, or shall lie at Anchor within the Distance of One Mile from the said Pier, and for the Lading thereof, the respective Duties following; (that is to say),

Duties.

For every such Ship, Boat, or other Vessel, whether laden or unladen, belonging to any of His Majesty's Subjects (except Boats employed in the Fishery carried on by the Tenants of the Lord of the Manor of *Beer*, within the said Tything of *Beer*, or coming into the said Harbour with Fish for Sale), any Sum not exceeding Five Shillings *per* Ton, according to the Burthen of such Ship, Boat, or other Vessel:

For every Ton of Goods, Wares, or Merchandize, (except the Coal, Culm, or Cinders *bona fide* used for the burning of Lime at the Kilns of the aforesaid Lord of the Manor of *Beer*, and the Stone raised within the said Manor belonging to the Lord of the said Manor) which shall be brought into or carried out of the said Harbour by any Ship, Boat, or other Vessel belonging to any of His Majesty's Subjects, (reckoning for Household Furniture Forty Feet to a Ton), any Sum not exceeding Five Shillings; and by any Ship, Boat, or other Vessel not belonging to any of His Majesty's Subjects, any Sum not exceeding Six Shillings:

For every Last of Corn, Grain, or Malt, that shall be brought into or carried out of the said Harbour by any Ship, Boat, or other Vessel belonging to any of His Majesty's Subjects, any Sum not exceeding Five Shillings; and by any Ship, Boat, or other Vessel not belonging to any of His Majesty's Subjects, any Sum not exceeding Six Shillings:

For every Boat or other Vessel belonging to any of the Tenants of the Lord of the Manor of *Beer*, and employed solely in the Fishery carried on by the Tenants within the said Manor, not being more than Ten Tons Burthen, any Sum not exceeding One Pound annually, and being of more than Ten Tons Burthen, any Sum not exceeding Two Pounds; and every other Vessel with Fish for Sale, not belonging to any of the Tenants of the Manor of *Beer*, being not more than Ten Tons Burthen, not exceeding Two Pounds annually; and being of more than Ten Tons, not exceeding Four Pounds *per* Ton:

And for all Boats and Vessels not belonging to His Majesty's Subjects any Sum not exceeding Double the Sums, according to their Tonnage:

For every Chaldron of Coal, Culm, or Cinders, which shall be brought into the said Harbour, any Sum not exceeding Five Shillings, if not used in burning Lime in the Kilns of the Lord of the Manor as before excepted.

For ascertaining the Duties.

XI. And, for the better ascertaining the said Duties, be it further enacted, That in case any Collector of the said Duties to be appointed by virtue of this Act, and the Master or other Person having Charge or Command of any Ship, Boat, or other Vessel, in respect whereof any of the said Duties are made payable, cannot agree as to the Amount of the Tonnage of such Ship, Boat, or other Vessel, it shall and may be lawful for such Collector, or any other Person authorized so to do by the said Commissioners, or any Three or more of them, at any seasonable Time to enter into such Ship, Boat, or other Vessel, and measure the same in such Manner as he shall think proper; and if any such Master or any other Person shall obstruct or hinder the measuring any such Ship, Boat, or other Vessel as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the Number of Tons of every Ship, Boat, or Vessel so to be measured as aforesaid, shall be ascertained in the Manner and according to the Directions of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Encouragement of Shipping and Navigation.*

Duties vested in the Commissioners.

XII. And be it further enacted, That the several Duties herein-before granted shall be and are hereby vested in the said Commissioners for the Time being; and it shall be lawful for any Collector of the said Duties to go on board any Ship, Boat, or other Vessel, in respect of which, or the Lading or Cargo thereof, any of the said Duties are made payable, and to demand, collect, and receive the said Duties; and in case of Non-payment thereof, upon Demand made on board such Ship, Boat, or other Vessel, or otherwise to take and distrain any such Ship, Boat, or other Vessel, and all the Tackle, Apparel, and Furniture thereunto belonging, or the Lading thereof, or any Part thereof respectively, and the same to detain and keep until full Payment shall be made of the said Duties; and in case of Neglect or Delay in the Payment of any of the said Duties for Five Days after any such Distress made, such Collector may cause such Ship, Boat, or other Vessel, or such Tackle, Apparel, and Furniture, or Lading so distrained, or any Part thereof, to be appraised and sold for Payment of the Duties so neglected or delayed to be paid, and for which such Distress shall be so made as aforesaid, rendering to the Master or other Person having the Rule or Command of such Ship, Boat, or Vessel, the Overplus (if any) on Demand, after deducting the reasonable Charges attending such Distress and Sale.

For settling Disputes concerning the Duties.

XIII. And be it further enacted, That if any Dispute shall happen about the Amount of the said Duties, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector of the said Duties, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Duties due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Duties due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Party or Parties directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Exemptions for Vessels in His Majesty's Service, and others.

XIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise, or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour for the Use of the Navy or Army, or to any Yachts or Pleasure Boats, or other Vessels belonging to His Majesty, or any other Member of the Royal Family, or any Vessel or Boat under the Burthen of Ten Tons employed solely in Fishing, by any Person or Persons whomsoever; nevertheless the Captain or Master of every such Ship, Vessel, or Boat shall be answerable for all Damage done by such Ship, Vessel, or Boat, or by the Mariners or others on board the same, to the Harbour, Wharfs, or Works, or the Machinery or Tackle connected therewith, or to the Shipping therein, with full Costs of Suit.

For borrowing Money.

XV. And, for the more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Duties herein-before granted, (so that no greater Sum than Twenty thousand Pounds shall be due and owing upon the Credit of the said Duties at any one Time), and by Writing under their Hands and Seals to mortgage or assign over the said Duties, or any Part thereof, to the Person or Persons who shall advance and lend such Money, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Assignment may be in the Form or to the Effect following; (that is to say),

WE

Form of Mortgage.

'WE, of the Commissioners appointed to put in Execution an Act of Parliament, passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act*, &c. [*here set forth the Title of this Act*] do by these Presents, by virtue of the said Act, and in consideration of the Sum of advanced and lent to us by *A. B.* upon the Credit and for the Purposes of the said Act, grant and assign unto the said *A. B.* his Executors, Administrators, and Assigns, the Duties arising by virtue of the said Act, or such Proportion thereof as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act; to be holden from this Day of until the said Sum of with Interest at *per Centum* *per Annum* for the same, to be paid Half-yearly, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this Day of in the Year of our Lord .'

For transferring Assignments.

And it shall be lawful for any Person or Persons entitled to any of the Securities for the Money borrowed as aforesaid, by Writing under his or their Hand and Seal, or Hands and Seals, indorsed thereon, to transfer the same to any Person or Persons, in the Form or to the Effect following; (that is to say),

Form of Assignment.

'I *A. B.* do hereby asssign the within Mortgage, and all my Right and Title in and to the Principal Money, and Interest thereby secured, unto *C. D.* his Executors, Administrators, and Assigns. Dated the Day of .'

And a Copy of every Security or Assignment, together with an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and shall have Liberty to inspect the same without Fee or Reward; and for entering every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Five Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof whatsoever; and all Persons to whom such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Duties, equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

Directing how the Money shall be applied.

XVI. And be it further enacted, That all the Money arising by the said Duties, and which shall be borrowed on the Credit thereof, shall (after paying thereout the Charges and Expences incurred preparatory to and in obtaining and passing this Act) be applied in defraying the Expences of erecting the said Pier, and supporting and maintaining the same, and doing and performing all such other Works as the said Commissioners, or any

any Three or more of them, shall think necessary to be done and performed for rendering the said Cove a safe and commodious Harbour for Ships, Boats, and other Vessels, and in paying the Interest of the Money to be borrowed as aforesaid, and for the several other Purposes of this Act.

Power to reduce the Duties.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them (with the Consent of the Persons entitled to Three-fourth Parts of the Money which for the Time being shall be due and owing upon the Credit of the said Duties) to reduce and lessen the said Duties by this Act granted, or such of them, or such Part or Parts thereof, as they shall think fit, and for such Time and Times as they shall think proper, and at any Time or Times afterwards to advance and raise the said Duties again, or any of them, or any Part or Parts thereof, to any Sum or Sums of Money not exceeding the respective Sums herein-before granted; and any such Collector as aforesaid shall have the like Power of levying and recovering the said Duties so reduced and lessened, or advanced again, or any of them, or any Part thereof, as is herein-before given for levying and recovering the Duties herein-before granted; but no Alteration shall at any Time be made in the said Duties, unless Twenty-one Days Notice thereof shall be given Three Times in some Public Newspaper printed or circulated in the City of *Exeter*, or in the County of *Devon*.

Recovery of Fines, Forfeitures and Penalties.

XVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted or imposed by this Act (the Manner of levying and recovery whereof is not otherwise particularly directed) may in case of Non-payment thereof be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the said County of *Devon*, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Twenty-one Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the

Peace for the said County, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of the said County, there to remain without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties, and Forfeitures, when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Form of Conviction.

XIX. And be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

'BE it remembered, That on the Day of
to wit. in the Year of our Lord is
convicted before me, One of His Majesty's Justices of the Peace for the
County of [*here specify the Offence, and the Time and Place when and where committed, as the Case may be.*] Given under my
Hand and Seal, the Day and Year first above written.'

Proceedings not to be quashed for want of Form.

XX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form only, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary notwithstanding.

Distress not unlawful for want of Form.

XXI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Allowing an Appeal.

XXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices at any General Quarter Session of the Peace to be holden for the County or Place where the Cause of Complaint shall arise, and within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Commissioners, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with

Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizances, shall hear and determine the Cause and Matter of such Appeal, and award such Costs to the Party appealed against as they shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive.

Limitation of Actions.

XXIII. And be it further enacted, That no Action shall be brought against any Person or Persons, for any thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Treasurer to the said Commissioners, or after a sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, or after Three Calendar Months from the Time the Fact was committed; and every such Action shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or such Action shall be commenced after the Time before limited for bringing the same, or without Notice given, or after a sufficient Tender of Amends as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be non-suited, or discontinue his Action after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Reserving certain Rates now payable to the Lord of the Manor.

XXIV. And whereas the Lord of the said Manor is entitled to collect and receive for his own Use several ancient Rates or Dues for all Ships, Boats, and Vessels coming into the said Cove of *Beer*; be it therefore further enacted and declared, That nothing in this Act shall extend to take away or lessen the said ancient Rates or Dues payable to the Lord of the said Manor, but that the present and every succeeding Lord of the said Manor shall collect, receive, and take, to and for his own proper Use and Benefit, such ancient Rates or Dues for or in respect of all Ships, Boats, and other Vessels coming into the said Cove, as he would have been entitled to in case this Act had not been made.

Saving of Rights to the Mayor and Commonalty of Exeter.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall take away, lessen, or affect any of the Rates or Dues which before the passing of this Act were due or payable to the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, for or in respect of any Ships, Boats, or other Vessels coming into the said Cove of *Beer*, but that all such Rates and Dues shall remain payable to the said Mayor, Bailiffs, and Commonalty, in like Manner as they would have been in case this Act had not been made.

Declaring when the Harbour

XXVI. And be it further enacted, That when and as soon as the said Commissioners, or any Three or more of them, shall have laid out and expended

shall be completed, &c.

expended the Sum of Ten thousand Pounds in the Improvement of the said Pier or Harbour, and when and as soon as the same shall be so far completed as to admit or allow Ships or other Vessels of the Burthen of Fifty Tons to load or unload their Cargoes within the said Pier or Harbour with Safety, and when and as soon as the same shall be certified by any Two Justices of the Peace for the said County of *Devon*, in Writing under their Hands and Seals, to His Majesty's Justices of the Peace assembled at some General Quarter Sessions of the Peace to be holden in and for the said County, that they the said Two Justices have viewed the said Pier or Harbour, and examined the Accounts of the Sums of Money paid, laid out, and disbursed in making and improving the same, such Accounts having been duly verified before them; and it appearing to them that the said Sum of Ten thousand Pounds hath been so laid out as aforesaid, and that the said Pier or Harbour hath been so far completed as to admit Ships and Vessels of the Burthen aforesaid to come within the same, then, from and immediately after such Certificate shall have been delivered to the said Justices at such Sessions, it shall be lawful for the Justices at the said Sessions, if they shall think proper, to make an Order that the said Rates and Duties shall and may be demanded and taken, and thereupon all and every the Rates and Duties by this Act granted shall from thenceforth be demanded and taken accordingly.

Powers of this Act to cease, if Works not completed within a limited Time.

XXVII. Provided always, and be it further enacted, That in case the Works hereby authorized to be made and completed shall not have been completed within the Space of Thirty Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to such or so much of the said Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted, and such Agreements as shall have been made in pursuance of the Powers by this Act granted.

Public Act.

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

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