ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxxiv.

An Act for equalizing, defining, and regulating the Petty Customs, and for facilitating the Collection thereof and of the Quay Dues payable to the Mayor, Aldermen, and Burgesses of the City and Borough of *Exeter*, and for preserving the Navigation of the River *Exe*.

[19th *June* 1840.]

WHEREAS the Mayor, Aldermen, and Burgesses of the City and Borough of *Exeter* are seised of and entitled to certain Petty Customs, Duties, or Sums of Money commonly called the Town Dues, payable in respect of certain Goods, Wares, and Merchandizes (being the Property of Persons not free of the said City of *Exeter*, or otherwise legally exempted from the Payment thereof,) imported into the Port of *Exeter*, or certain Parts thereof, from Foreign Parts beyond the Seas, and imported or brought to the said Port of *Exeter*, or certain Parts thereof, Coastwise or along the Coasts of *Great Britain*: And whereas the said Mayor, Aldermen, and Burgesses are also entitled to certain Quay Dues payable on certain Goods landed at the Quay of the City of *Exeter*, and at the Quay of the Town of *Topsham*, in the County of *Devon*; and it is expedient that the said Petty Customs or Town Dues should be altered, modified,

and regulated in the Manner herein-after mentioned, and that Powers should be given for facilitating the Collection and Recovery of the said Town Dues and Quay Dues as herein-after contained: And whereas by an Act passed in the Thirty-first Year of the Reign of His
31 H. 8. c. 4. Majesty King *Henry* the Eighth, intituled *An Act for the mending of the Ryver of* Exeter, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, the Predecessors of the said Mayor, Aldermen, and Burgesses, and their Successors, are empowered to "pluck down, digg, moyne, breke, bank, and cast up all and all manner of Weyres, Rocks, Sands, Gravel, and other Letts and Noysances whatsoever they be, in the River of *Exe*, and also in other Places and Grounde convenient and necessarie for the same whose soever they be, lying betweene the City of *Exeter* and the High Sea, and further to do and make all other Things requisite and necessarie, whereby Shippes, Boats, and Vessels may have their sure Course and Recourse in the said River to and from the said City, and there to charge and discharge their Goods and Merchandizes, without Let or Disturbance of any Person or Persons;" and it is expedient that the Powers of the said Act should be amended and enlarged: 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, That from and after the passing of this Act the said Petty Customs, Duties, or Sums of Money called "the Town Dues," as the same have been heretofore payable, shall (except as to any Petty Customs, Duties, or Sums of Money called Town Dues, if any, payable to the said Mayor, Aldermen, and Burgesses, in respect of any Cargoes, Goods, Wares, or Merchandize brought or imported into any Creeks or Harbours, Place or Places outside or beyond the Entrance of the River *Exe* from the Sea, commencing at a Place or Rock called the *Cheek Stone Rock*,) cease and be no longer payable, but that in lieu thereof the several Tolls, Duties, and Sums of Money set forth in the Schedule to this Act annexed shall be and the same are hereby substituted, and the same shall be and are hereby declared to be henceforth payable to the said Mayor, Aldermen, and Burgesses.

The present Town Dues to cease, and others to be substituted.

Dues may be reduced, altered, and modified.

II. And be it further enacted, That it shall and may be lawful for the Mayor, Aldermen, and Burgesses of the said City and Borough of *Exeter* in Council assembled, from Time to Time as and when they may see fit, to reduce, alter, modify, and regulate, and after such Reduction, Alteration, Modification, or Regulation again to raise and increase, and so from Time to Time to reduce, alter, modify, regulate, and raise the Rate of the said several Tolls, Duties, and Sums of Money set forth in the said Schedule, or any or either of them, so that the Rate of the said Tolls, Duties, or Sums of Money, or of any or either of them, shall not be raised or increased beyond the Rate thereof set forth in the said Schedule.

Rates to be charged equally.

III. And be it further enacted, That the several Tolls, Duties, and Sums of Money set forth in the said Schedule shall be at all Times charged equally to all Persons, and after the same Rate, in respect of the several Goods, Wares, and Merchandizes, Articles, and

Things, mentioned or referred to in the said Schedule, and no Reduction or Advance in any such Charge shall be made either directly or indirectly in favour of or against any particular Company or Person.

Power to abolish Town Dues.

5 & 6 W. 4. c. 76.

IV. And be it further enacted, That in case the Borough Fund of the Borough of *Exeter* shall be more than sufficient for the Purposes mentioned in an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and the said Mayor, Aldermen, and Burgesses in Council assembled shall deem it desirable to reduce or abolish the said several Tolls, Duties, and Sums of Money respectively set forth in the said Schedule, or any or either of them, it shall be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Exeter* in Council assembled, from Time to Time as and when they may see fit, to represent the Circumstances of the Case to the Lords Commissioners of Her Majesty's Treasury, and it shall be lawful for the said Mayor, Aldermen, and Burgesses, with the Approbation of the said Lords Commissioners, or any Three of them, from Time to Time permanently to reduce the said several Tolls, Duties, and Sums of Money respectively set forth in the said Schedule, or any or either of them, and ultimately, when they shall see fit so to do, wholly to abolish the said several Tolls, Duties, and Sums of Money: Provided always, that Notice of the Intention of the Council to make any such Application as aforesaid shall be fixed on the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, One Calendar Month at least before such Application, and a Copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess at all reasonable Hours during the same.

Dues scheduled or altered to be paid.

V. And be it further enacted, That from and after the passing of this Act the several Tolls, Duties, and Sums of Money set forth and stated in the said Schedule, and from and after any and every such Alteration, the said altered Tolls, Duties, or Sums of Money, as the same may be from Time to Time altered in the Manner herein provided for and authorized, so far as such Alteration shall extend, but not further, or otherwise, shall be payable to the said Mayor, Aldermen, and Burgesses of the said City and Borough of *Exeter*.

Tolls authorized by this Act substituted for former Dues, and held in the same Manner.

VI. Provided always, and be it enacted, That the Tolls, Duties, and Sums of Money comprised in the Schedule hereunto annexed shall (except as to any Petty Customs, Duties, or Sums of Money called Town Dues, if any, payable to the said Mayor, Aldermen, and Burgesses, in respect of any Cargoes, Goods, Wares, or Merchandize brought or imported into any Creeks or Harbours, Place or Places outside or beyond the Entrance of the River *Exe* from the Sea, commencing at a Place or Rock called the *Cheek Stone Rock*,) be deemed and taken to be substituted in lieu and place of the Tolls and Duties called the Town Dues as the same were held, collected, and received before and at the passing of this Act, and that nothing in

in this Act contained shall be deemed or taken to affect or prejudice the Right or Title to the said Tolls and Dues called the Town Dues which the said Mayor, Aldermen, and Burgesses of the City of *Exeter* had possessed or enjoyed before and at the passing of this Act, and that the Evidence relating to the Town Dues, as the same were held, collected, and received before and at the passing of this Act, shall not be affected by the Alteration hereby made in the Nature and Amount of the said Tolls or Dues, or by such further or other Reduction or Alteration as may hereafter be made by virtue of the Powers herein contained; any thing herein contained to the contrary thereof in anywise notwithstanding.

Power to appoint Officers.

VII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, from Time to Time and as often as they shall think fit, by Writing under their Common Seal, to appoint any Collector or Collectors, Clerk, Overseer, and other Officers, Workmen, Labourers, Servants, or Watchmen, for the Purpose of performing any Duties that hereafter shall be necessary under this Act, and to remove them or any of them at their Will and Pleasure, and to appoint others in the Room or Stead of such of them as shall die, or decline to act, or be so removed; and that it shall be lawful for the said Mayor, Aldermen, and Burgesses from Time to Time to order and direct Payment of such Sum or Sums of Money, out of the Borough Fund of the Borough of *Exeter*, for Materials, Salaries, Workmen's Wages, or otherwise, for any Duty or Work to be performed by virtue or in execution of the Powers in this Act contained, or deepening, cleansing, and improving the said River of *Exe*, as Occasion shall require, and from Time to Time to call before them the Collector or Collectors, Clerks, Officers, and Servants who shall be or shall have been at any Time or Times intrusted with the Collection or Receipt of the Monies to be collected and received by virtue of this Act, who are required to render to them, or to such Person as they shall direct to inspect and take such Accounts, a true Account thereof, and also to deliver and give up all Books, Papers, Documents, and Writings in his or their Custody or Power relating to the Trusts and Powers hereby granted to the said Mayor, Aldermen, and Burgesses; and in case such Collector or Collectors, Clerks, Officers or Servants, or any of them, be found in arrear and refuse to account, then it shall be lawful for any One of Her Majesty's Justices of the Peace for the said City of *Exeter* or the County of *Devon*, and he is hereby required, on Complaint, and Proof on Oath made by any Officer of the said Mayor, Aldermen, and Burgesses, by Warrant under his Hand and Seal, to levy, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing, and who shall be charged with the Monies in his or their Hands or in arrear as aforesaid, such Sum and Sums of Money as he or they shall be so charged with, together with the Costs and Charges of levying the same, rendering the Overplus to the Parties on whom the Distress shall be made, and for Want of such Distress, or on Refusal to deliver up such Books, Papers, Accounts, Documents, and Writings in his or their Custody or Power as aforesaid, by like Warrant to commit such Person or Persons to the Common Gaol of the said City of *Exeter* or County of *Devon*, until such Time as he, she, or they shall deliver up

up such Books, Papers, Accounts, Documents, and Writings as aforesaid, or until he, she, or they shall account for and pay, or cause to be secured, accounted for, and paid, such Sum or Sums of Money as he, she, or they shall be respectively charged with unto the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, or to their Order, or until they shall give Satisfaction to or shall have compounded or agreed with the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, as they shall think reasonable, which Composition the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, are hereby empowered to make.

Owners of Boats, &c. to give Account of Lading.

VIII. And be it further enacted, That for more easily collecting the Tolls and Duties by this Act made payable, the Master and Owner of every Ship, Boat, Barge, or other Vessel navigating within the River *Exe*, or any Creek or Harbour therein, and also the Owner and Owners, Consignee and Consignees, of any Goods, Wares, and Merchandize imported into the said River *Exe*, or any Creek or Harbour therein, by or in any Ship, Boat, Barge, or other Vessel, for the Purpose of being landed, shall, upon Demand, produce to the Collector and Collectors of the said Tolls or Duties their Cargo Books, and any other Paper other than Manifests, Bills of Lading, and Invoices in their or either of their respective Possession, showing the Nature of their Cargo, and give to such Collector and Collectors any reasonable Information in their Power, for the Purpose of enabling such Collector and Collectors to ascertain the Nature of the Cargo of every such Ship, Boat, Barge, or other Vessel, and the Quantities, Qualities, and Weight of the several Goods thereby respectively imported for the Purpose of being landed, in order to charge and collect the Tolls and Duties due thereon; and in case any such Master, Owner, Consignee, or other Person shall neglect or refuse to produce any such Cargo Book or any other Paper, (except as aforesaid,) or to give any such Information as aforesaid, or shall give any false or simulated Book, Paper, or Account, or any false Information, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, over and above the Tolls or Duties which shall be payable under and by virtue of this Act; which said Forfeiture, in case of Refusal to pay the same on Demand, shall and may be recovered in the same Manner as the Tolls or Duties are herein appointed and directed to be recovered and levied.

Manner of recovering the Rates.

IX. And to the Intent that the Tolls or Duties imposed by this Act may be more effectually collected and levied, be it further enacted, That in case any Owner or Owners, or Masters, or other Person or Persons having Charge or Command of any Ship or other Vessel in which any Goods, Wares, or Merchandize shall be imported, either from Foreign Parts beyond the Seas or Coastways, charged or chargeable with any of the Tolls or Duties granted by this Act, or in case any Owner or Owners, Consignee or Consignees, of any Goods, Wares, or Merchandize so imported, shall refuse or neglect to pay the same Tolls or Duties, or any of them, or any Part thereof, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, Lessees, Tenants, or Ser-

vants, or for any Collector or Collectors duly appointed in pursuance of this Act, to go on board of such Ship or Vessel, and into and upon any Quay, Wharf, Cellar, Warehouse, or other Place, and there to remain and take an Account of, weigh, and measure all Goods, Wares, and Merchandize therein, or thereon, liable to the said Tolls and Duties, and to demand, collect, and receive the said Tolls and Duties, and on Nonpayment thereof to take and distrain the said Goods, Wares, and Merchandize, or any Part thereof, and the same to detain until the Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment for the Space of Five Days after any Distress or Distresses so made or taken, that then it shall and may be lawful for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, Lessees, Tenants, and Servants, and for any such Collector or Collectors, to cause the same so distrained to be appraised by Two or more Sworn Appraisers or other sufficient Persons not interested therein, and afterwards to sell the said Distress or Distresses, and therewith to satisfy themselves or himself, as well for or in respect of the Rates or Duties so neglected or refused to be paid, and for which Distress or Distresses shall have been made or taken as aforesaid, as also for or in respect of his or their reasonable Charges on taking, keeping, appraising, and selling the same, rendering the Overplus, if any, on Demand, to the Master, Commander, Owner or Owners of such Ship or Vessel, or the Owner or Owners, Consignee or Consignees of such Goods, Wares, and Merchandize respectively; and if any Person or Persons shall molest, hinder, or obstruct the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, Lessees, Tenants, Servants, or Collectors, or any of them, in entering in and upon any Ship, Vessel, Boat, Barge, Quay, Wharf, Cellar, Warehouse, or other Place, and remaining therein or thereon for the Purpose aforesaid, or in taking an Account of weighing and measuring such Goods, Wares, and Merchandize, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to *replevy.*

X. Provided always, and be it further enacted, That if any Owner or Owners, Consignee or Consignees, of any Goods, Wares, and Merchandize which shall be distrained for Nonpayment of the said Tolls and Duties, shall desire to replevy the said Goods, Wares, and Merchandize for the Purpose of disputing the Right of the said Mayor, Aldermen, and Burgesses to take such Distress, and shall within the said Space of Five Days give Notice to the said Mayor, Aldermen, and Burgesses, or to the Town Clerk of the City of *Exeter*, of his or their Intention so to do, and shall also within the said Space of Five Days enter into a Recognizance before some Justice of the Peace of the City of *Exeter* or County of *Devon*, with Two sufficient Sureties, in the Sum of Fifty Pounds each, for the Payment of any Damages and Costs which in any Action or other Proceeding for the Purpose of trying such Right, or for the Purpose of recovering the Tolls or Duties in respect of which the Distress shall have been taken, shall be adjudged to or be recovered by the said Mayor, Aldermen, and Burgesses, and also for Payment of the said Tolls and Duties, and the Costs of and attending the said Distress and Replevin, in case such Replevin shall not be proceeded in with Effect within the

the Space of Three Months after the same shall be granted or made, then such Owner and Owners, Consignee and Consignees, is and are hereby empowered to replevy the said Goods, Wares, and Merchandize so distrained in the same Manner as in Replevins in Cases of Distress for Rent.

Justices to settle Disputes and award Costs.

XI. And be it further enacted, That if any Dispute shall happen or arise respecting the Amount of the Tolls and Duties demanded, or about the Charges of any such Distress and Sale, such Dispute shall be settled and determined by any Justice of the Peace for the City of *Exeter* or County of *Devon*, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or of any Witness or Witnesses, and determine such Dispute, and shall make such Order, and 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 Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay such Tolls or Duties, rendering the Overplus, after deducting the Costs and Charges of such last-mentioned Distress and Sale, if any, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold: Provided always, that no Justice of the Peace of the City of *Exeter* shall hear and determine any Dispute which shall happen or arise respecting any Tolls and Duties demanded or the Charges of any Distress and Sale arising without the County of the City of *Exeter*.

Power to recover Town Dues by Summons before a Justice of the Peace.

XII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, Lessees, Tenants, Servants, and Collectors, from Time to Time and at all Times, to proceed by Summons before any One Justice of the Peace of the City of *Exeter* or County of *Devon* against any Person or Persons whomsoever, for the Recovery of any Tolls, Duties, or Sums of Money specified in the said Schedule, which shall be claimed to be due from such Person or Persons in respect of any Goods, Wares, and Merchandize imported into the said River *Exe* between *Cheekstone* and the Bridge at the City of *Exeter*, or into any Creek or Harbour within the same River, and landed; and it shall be lawful for any such Justice of the Peace as aforesaid to summon the Parties to appear before him, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Sums to be paid, and to award such Costs to either Party, as to such Justice shall seem proper, and by Warrant under his Hand and Seal to cause the Sums and Costs which shall be so awarded, and also the Costs of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattels so to be sold, after deducting the reasonable Charges of every such Distress and Sale: Provided always, that no Justice of the Peace of the City of *Exeter* shall hear and determine any Case arising without the County of the City of *Exeter*: Provided also, that in case the Person or Persons summoned before any Justice of the Peace as aforesaid shall, before the Matter of the said Complaint shall be heard

as

as aforesaid, inform such Justice of his or their Intention to dispute the Title of the said Mayor, Aldermen, and Burgesses, and shall enter into a Recognizance before such Justice, with Two sufficient Sureties in the Sum of Fifty Pounds each, for the Payment of any Damages and Costs to be recovered in any Action or Suit at Law or in Equity by the said Mayor, Aldermen, and Burgesses against such Person or Persons touching the Matter of such Complaint, such Justice or Justices shall not proceed to hear the said Complaint.

Mayor, Aldermen, and Burgesses may proceed by Action for Recovery of Duties.

XIII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, Lessees and Tenants, from Time to Time and at all Times, if they shall think fit, to proceed by any Action or Actions, Suit or Suits, in any of Her Majesty's Superior Courts of Law or Equity, against any Person or Persons whomsoever, instead of proceeding by Summons before a Justice of the Peace, for Recovery of the Rates and Duties mentioned in the Schedule to this Act, and which shall be claimed to be due from such Person or Persons.

Not to affect Tolls not abolished by this Act, or existing Remedies for recovering thereof, or the Right to dispute the same.

XIV. And be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to affect the Right and Title of the said Mayor, Aldermen, and Burgesses to any ancient Petty Customs, Tolls, Duties, or Sums of Money called Town Dues, which may be legally payable in respect of Goods, Wares, and Merchandize imported or brought into any Creeks or Harbours, Place or Places whatsoever, outside or beyond the Entrance to the River *Exe* from the Sea, commencing at a Place or Rock called the *Cheekstone Rock*, from Foreign Parts beyond the Seas or Coastwise, nor shall any thing herein contained prevent or hinder the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, or their Lessee or Lessees, Tenant or Tenants of the said Petty Customs, Tolls, and Duties, or any or either of them, from suing for and recovering at Law or in Equity any Sum or Sums of Money whatsoever which before the passing of this Act have become due for such Petty Customs, Tolls, or Duties by this Act abolished, nor to abridge, prejudice, or affect any other Rights or Remedies which at the Time of the passing of this Act were existing or in force for the Recovery of such ancient Petty Customs, Tolls, or Duties, or any of them, nor shall this Act or any thing herein contained hinder or prevent any Person or Persons from disputing the Right or Title of the said Mayor, Aldermen, and Burgesses to demand and receive such ancient Tolls, Dues, and Duties called Town Dues, or any of them, or any Part thereof, and that in as full, open, and ample a Manner, either at Law or in Equity, as might have been done before the passing of this Act, or in case this Act had never been passed.

How the Tolls collected shall be disposed of.

XV. And be it further enacted, That, except as herein provided, all the Tolls, Duties, and Sums of Money which shall be received from Time to Time under the Authority of this Act, shall be paid to the Treasurer of the Borough of *Exeter*, and all the Monies which he shall so receive shall be carried by him to the Account of the Borough Fund of the Borough of *Exeter* aforesaid, except that the said Mayor, Aldermen, and Burgesses, and their Successors, shall and they are

hereby

hereby authorized and required to pay to the Commissioners to be appointed as herein-after mentioned, to be by them laid out and expended, and which they are hereby authorized and required to lay out and expend within each Year, provided the same shall be required within any Year, in cleansing and keeping clear the Channel leading to and round the public Quay at *Topsham* belonging to the said Mayor, Aldermen, and Burgesses, and the Entrance to the Lock above the Town of *Topsham*, and in the deepening the Channel of the River *Exe*, and in improving and preserving the Navigation of the said River, from *New Lane* in the Parish of *Topsham* aforesaid to the Entrance of the Creek leading to *Turf Lock* in the Parish of *Exminster* in the County of *Devon*, such a Sum of Money, not exceeding in any Year the Sum of Two hundred Pounds nor less than One hundred Pounds, as shall be equivalent to Twenty-five *per Cent.* upon the net Amount of the said Tolls and Duties which in every Year shall be collected and received for and in respect of Goods, Wares, and Merchandize landed in the Parish of *Topsham* aforesaid, and in that Part of the said Parish of *Exminster* which is situated on the Eastern Side of the River *Exe*, after deducting the necessary Expences of and attending the Collection thereof, such net Amount to be ascertained by a Certificate under the Hand of the Treasurer of the Borough Fund of the Borough of *Exeter* for the Time being, which Certificate shall be final and conclusive: Provided always, that if the said Per-centage shall in any Year happen to be less than One hundred Pounds, the said Mayor, Aldermen, and Burgesses shall and they are hereby required from Time to Time to pay to the said Commissioners, for the Purposes aforesaid, in each Year, out of the Rates and Duties to be received by virtue of this Act, such a Sum of Money as shall with the said Per-centage make up the full Sum of One hundred Pounds over and above the Sum of Money necessary to pay the annual Interest which from Time to Time shall be payable in respect of the Sum of Five hundred Pounds hereby authorized to be raised by the said Commissioners, or such Part thereof as shall be so raised: Provided always, that for the Purpose of calculating the said Per-centage and making the Payments aforesaid the Year shall commence on the First Day of *September:* Provided always, that in case the said Sum of Two hundred Pounds, or the annual Per-centage in any Year above the said Sum of One hundred Pounds and the Interest before mentioned, if such annual Per-centage above the said Sum of One hundred Pounds and the said Interest shall be more than shall be laid out and expended for the Purposes aforesaid within such Year, then and so often as the same shall happen no further Sum shall be paid by the said Mayor, Aldermen, and Burgesses in any Year than shall actually have been laid out and expended in such Year for the Purposes aforesaid.

Power to Commissioners to borrow 500*l.* on the Credit of the Per-centage.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, on the Credit of the annual Sum of One hundred Pounds and the Per-centage by this Act granted, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred Pounds, to be applied to the Purposes to which the said annual Sum of One hundred Pounds and the Per-centage is herein-before directed to be applied; and the said Commissioners are

hereby authorized and empowered to assign over the said annual Sum of One hundred Pounds and the Per-centage hereby granted to them, as a Security for such Sum or Sums of Money to be so borrowed, with Interest, to such Person or Persons as shall advance the same, by Assignment under the Hands of any Three of the said Commissioners, such Assignment to be duly stamped, and made in the following Words, or by any other Words to the same Purport and Effect; *videlicet*,

Power of Assignment.

'BY virtue of an Act passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], we, Three of the Commissioners thereby appointed, in consideration of the Sum of of lawful Money current in *England* to us paid by do assign unto the said his, her, or their Executors, Administrators, and Assigns, all and singular the annual Sum of One hundred Pounds and the Per-centage arising by virtue of the said Act, and directed to be received by us for the Purposes therein mentioned, and also all the Estate, Right, Title, and Interest of the said Commissioners of, in, and to the same, to hold unto the said his, her, or their Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Cent. per Annum*, shall be repaid.'

And all and every Person and Persons, Bodies Politic or Corporate, to whom such Assignment or Assignments shall be made, shall be equally entitled to their Proportion of the said annual Sum and Per-centage according to the respective Sums in such Assignments mentioned, in order to secure the Repayment thereof, with the Interest aforesaid, without any Preference or Priority whatsoever.

Persons eluding the Payments to continue chargeable.

XVII. And be it further enacted, That if any Master, Owner or Owners, or other Person or Persons having the Charge or Command of any Ship or other Vessel, or any Owner or Owners, Consignee or Consignees, or any other Person or Persons owning or having Charge of any Goods, Wares, or Merchandize imported or brought into any Part of the said River *Exe* between *Cheekstone* and the Bridge at the City of *Exeter* from Parts beyond the Seas or Coastways, and liable to the Payment of the Rates and Duties set forth in the Schedule to this Act, or any of them, shall by any Means whatsoever at any Time or Times intentionally elude or evade the Payment of the Tolls or Duties hereby made payable or any Part thereof, each and every Person intentionally eluding or evading Payment thereof as aforesaid shall stand charged with and forfeit and pay a Sum not exceeding Five Pounds, besides a Sum equal to double the Rates or Duties so eluded and evaded; and such Penalty and Sum of Money shall be recovered from such Master, Owner or Owners, Consignee or Consignees, or other Person or Persons respectively, by the same Ways and Means and in such Manner as are herein directed for levying and recovering Penalties and Forfeitures by this Act inflicted or authorized to be imposed.

Money to be paid by the Treasurer upon the

XVIII. And be it further enacted, That the several Sums of Money which shall actually have been laid out and expended by the said Commissioners for Work done and performed for the Purposes aforesaid,

said, not exceeding in any Year the annual Amount herein-before mentioned, shall be paid by the Treasurer of the City of *Exeter* for the Time being to such Person and Persons and in such Manner as the said Commissioners, by an Order under the Hands of them or any Three of them, such Order to be signed by such Commissioners at some Meeting to be held in pursuance of this Act, shall from Time to Time direct.

Order of Three Commissioners.

XIX. And be it further enacted, That the said Commissioners shall have all the Mud, Soil, Gravel, and other Substances which shall be raised by them from the River *Exe* in the Execution of the several Works aforesaid, to be sold and disposed of by them, the net Proceeds whereof shall be paid and applied by them in aid and execution of the said several Works, and exclusive of the annual Per-centage or Sums of Money herein-before directed to be paid.

Commissioners to have the Mud, &c. raised from the River.

XX. And be it further enacted, That Three Members of the Council of the Mayor, Aldermen, and Burgesses of the City of *Exeter* for the Time being, to be appointed as herein-after mentioned, and Four other Persons to be elected from Time to Time in manner herein-after also mentioned, shall be and are hereby appointed Commissioners for the Purpose of laying out and expending the said Sums of Money herein-before provided and appointed for the Purposes herein-before mentioned.

Commissioners by whom to be chosen.

XXI. And be it further enacted, That the said Mayor, Aldermen, and Burgesses of the City of *Exeter* shall and they are hereby required, at the First Council which shall be held next after the Ninth Day of *November* in every Year, to nominate and appoint Three Members of the Council of the said Mayor, Aldermen, and Burgesses of the said City to be Commissioners for the Purposes aforesaid, and such Members so nominated shall be certified forthwith by the Town Clerk of the said City to the Commissioners elected by the Inhabitants of *Topsham* as herein-after mentioned, and thereupon the Members so nominated and appointed shall be Commissioners for the Purposes aforesaid: Provided always, that the said Commissioners, or any of them, on going out of Office, shall be eligible to be immediately re-appointed: Provided also, that upon the happening of any Vacancy in the Office of any Commissioner appointed by the said Mayor, Aldermen, and Burgesses, by Death, Resignation, or otherwise, the said Mayor, Aldermen, and Burgesses shall, at a Council to be held within One Month after Notice of such Vacancy, elect another Member of the said Mayor, Aldermen, and Burgesses to supply the Vacancy.

How the Three Commissioners appointed by the Council are to be chosen.

XXII. And be it further enacted, That the Four other Commissioners for the Purposes aforesaid shall be elected on the First *Monday* after the First Day of *November* in every Year, by the Inhabitants of *Topsham* aforesaid, being respectively Owners or Part Owners of Vessels trading to the Port of *Exeter* aforesaid, or being respectively rated to the Relief of the Poor of the Parish of *Topsham* aforesaid at the yearly Sum of Twelve Pounds or upwards; and such Elections shall be from Time to Time held by and before such Person qualified to

How the Four other Commissioners are to be elected.

to vote at such Elections as the Electors present at any such Election shall choose to be the Chairman of the Meeting; and in case of any Equality of Votes in the Election of such Commissioners or any of them the said Chairman shall have a Second and casting Vote; and the Election of every such Commissioner shall, within Seven Days next after the same shall have been made, be certified under the Hand of the said Chairman to the said Mayor, Aldermen, and Burgesses: Provided always, that upon the happening of any Vacancy in the Office of any such Commissioner by Death or Resignation the said Vacancy shall be reported to the Commissioners by their Clerk at the Meeting of the said Commissioners next after such Vacancy shall have arisen, and the said Inhabitants shall, within Fourteen Days next after any Meeting at which such Report shall have been made, proceed to fill up such Vacancy by electing a new Commissioner, in the same Mode as is directed with regard to the annual Election of Commissioners.

Disqualification of Commissioners.

XXIII. And be it further enacted, That if any such last-mentioned Commissioner shall absent himself from Two consecutive Quarterly Meetings, not having been present at any intermediate Special Meeting, and shall not on the Second of such Two Quarterly Meetings from which he shall so have absented himself offer to the Commissioners present at such Meeting such Reason and Excuse for his Absence as shall be deemed and held satisfactory to the Majority of the Commissioners then present, the Place and Office of such Commissioner shall, by the Commissioners or by the Majority of them then present, be declared void and vacant; and the said Inhabitants shall proceed to elect a new Commissioner in his Place, in the same Manner as if the Death or Resignation of such Commissioner had been reported to such Meeting by the Clerk of the said Commissioners: Provided always, that Seven Days Notice of proceeding to any Election of Commissioners shall be fixed upon the Door of the Church of the Parish of *Topsham* aforesaid, signed by any Two of the then acting Commissioners, or any Five of the Inhabitants of *Topsham* aforesaid entitled to vote at such Election.

Notices of Election.

Commissioners to hold Office until Successors appointed.

XXIV. And be it further enacted, That every Commissioner to be appointed or elected under the Provisions of this Act shall (except in the Event of his Decease) hold Office until his Successor shall have been appointed or elected, and shall have actually accepted Office.

In default of new Elections, existing Commissioners to continue to act.

XXV. And be it further enacted, That in case the said Mayor, Aldermen, and Burgesses of the City of *Exeter*, or the said Inhabitants of *Topsham* aforesaid, shall neglect or refuse to elect or appoint a Commissioner or Commissioners as herein-before mentioned, then and in every such Case the other Commissioners shall proceed in the Execution of the Powers hereby granted, as fully and effectually as if the Election of all the other Commissioners had actually taken place: Provided always, that every Commissioner to be elected by the Inhabitants of *Topsham* aforesaid shall, on going out of Office, be immediately eligible to be re-elected.

XXVI. And

Meetings of Commissioners.

XXVI. And be it further enacted, That the said Commissioners shall hold Four Quarterly Meetings in every Year, on the *Thursday* in the Week next after the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March* respectively, and at such other Times as they shall think proper, upon the Requisition of any Three of the said Commissioners, and that such Meetings shall be held either in the City of *Exeter* or in the Town of *Topsham*, as the said Commissioners shall from Time to Time direct.

No Act of Commissioners to be valid unless done at a Meeting.

XXVII. And be it further enacted, That no Act of the said Commissioners shall be valid unless made and done at a Meeting of which Three Days Notice shall be given by leaving the same at the Dwelling House, or by transmitting the same by Post to each of the Commissioners, and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall from Time to Time be exercised by the major Part of them present at any Meeting duly convened as aforesaid, the Number present at such Meeting not being less than Three, except in such Cases where by this Act a greater Number is required, and all the Orders and Proceedings of the major Part of such Commissioners present at such Meetings shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting One of the said Commissioners, to be appointed by Lot, shall be appointed the Chairman; and in case of an equal Number of Votes upon any Question, such Chairman shall have a Second or casting Vote; and no Order made by the said Commissioners at any Meeting shall be revoked unless at a subsequent Meeting to be holden for that Purpose, of which Ten Days Notice, specifying the Purpose of such Meeting, shall be given in manner aforesaid, and where Five Commissioners at least shall attend: Provided always, that no Act or Order of the said Commissioners shall be called in question after the Expiration of One Year from the Time of making such Order.

Books to be kept.

XXVIII. And be it further enacted, That the said Commissioners shall keep Books, in which fair and regular Entries shall be made of the Names of the Commissioners present at every Meeting, and of all the Acts, Orders, Money Accounts, and Proceedings of the said Commissioners relative to the Execution of this Act; and the Chairman of every Meeting shall always subscribe his Name at the End of the Proceedings of every Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed original Entries, and shall be admitted as Evidence of the Acts and Resolutions of the said Commissioners in all Courts and upon all Occasions whatsoever; and at any of their Meetings such Book or Books shall be open to the Inspection of all and every the said Commissioners, and any of the said Commissioners shall at all seasonable Times (except during the transacting of Business by the said Commissioners at their Meetings) be permitted to inspect the same, *gratis*, and to take true Copies of any of the Entries in such Books; and such Books shall twice in every Year, if required, be produced to the said Mayor, Aldermen,

and Burgesses for their Inspection and Examination, who shall be at liberty take any Copies of or Extracts from the same.

Annual Account to be made and delivered to the Council.

XXIX. And be it further enacted, That on or before the Twenty-ninth Day of *September* in every Year, or at the first Meeting of the said Commissioners then next following, a true Copy of the Account of all Monies received and paid by them by virtue of this Act during the preceding Year ending on the Thirty-first Day of *August* shal be transmitted to the Town Clerk of the said City of *Exeter*, for the Use of the said Mayor, Aldermen, and Burgesses, and shall be signed by the Chairman and Two of the said Commissioners.

Commissioners to appoint a Clerk.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at any Meeting to be held in pursuance of this Act, to appoint a fit Person to act as their Clerk during their Pleasure, and to allow such Person a reasonable Salary for his Time, Trouble, and Attendance in performing the Duties of his Office, to be paid out of the said Per-centage.

For preventing Nuisances in the River Exe, and preserving the Navigation.

XXXI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, Servants, Agents, and Workmen, from Time to Time and at all Times hereafter, to cleanse and deepen the Channel of any Part of the River *Exe* from the said City of *Exeter* unto the High Sea, and to preserve and improve the Navigation of such River in such Manner as they shall think proper, and for the Purpose aforesaid to dig up, prostrate, and destroy all manner of Weirs, Rocks, Sands, Gravel, and other Lets and Nuisances whatsoever in the said River.

Power to the Council to erect Wharfs.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, from erecting or making any Wharfs for landing Goods or Ballast, or any other Works necessary for the Purposes of improving the Channel and Navigation of the said River, upon any Part of the Western Side of the Shore of the said River *Exe* between *New Lane* aforesaid and *Fairway Buoy* after mentioned, for the Accommodation of the Shipping navigating the same, upon any Part of the Shore of the said River between the said Lock opposite the Town of *Topsham* and *Fairway Buoy* situate about Three hundred Yards below a Place called *Turf*, or from being entitled to purchase for the Purposes of this Act, from any Person or Persons to whom the same may belong, with his, her, or their Consent, any Parcel of Land adjoining the said River, to communicate with any such Wharf or Wharfs or other Works, so as that such Wharf or Wharfs or other Works shall not impede the Navigation of Ships, Vessels, and other Craft in the said River *Exe*.

Ballast, &c. not to be emptied into the River.

XXXIII. And for the better keeping the said River *Exe* clear, be it further enacted, That from and after the Expiration of Three Months next after the passing of this Act no Person or Persons whomsoever shall throw or discharge into any Part of the said River

Exe below *New Lane* aforesaid any Limestone or other Stone within Two hundred Yards of the Channel of the said River, and that every Person discharging Limestone or other Stone into the said River at or beyond such Distance as aforesaid shall fix and maintain a Perch or Buoy at the Place where such Stone shall be discharged, so as at all Times to show and indicate the Place in which such Stone has been deposited; and that no Person or Persons whomsoever shall throw or empty into any Part of the said River any Ballast or Dust, Ashes, Earth, Rubbish, or Stones, except such as may be necessary for the Support of the Banks of the said River, or for making a Road or Hardway, so as the same do not injure or affect the Navigation of the said River, or do any other Act to the Injury or Hindrance of the Navigation of the said River; and if any Complaint shall arise respecting any such Injury or Hindrance, the same shall be examined and determined by any One of Her Majesty's Justices of the Peace of the County of *Devon* for the Time being, who is hereby empowered to impose such Fine or Fines upon any Person or Persons so offending as he in his Discretion shall think proper, not exceeding the Sum of Five Pounds for each Offence.

Masters of Vessels to fix Shoots to the Vessel on landing Ballast.

XXXIV. And be it further enacted, That the Masters and Owners or other Persons having the Care of any Ship, Lighter, or other Vessel, being in any Part of the aforesaid River *Exe*, shall be and he is hereby required, before and during all the Time that any Ballast, Rubbish, Dung, or any other loose Matter or Thing shall be loading or unloading into or from any Ship, Lighter, or Vessel, to cause a Canvass or other Shoot or Shoots to be nailed, fixed, or otherwise fastened to such Ship, Lighter, or other Vessel, which Canvass or other Shoot shall extend from such Ship, Lighter, or other Vessel into or upon the Ship or Vessel, Wharf or Quay, to or from which such loading or unloading is or shall be conveying or conveyed, as the Case shall happen to be, so as in such Manner to prevent any Part of the loading or unloading from passing or falling into the said River or any Part thereof, and when and as soon as any such Ballast, Rubbish, Dung, or other Matter is or shall be landed from such Ship, Lighter, or Vessel, the same shall by such Owner, Master, or other Person as aforesaid, be laid and placed, or caused to be laid and placed, at least Six Feet distant from the Edge of such Wharf or Quay; and in case any Master, Owner, or other Person having the Care of any such Ship, Lighter, or Vessel shall neglect or refuse to fix such Canvass or Shoot, or to lay and place such Ballast, Rubbish, Dung, or other Matter in manner aforesaid, such Master, Owner, or other Person shall, for every Day he or they shall so neglect or refuse, forfeit and pay any Sum not exceeding Five Pounds.

Recovery and Application of Penalties.

XXXV. And be it further enacted, That all Penalties and Forfeitures inflicted and imposed by this Act (the Manner of levying and recovering whereof is not otherwise herein particularly mentioned) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the County or Place in which such Offence shall be committed, on Complaint to them for that Purpose made, and afterwards be levied (as well as the Costs, if any, of such Proceedings

on

on Nonpayment) by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures, not herein-before directed to be otherwise applied, shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Mayor, Aldermen, and Burgesses, unless such Penalties or Forfeitures shall be incurred by the said Mayor, Aldermen, and Burgesses, in which Case the same shall be paid, One Moiety to the Informer and the Remainder to the Overseers of the Poor of the Parish or Place in which such Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Eight Days from the taking of such Security, and which Security any of the said Justices are 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 could be had whereupon to levy the said Penalties or Forfeitures and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justices, and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be otherwise discharged by due Course of Law.

Form of Conviction.

XXXVI. 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 following Form; *videlicet*,

‘ } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord *A. B.* is convicted
‘ before me one of Her Majesty's Justices of the Peace
‘ for the City of *Exeter* [*or* County of *Devon*, *as the Case may be*,

'*specifying 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 mentioned.'

Justices may proceed by Summons for Recovery of Penalties.

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

For securing Offenders whose Names and Places of Abode are unknown.

XXXVIII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Mayor, Aldermen, and Burgesses, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Place of Abode shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Not to affect the Rights of the Freemen of the City of Exeter to the Exemption from Tolls.

XXXIX. And whereas the Freemen of the City of *Exeter* have from Time immemorial been exempt from the Payment of the ancient Tolls and Duties called Town Dues, hereby abolished: And whereas the Rates and Duties hereby substituted in lieu of the said ancient Town Dues are charged upon the same Articles, Matters, and Things as the said ancient Tolls and Duties, and the gross Amount of such Rates and Duties is less than the Amount of the said ancient Town Dues; be it therefore enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, or affect any Rights or Privileges now vested in the Freemen of the said City of *Exeter*, by Charter or otherwise, but that the Freemen of the said City shall have and enjoy the same Privilege of Exemption from the several Tolls and Duties enforced by this Act, in lieu of the said ancient Tolls or Town Dues, as they are now entitled to in respect of the said ancient Tolls or Town Dues.

Parties aggrieved may appeal.

XL. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by reason of any Order or Determination of any Justice in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be held in and for the said County of *Devon*, first giving Ten Days Notice of such Complaint or Appeal to the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, and entering into a Recognizance before some

Justice of the Peace for the said County of *Devon*, conditioned to try such Appeal, and abide the Order of the said Court therein; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal, and to award such Costs and Charges to the Party in whose Favour such Appeal shall be determined as the Justices in their said Sessions shall order and direct, which Orders and Judgments respectively shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ or Writs of Certiorari or otherwise into any of Her Majesty's Courts of Record at *Westminster*.

Proceedings not to be quashed.

Distress not unlawful for Want of Form.

XLI. And be it further enacted, That no Order, Conviction, Judgment, Warrant, or other Proceeding before any Justice of the Peace, to be had or made in pursuance of this Act, shall be quashed or vacated for Want of Form; and that in all Cases wherein 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 to be unlawful, nor shall the Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceedings relating thereto, done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularities shall and may recover Satisfaction for the special Damage in any Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceedings in case proper Tender of Amends is made for the same; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action or Actions, by Leave of the Court where such Action or Actions shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions wherein the Defendant is allowed to pay Money into Court.

For Recovery of Quay Dues.

XLII. And it is further enacted, That all and every the Quay Dues and Rates for Quayage now payable to the Mayor, Aldermen, and Burgesses of the City and Borough of *Exeter* at the Quay of the City of *Exeter*, and at the public Quay belonging to the said Mayor, Aldermen, and Burgesses of *Exeter*, at the Town of *Topsham* in the County of *Devon*, shall and may be collected, received, and recovered by the same Means and in the same Manner as are hereinbefore provided for the Collection, Receipt, and Recovery of the Tolls and Duties granted by this Act.

Saving the Rights of the Lord of the Manors of Exminster, Kenton, and Powderham, and others.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, invalidate, abridge, alter, or derogate from the Estates, Rights, Privileges, Tolls, Duties, Franchises, Jurisdictions, or Authorities vested in the Lord or Lords for the Time being of the Manors of *Exminster*, *Kenton*, and *Powderham*, or any of them, or in the Owners of any Lands, Tenements, or Hereditaments within the same Manors, or any of them.

XLIV. And

Saving the Rights of Lord Rolle.

XLIV. And be it further enacted, That nothing in this Act contained shall invalidate, abridge, or alter any Rights or Privileges now vested in *John* Lord *Rolle* Baron *Rolle* of *Stevenstone* in the County of *Devon*, his Heirs or Assigns, as Lord or Lords of the Manor of *Littleham* and *Exmouth* in the said County.

Saving the Rights of the Devisees of Sir F. H. Drake, deceased.

XLV. And be it further enacted, That nothing in this Act contained shall invalidate, abridge, or alter any Rights or Privileges now vested in the Devisees and Cestuisque Use under the Will of the late Sir *Francis Henry Drake* Baronet, and their respective Appointees, Heirs, and Assigns, as Lords of the Manor of *Lympstone* in the said County of *Devon*.

Not to prejudice Rights of Sir L. V. Palk, Bart.

XLVI. And be it further enacted, That nothing in this Act contained shall prejudice, take away, or abridge any of the Rights or Privileges now vested in Sir *Lawrence Vaughan Palk* Baronet, his Heirs or Assigns, as Owner or Owners of any Lands or Hereditaments in the Parish of *Exminster* in the said County of *Devon*.

Saving the Rights of the Trinity House.

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

Act not to extend to any Place outside the Cheekstone Rock.

XLVIII. Provided always, and be it further enacted, That neither this Act, nor any Clause, Matter, or Thing herein contained, nor any of the Tolls, Rates, or Duties specified in the Schedule hereto, shall in any Manner extend or be applicable, or be deemed or construed to extend or be applicable, either directly or indirectly, to any Creeks or Harbours, Place or Places whatsoever, outside or beyond the Entrance of the River *Exe* from the Sea, commencing at a Place or Rock called the *Cheekstone Rock*.

Public Act.

XLIX. 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.

The

The SCHEDULE of RATES and DUTIES referred to by the foregoing Act.

		s.	*d.*
Alum	per Cwt.	0	0½
Almonds	—	0	3
Anchovies	per Barrel	0	1
Anvils	per Ton	1	0
Archell	per Cwt.	0	1
Argoll	—	0	1
Ashes	per Barrel	0	3
Apples	per Ton	0	3
Bacon	per Cwt.	0	1
Bales, Baskets and Boxes, by Measurement of 40 solid Feet		1	4
Barilla	per Cwt.	0	0½
Bark	per Ton	1	4
Barley	per Quarter	0	1
Balk Timber	per Load of 50 Feet	0	3
Beans	per Quarter	0	1
Bells and Bell Metal	per Cwt.	0	1
Beer and Porter	per Butt	0	5
———	Hogshead	0	3
———	Barrel	0	2
———	Kilderkin	0	1
Bones	per Ton	0	10
Bones and Hoofs	per Hogshead	0	8
Bottles (Quarts)	per Dozen	0	0½
Bran	per Quarter	0	0¼
Brass and Iron Pots	per Cwt.	0	1
Bricks (Stourbridge)	per 1000	0	4
——— (Scouring)	—	0	4
——— (Building)	—	0	1
Brimstone	per Cwt.	0	1
Bristles	per Cwt.	0	3
Brooms (Hair and Carpet)	per Dozen	0	3
——— (Heath)	—	0	0½
Brush or Mop Sticks	per Bundle	0	0½
Brush Heads	per 6 Doz.	0	0½
Brush Covers	per 12 Doz.	0	0½
Bullocks	each	0	5
Burrs	per Ton	2	0
Butter	per Ton	1	8
Butts (empty, imported)	each	0	0½
Black Lead	per Cwt.	0	1
Casks (empty, imported)	each	0	0½
Candles	per Box of 6 Doz.	0	1
Candy	per Cwt.	0	4
Carboys (full)	each	0	1½
Carraway Seeds	per Cwt.	0	2
Cement	per Barrel	0	2
———	Half Ditto	0	1
———	Quarter Ditto	0	0½
———	per Bag, not exceeding 3 Bushels	0	1

		s.	*d.*
Chariot or Chaise	-	3	0
Chalk	per Ton	0	6
Chairs	each	0	1
Cheese	per Cwt.	0	1
Chimney Pots	each	0	1
——— with Caps	—	0	1½
——— with Hoods	—	0	1½
China	per Hogshead	0	8
Cider	per Pipe	0	8
——	per Hogshead	0	4
Clay (Pipe)	per Ton	0	3
Coach (4 Wheels)	-	4	0
Coals	per Ton	0	1½
—— (Cannel)	—	0	3
Coffee	per Cwt.	0	2
Coke	per Cwt.	0	0½
Copper	per Cwt.	0	1
Copperas	per Cwt.	0	0½
Cork	per Cwt.	0	2
Cordage	per Cwt.	0	1
Crates (of Earthenware)	each	0	6
—— (Vial Bottles)	—	0	6
—— (Glass)	—	0	6
——— Window	—	0	3
Currants	per Cwt.	0	1
Culm	per Ton	0	1
Deals (12 Ft. 9 In.)	per 120	0	6
Dye Stuff	per Cwt.	0	1
Dye Wood in general	per Cwt.	0	1
Drain Pipes	per 1,000	0	2
Earthenware (loose), equal to a Crate in Quantity	-	0	6
Feathers	per Cwt.	0	2
Fellies of Wheels	per Doz.	0	1
Fender Plate	per Cwt.	0	1
Figs	per 20 Frails	0	10
——	per 20 Drums	0	10
Fish (Newfoundland)	per Cwt.	0	1
Firewood	per Ton	0	2
Flax	per Cwt.	0	1
Flocks	per Ton	0	2
Flour	per Barrel	0	2
——	per Sack	0	2
Frying Pans	per Cwt.	0	1
Furniture	per 40 Feet	1	4
Fullers Earth	per Ton	1	8
Ginger	per Cwt.	0	2
Glue in Bags	per Cwt.	0	1
Gig, Phaeton, or Chair	each	2	0
Grinding Stones	per Chaldron	1	0
Gunpowder	per Barrel	0	3
Grapes	per Jar	0	2
Hair in Bales	per Cwt.	0	1½
Hampers	per Doz.	0	1
Handspikes	per 100	0	6

		s.	*d.*
Hemp	per Cwt.	0	1
Herrings (Red)	per Barrel	0	2
Hides (Raw)	per Ton	1	0
—— (dry Horse)	—	2	0
—— (Kips)	per Doz.	0	1
Horns and Bones (loose)	per Ton	0	10
Hops	per Bag	1	0
——	per Pocket	0	6
Hoops (Wood, broad)	per Doz.	0	0½
—— (Wood, small)	per 50 Bundles	0	6
—— (Iron)	per Ton	1	3
Iron, Bar and Bolt	per Ton	0	8
Iron Pots, Kettles, and Weights	per Cwt.	0	1
Iron (in Pigs)	per Ton	0	6
Iron (Scrap)	per Ton	0	6
Iron Pipes and Shuting	per Ton	1	0
Ivory Black	per Ton	2	6
Junk	per Ton	1	3
Ladder Poles	per 120	2	0
Laths	per 1,000	0	1
Lathwood	per Fathom	0	6
Lancewood Poles	per 120	5	0
Lead in Sheets —— in Pigs —— in Pipe	per Cwt.	0	0½
—— White, ground	per Cwt.	0	1
—— Dry, ground	—	0	1
Leather	per Ton	1	8
Lignumvitæ	per Cwt.	0	1
Limestone (except Limestone to be burnt into Lime)	per Ton	0	0½
Litharge	per Cwt.	0	1
Logwood	per Cwt.	0	1
Luggage of Passengers, not exceeding One Hundred Weight for each Person, to be exempt.			
Madder	per Cwt.	0	1
Mahogany	per 40 Feet	1	4
Malt	per Quarter	0	1
Manure	per Ton	0	3
Marble (English)	per Ton	0	8
——— (Foreign)	Ditto	1	8
Mats (Gardeners)	per Bundle of 50	0	2
—— (Door)	per 40 Feet	1	4
Mill Stones	each	1	0
Molasses	per Puncheon	0	6
Mops	per Doz.	0	0½
Mustard	per Barrel	0	2
Nails (in Bags)	per Cwt.	0	1
Nail Rods	per Ton	1	0
Nuts	per Bag	0	1
Oakum	per Ton	1	3
Oats	per Quarter	0	1
Oatmeal	per Sack	0	2
Ochre	per Ton	0	10

		s.	*d.*
Oil (not exceeding 120 Gallons)	per Pipe	1	0
———	per Half Chest	0	1½
——— (Olive)	per Jar	0	4
Oil Cake	per Ton	1	4
Oranges and Lemons	per Chest	0	1
Ditto	per Box	0	0½
Paints	per Ton	1	4
Paper	per Cwt.	0	1
——— in Bales	per 40 Feet	1	4
Patten Rings	per Cwt.	0	1
Pepper	per Cwt.	0	2
Peas	per Quarter	0	1
Pipes (Tobacco, in Boxes)	per 40 Feet	1	4
Pitch and Tar	per Barrel	0	2
Pelts	per 120	0	2
Plaster of Paris	per Cwt.	0	0½
Potatoes	per Ton	0	3
Rags of all Sorts	per Ton	1	3
Raisins	per Cwt.	0	1
Rice	per Cwt.	0	1
Rosin	per Barrel	0	2
——— in Cakes	per Ton	1	8
Sash Weights	per Cwt.	0	0½
Salt	per Ton	0	4
Salt and Ashes for Manure	per Ton	0	3
Saltpetre	per Barrel	0	1
Scythe Stones	per Basket	0	1½
Seed (Clover)	per Cwt.	0	1
Seeds (other Sorts)	per Bushel	0	0½
Sharemoulds	per Cwt.	0	0½
Shreds	per Ton	1	8
Shot	per Cwt.	0	1
Shumac	per Cwt.	0	1
Skins	per Doz.	0	0½
Slate, Duchesses, large or small	per 1,200	0	6
——— Countesses	—	0	4
——— Ladies	—	0	3
——— Doubles	—	0	2
——— Scantle	—	0	2
——— common or small	—	0	1
——— Unsized Rag ——— Ditto Half Ditto ——— Queen or sized Rag ——— Slab ——— Block ——— Westmoreland Rag ——— Imperial or Milled ——— Welch and Rag Square	per Ton	0	3
Smalts	per Cwt.	0	1
Soap, in Chests	per 40 Feet	1	4
——— Foreign	—	3	4
Soda	per Ton	1	4
Staves (Pipe and Puncheon)	per 120	0	1
——— (Hogshead and Barrel)	—	0	0½
Starch, in Chests	per 40 Feet	1	4
Steel	per Cwt.	0	1

		s.	*d.*
Stone Ware (loose)	per 3 Gallons	0	0½
Stone, Granite ——— Portland ——— Bath - ——— Beer - ——— York - ——— Whitby ——— Rolling ——— Trough ——— Moor - ——— Grave -	at per Ton of 18 Feet	0	6
——— Step	at per Ton of 30 Feet	0	6
——— Paving ——— Gutter ——— Kirb -	per Ton of 60 Feet	0	6
Stones, Pebble	per Ton	0	1
Sugar	per Cwt.	0	1
Tallow	per Cwt.	0	1
Tea	per Chest	0	6
———	Half Chest	0	4
———	Quarter Chest	0	3
———	Box	0	2
———	Caddy	0	1
Tiles	per 1,000	1	4
Timber in general	per 40 Feet	1	4
Tin	per Box	0	1
Tobacco	per Cwt.	0	2
Trees and Shrubs in Mats	per 40 Feet	1	4
Valonia	per Ton	1	4
Veneers in Packages	per 40 Feet	1	4
Vinegar	per Pipe	1	0
Vetches and Tares	per Quarter	0	1
Wainscot Logs	per 40 Feet	1	4
Wax	per Cwt.	0	1
Whalebone	per Ton	2	6
Wheat	per Quarter	0	1
Whiting	per Ton	0	6
Wire	per Bundle of 1 Cwt.	0	1
Wine and Spirits	per Pipe	1	6
———	per Hogshead	0	9
———	in Hampers or Cases, per Doz.	0	1
Wool	per Cwt.	0	2
Yarn	per Cwt.	0	2
Yarn Wick	per Bag of 12 Doz.	0	3

All Goods not herein specified to pay One Shilling and Eight-pence per Ton of 20 Cwt. or Measurement of 40 Solid Feet.—No single Package to pay less than Two-pence.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.