ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxxvi.

An Act for completing and maintaining the Harbour, Quay, or Pier, at the Village of *Goran Haven*, in the Parish of *Goran*, in the County of *Cornwall*. [23d *June* 1820.]

WHEREAS the Village of *Goran Haven*, within the Parish of *Goran*, is situated on the South Coast of *Cornwall*, and hath been for a very long Series of Years found a very convenient Situation for Trade, and particularly for carrying on the Pilchard Fishery, and the same hath been done to the great Advantage, not only of the Public in general, but of the Inhabitants of the said Village and the Neighbourhood thereof, and of other Persons concerned therein: And whereas for the Safety and Protection of Vessels and Boats employed in such Trade and Fishery as aforesaid, a Harbour, Quay, or Pier hath been partly made and erected by the voluntary Loan or Subscription of certain Individuals, in Contemplation that the Sums so by them respectively advanced, and the further Sum required for completing the said Harbour, Quay, or Pier, with a reasonable Dividend or Interest thereon, would be secured, and the future Repairs of the said Harbour, Quay, or Pier, after the same shall be completed, provided for by certain Tolls or Duties to be paid by Boats or Vessels using, and on Goods and Merchandizes imported into and exported from the said Harbour, Quay, or Pier: But

But inasmuch as the beneficial Purposes aforesaid cannot be carried into Execution without the Aid and Authority of Parliament, 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 *Elizabeth Arthur*, *Philip Ball*, *James Billing*, *William Hugoe*, *John Reppen*, *Edward Cowlin*, *Henry Coode*, *Robert Crout*, *William Hugoé*, *John Francis Howell*, *William Kendall*, *Joseph Lawry*, *Robert Lanyon*, *Nicholas Nott*, *Richard Nicholls*, *John Reppen*, *Joseph Seccombe*, *Nicholas Symons Wills*, *John Williams*, and their several and respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of any Share or Shares of or in the said Harbour, Pier, Quay, Wharfs, and other Works to be constructed and made by virtue of or under the Authority of this Act, shall be and they are hereby united into and declared to be a Company for the constructing, erecting, building, making, doing, maintaining, repairing, and supporting all Piers, Quays, Wharfs, Buildings, and such other Works, Requisites, Matters, and Things, as shall or may be necessary for the completing and maintaining of the said Harbour, Pier, or Quay, at *Goran Haven* aforesaid, and for the Accommodation of the Boats or Vessels using the same, and for the other Purposes of this Act, according to the Directions and subject to the several Provisions, Regulations, and Restrictions hereinafter contained; and shall for those Purposes be one Body Politic and Corporate, by the Name and Style of 'The *Goran* Harbour Company,' and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity; and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm, and by that Name and Description may and shall have full Power and Capacity to purchase, take, have, hold, and enjoy any Messuages, Lands, Tenements, and Hereditaments whatsoever, to the Use of themselves and their Successors, for the Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or any of them; and also to sell any of the Messuages, Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

Proprietors.

Common Seal, Mode of suing, &c.

II. And whereas a Map or Plan describing the said Harbour, and the Land and Ground upon which the same is intended to be made, together with a Paper containing the Name of the Owner and Occupiers of such Land or Ground, has been lodged in the Office of the Clerk of the Parliaments; be it therefore enacted, That the Proprietor or Proprietors for the Time being of the said Harbour shall not deviate from the Line described in the said Map or Plan without the Consent and Approbation in Writing of the Owner or Owners of the Land on which such Deviation shall be made; and the said Map or Plan shall remain in the Custody of the Clerk of the Parliaments, and the same or any Copy or Copies thereof, certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall be

Not to deviate from the Line laid down on the Plan without Consent.

and is and are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by and before all Judges, Justices, and others.

Company may build a Pier.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and others, to make, construct, erect, build, do, maintain, and from Time to Time support and keep in repair, at *Goran Haven* aforesaid, in manner by this Act directed, such Quays, Piers, Wharfs, and other Works, Buildings, Matters and Things, as they shall deem necessary or expedient for the completing the said Harbour, and for making the same fit for the Reception, Accommodation, and Security of Ships, Boats, and Vessels, and the Officers and Crews thereof, and for the more convenient lading and unlading of such Ships, Boats, and Vessels; and also to erect and make, or cause to be erected and made, such Buildings and Warehouses for receiving of Goods and Merchandizes, and such Dwelling Houses and other Buildings, Accommodations, Matters and Things, and in such Manner as the said Company of Proprietors, or the major Part of them present at any Meeting or Meetings to be holden in pursuance of this Act, shall deem necessary or expedient for the Purposes of this Act.

Power to purchase Lands, &c.

IV. And be it further enacted, That the said Company of Proprietors shall have full Power and Authority to contract and agree with the Owner or Owners, Occupier or Occupiers, of all such Lands, Grounds, Buildings, or Hereditaments, near or adjoining to the said intended Harbour, Pier, or Quay, in the Village of *Goran Haven* aforesaid, as they shall think necessary or proper to purchase and make use of in and about the Works of the same Harbour, Pier, or Quay, or for the Purpose of enlarging or improving the same, or otherwise, for the Uses and Purposes of this Act.

Bodies Politic, &c. empowered to sell and convey Lands.

V. And be it further enacted, That after any Lands, Grounds, Buildings, or Hereditaments shall be set out and ascertained for the Purposes aforesaid, it shall and may be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Husbands, Guardians, Trustees, and Feoffees in Trust for Charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trustees, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seized, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof, unto the said Company of Proprietors; and all such

Contracts and Sales to be made at the Expence of Company.

such Contracts, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say),

Form of Conveyance to the Company.

'I *A. B.* of in consideration of the Sum of to be paid by the Company 'of Proprietors of the *Goran* Harbour Company, do hereby grant 'and release to the said Company all [*describing the Premises to be 'conveyed*], and all my Right, Title, and Interest to and in the same, 'and every Part thereof, to hold to the said Company and their Suc-'cessors for ever, by virtue and according to the true Intent and 'Meaning of an Act passed in the First Year of the Reign of King 'George the Fourth, intituled *An Act* [*here insert the Title of this 'Act*]. In Witness whereof I have hereunto set my Hand and Seal, 'this Day of in the Year of our 'Lord .'

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, and shall be kept by the Clerk or Clerks to the said Company, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive One Shilling for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words.

Satisfaction to be made.

VI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons, herein-before capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, in, upon, or over which the said Harbour, Pier, Quays, or other Works hereby authorized are intended to be made, shall and may accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Hereditaments, and for Damages to be sustained by making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Parties interested respectively or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors and the said Parties interested in such Lands, Grounds, Tenements, or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury.

If Parties cannot agree Price to be settled by a Jury.

Damages not provided for to be settled.

VII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by means not herein provided for, then and in every such Case such Damages shall be so settled by the said Board of Directors, or by a Jury, as herein-after mentioned; and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and

and in every such Case the said Board of Directors or any Three of them are hereby empowered and required to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County, commanding him to summon a Jury in Manner herein-after mentioned.

If Parties cannot agree, Value to be ascertained by a Jury.

VIII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments which the said Company of Proprietors are enabled to purchase and make use of for the Purposes of this Act, for the Space of Sixty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise, shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before mentioned Space of Sixty Days, produce and fully disclose the State of the Title to the Premises of which they are or shall be in Possession, and to the Interest which they shall claim therein, then and in every such Case it shall be lawful for the said Board of Directors, or any Three of them, and they are hereby empowered and required, from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Cornwall*, commanding him to impannel and return a Jury of Twelve Persons, and the said Sheriff is hereby required to summon and choose accordingly in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *England*; and every such Jury shall be liable and subject to the same Regulations and to the same Pains and Penalties for Default as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff is hereby empowered and required by a Summons or Notice under his Hand, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may order and authorize the said Jury or any Six or more of them to view the Place or Places or Matter or Matters in question, which Jury upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced

nounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary thereof notwithstanding.

Fine upon Persons making Default.

IX. And be it further enacted, That if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Sheriff; or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined, or to give Evidence, then and in such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty shall go and be paid to the Person or Persons who shall appear to the said Sheriff to be injured by the Default of such Person so offending.

Expences of Jury how to be paid.

X. And be it further enacted, That in every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Tenements, or other Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors before the summoning of the said Jury; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on behalf of the said Company of Proprietors, or where by Reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand, who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors, as herein-before mentioned, then and in all such Cases all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that had been previously offered by or on behalf of the said Company of Proprietors, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except

(except where, by Reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged: Provided always, that in all Cases where, by Reason of Absence or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the Whole of such Costs and Expences shall be borne and paid by the said Company of Proprietors.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto (but not before), it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively; and then and thereupon such Lands and Grounds, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, Tenements, or other Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making the said Harbour, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been

been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Verdicts to be recorded.

XII. And be it further enacted, That each and every Verdict shall be transmitted to and kept by the Clerk of the Peace, or other Person having the Custody of the Records of the Quarter Sessions for the said County of *Cornwall*, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of One Shilling for every One hundred Words, and so on in proportion for any greater or less Number of Words.

Application of Compensation where amounting to 200*l.*

XIII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect, and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities

shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Directors herein-after mentioned, or by any Three or more of them, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when the Money is less than 20*l.*

XV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid, as herein-before is mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Directors or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed, for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company of Proprietors, or the said Directors; or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be

lawful for the said Company of Proprietors, or the said Directors, to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of

XVIII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall

shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Purchases to be paid by Company.

XIX. And whereas, in pursuance of the Provisions of this Act, or to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments which are or may be affected by making the said Harbour, Pier, Quays, Wharfs, and other Works hereby authorized to be made, the said Company of Proprietors may purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to grant and convey to any Person or Persons whomsoever, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act; and Conveyances from the said Company of Proprietors shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be so sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands and Buildings shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto in case such Lands and Buildings had not been purchased by the said Company of Proprietors, the Price at which the same shall be resold being adjusted and settled by the Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person

Company empowered to sell Land not wanted for the Purposes of this Act.

or Persons did not agree or refused to purchase such Lands or Buildings (as the Case may be), and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused.

Proprietors to raise Money among themselves for making and completing the Harbour.

XX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to raise and contribute amongst themselves a competent Sum of Money, for making, maintaining and improving the said Harbour and Pier, and all the Quays, Wharfs, Warehouses, Buildings, and other Works, Conveniences, Matters, and Things belonging or requisite thereto, not exceeding (with the Sums of Money already advanced and expended for that Purpose) the Sum of Two thousand five hundred Pounds in the Whole, (save and except as herein mentioned); and the same shall be divided into Shares of Twenty-five Pounds each; and no Person subscribing thereto, or becoming a Proprietor in such Undertaking, shall become a Proprietor of less than One Share; and the said Shares shall be and are hereby vested in the several Persons so having subscribed or hereafter subscribing, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, or Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, and shall pay such Sum or Sums as shall be demanded on account thereof, according to the Provisions in that Behalf herein-after contained, towards carrying on and completing the said Harbour, Pier, Quay, Wharfs and Works, and other the Purposes of the said Undertaking, shall be entitled to receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, out of the Profits and Advantages that shall and may arise and accrue by the Rates and Duties and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act, after the several Disbursements herein respectively provided for; but so nevertheless, as that no Proprietor or Proprietors of or in the said Undertaking shall be entitled to receive or claim any greater Share or Proportion of the Profits and Advantages arising therefrom, in any one Year, than the Amount of Ten Pounds *per Centum* upon the Share, or upon each Share that he, she, or they shall be possessed of or entitled to in the said Undertaking; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall respectively pay such proportionable Sums towards carrying on the same, in Manner herein directed and appointed, as shall from Time to Time be duly required from him, her, or them, so that the Sums upon each Share shall not exceed the original Amount thereof.

Shares to be 25*l.* each.

Shares to be Personal Estate.

XXI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate or Collegiate, and all other Person and Persons, of and in the said Undertaking, or the joint Stock or Fund of the said Company, shall be and be deemed to be

be Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Subscribers to have a Vote for every Share, and may vote by Proxy.

XXII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her or their Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share in the several Meetings of the said Proprietors to be holden for the Purposes of this Act; which Vote or Votes may be given by him, her, or them, or by his, her or their Proxy or Proxies, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand of such other Person or Persons (every Proxy being a Proprietor in the said Undertaking), and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered, in any Meeting of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share; the Appointment of such Proxies shall be in the Form or to the Effect following; (that is to say),

Form of constituting Proxies.

'I *A. B.* of One of the Proprietors of the *Goran Harbour*, now holding Share [*or* Shares therein, *as the Case may be*], do hereby nominate, constitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Undertaking, that shall be mentioned or proposed at any Meeting of the said Company of Proprietors, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any Thing appertaining thereto. In witness whereof I have hereunto set my Hand, the Day of '

Proprietors may raise an additional Sum among themselves if necessary.

XXIII. And be it further enacted, That in case the Money hereinbefore authorized to be raised, shall be found insufficient for the making, completing, maintaining, and improving of the said Harbour, Pier, and Quay, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the Whole the Sum of One thousand Pounds; and every Body Politic, Corporate, or Collegiate, or other Person being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, or their, his, or her Proxies or Proxy, in respect of every Twenty-five Pounds of the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the

Profits of the said Undertaking, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Two thousand five hundred Pounds: Provided always, that in case the said Company of Proprietors shall be desirous of raising the said Sum of One thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, and shall make an Order, or enter into a Resolution to that Effect, at a Special Meeting of the said Proprietors to be called for that Purpose, of which Meeting Fourteen Days previous Notice shall be given in some one public Newspaper circulated in the said County of *Cornwall*, mentioning the Time and Place of such Meeting, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest all or any Part of the said Sum of One thousand Pounds on the Credit of the said Harbour, Pier, Quay, and other Works, and the Rates and Duties thereof, and to assign the Property of the said Undertaking, and the Rates and Duties arising or to arise to the said Company of Proprietors by virtue of this Act or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates and Duties), as a Security for any Sum or Sums of Money so to be borrowed, with Inrerest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say),

Power to raise Money by Mortgage.

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*] We, the *Goran Harbour Company*, incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by *A. B.* of do hereby bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns, the said Harbour and the Pier or Quay thereof, and all and singular the Harbour Dues and other Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal, this Day of .'

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall, within Thirty Days from the Date of every such Assignment, be entered in One or more Book or Books, to be kept by the Clerk to the said Company

pany of Proprietors, which Book or Books shall or may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, and his, her, or their Executors, Administrators, Successors or Assigns, shall and may from Time to Time transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following; (that is to say),

Form of Transfer.

'I *A. B.* of in consideration of the Sum of
'paid to me by *C. D.* of do hereby transfer a
'certain Mortgage made by the *Goran Harbour Company* to
'bearing Date the Day of for
'securing the Sum of and all Interest now due
'and to become due thereon, and all my Right and Property therein,
'to the said *C. D.* Executors, Administrators, and
'Assigns. Dated this Day of .'

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Five Shillings and no more; and every such Entry made of such Transfer shall thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators and Assigns, to the full Benefit of the original Mortgage, and it shall not thenceforth be in the Power of any Person or Persons who shall have any such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in preference to Dividends.

XXIV. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice, signed by the Clerk to the said Company of Proprietors, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same.

Six Months Notice to be given of paying off Money.

XXV. Provided always, and be it further enacted, That no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment.

Assignees not to vote on account of having lent Money.

XXVI. And

First and other General Meetings of the Company.

XXVI. And be it further enacted, That the first General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at the *Ship Inn* in the Parish of *Mevagissey*, upon the Fourth *Tuesday* next after the passing of this Act, at the Hour of Twelve at Noon; and all future General Meetings of the said Company (except such Special General Meetings as herein-after mentioned) shall be held on the First *Tuesday* in the Month of *March* in every Year, at the Hour of Twelve at Noon, at such Place or Places in the said Parish of *Mevagissey* as the said Company of Proprietors at their preceding General Meeting shall from Time to Time direct and appoint, and in Default of such Direction or Appointment at the *Ship Inn* in the said Parish of *Mevagissey*, of which General Meetings Fourteen Days previous Notice at the least shall be given by public Advertisement in some Newspaper or Newspapers usually circulated in the said County of *Cornwall*, or in such other Manner as the said Company of Proprietors at their respective General Meetings shall direct; and the said Company of Proprietors at such respective General or Special General Meetings shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; and the said Company of Proprietors at their respective General Meetings shall and may and are hereby directed to choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Two Shares at the least in the said Undertaking, a Board of Directors to manage and conduct the Affairs of the said Company of Proprietors as herein-after directed, the said Board of Directors to consist of Five Persons; and the said Company of Proprietors shall have Power and Authority at any such General Meeting to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Board of Directors, or any Officer or Officers under them, and to appoint another or others in their Stead; and every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Harbour and other Works thereto belonging, but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Meetings be thought proper and convenient, and to revoke, alter, amend, or change any of the Rules, Bye Laws, Orders, and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling General or Special Meetings, and their Time and Place of meeting and voting and appointing Directors only excepted); and shall have Power to make such new Rules, Bye Laws, Orders, and Directions for the good Government of the said Company, and of the said Directors and of their Servants, Agents or Workmen, and for the whole, complete, and total Superintendance and Management of the said Undertaking, and of the

May appoint a Chairman.

May choose a Board of Directors.

May make Rules, Bye Laws, &c.

Bargemen,

Bargemen, Watermen, Boatmen, Fishermen, and others, who shall carry any Goods, Wares, or Merchandize within or frequent or use the said Harbour, as to the said General Meetings shall seem meet, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any one Offence; which said Rules, Bye Laws and Orders, being reduced into Writing, shall be binding upon and observed by all Parties using or in any way concerned in the said Harbour, Pier, or Quay, and the Works thereof, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using the said intended Harbour and Works, or to the Conduct and Behaviour of Bargemen, Boatmen, Watermen, Fishermen, and others carrying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Harbour and Works, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places upon or near adjoining the said Harbour or the Wharfs adjoining thereto, and renewed as often as the same shall be obliterated or defaced.

Authenticated Bye Laws.

XXVII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Bye Laws, it shall be sufficient to prove, that a printed Paper in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, hath been affixed and published in Manner aforesaid; and in case of its being afterwards displaced or damaged, hath been replaced with another such Paper as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such printed Paper is not a Copy of such Bye Laws, or hath not been duly kept up, and generally continued at such Wharf in Manner aforesaid: Provided always, that Thirty Days previous Notice at the least shall be given to the Clerk for the Time being of the said Company of Proprietors, signed by Three or more Proprietors entitled to vote at such General Assembly, who shall propose to revoke, alter, amend, or change any such Rules, Bye Laws, Orders, or Directions, or to propose any such new Rules, Bye Laws, Orders, or Directions; and such Notice shall state specifically the Rules, Bye Laws, Orders, or Directions proposed to be revoked, altered, amended, or changed, and the Particulars of the proposed Alterations or Amendments; and also the Particulars of any new Rule, Bye Law, Order, or Direction intended to be proposed; and the Clerk for the Time being to the said Company of Proprietors shall and he is hereby required, Twenty-one Days at the least before such General Assembly, to transmit a Copy of such Notice to each of the Proprietors whose Residence or Place of Abode shall be known; and also shall publish such Notice in

Previous Notice to be given of any Alteration to be proposed in Bye Laws.

in one Newspaper usually in Circulation in the said County of *Cornwall*; and in case there shall be no such Newspaper in Circulation, then in one of the *London* Morning Newspapers; and it shall not be competent to such General Assembly to revoke, alter, amend, or change any Rule, Bye Law, Order, or Direction, or to make any new Rule, Bye Law, Order or Direction not specially mentioned and particularized in such Notice, nor unless such Notice shall have been transmitted to the Proprietors, and published as aforesaid.

General Meetings for choosing Directors to consist of Persons entitled to 20 Shares.

XXVIII. Provided always, and be it further enacted, That if at any such stated General Meeting there shall not be Persons present who shall be possessed of or entitled unto at least Twenty Shares in the said Undertaking, either as Principals or Proxies, no Choice of any Directors, nor any Removal of any Person or Persons from any such Board of Directors as aforesaid, nor any Election of any Person or Persons in the Room of such of the Directors who shall be removed, die, or decline to act, shall be made at that Time; but in such case there shall be another Meeting of the said Company of Proprietors at the same Place upon that Day Three Weeks, and so from Time to Time until there shall be such Persons present at such Meeting having such Number of Shares as aforesaid, and such Choice, Removal, or new Appointment of any such Directors shall then take place, and not before, and the Persons then chosen to be such Directors shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done had they been chosen by any such stated General Meeting, on the Day first appointed for holding the same; and in case of failure of the assembling of a sufficient Number of Proprietors having such Shares as Principals or Proxies at such stated General Meeting, every Proprietor who shall not attend such second or adjourned Meeting, (provided he be within the United Kingdom of *Great Britain* and *Ireland*) in Person or by Proxy, shall forfeit to the said Company of Proprietors for every Share which he or she shall possess in the said Undertaking, the Sum of Twenty Shillings, to be deducted out of his or her next succeeding Payment of Dividends of the Profits of the said Undertaking; and in case no Dividends shall be payable to such Person or Persons making Default as aforesaid, within Twelve Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Twenty Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Meeting of Proprietors may be specially convened.

XXIX. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into Execution, a special General Meeting of the said Company of Proprietors is necessary to be held, it shall and may be lawful to and for any Number of the said Proprietors who may be possessed of or entitled unto Ten Shares at the least in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof, in some Newspaper or Newspapers usually circulated in the said County of *Cornwall*, or in any other Manner as the said Company of Proprietors shall at at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of

requesting such Special Meeting, and the Time when and the Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such special General Meeting (provided such major Part shall be possessed of at least Seven Shares in the said Undertaking, either as Principals or Proxies) shall be as valid with respect to the Matters specified in such Notice as if the same had been done at any stated General Meeting.

General Meeting of Proprietors to elect and appoint Officers.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Meeting, and they are hereby authorized from Time to Time to nominate and appoint a Treasurer or Treasurers, One or more Clerk or Clerks, One or more Collector or Collectors, Receiver or Receivers of the said Rates, Harbour Master or Harbour Masters, and such other Agents, Officers, and Servants as may from Time to Time appear expedient, and to allow them respectively such Salaries, Allowance, or Recompence for their Time and Trouble, as to them shall seem meet; and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Harbour and Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Directors respectively; and each of the said Proprietors of the said Undertaking, shall and may at all convenient Times have recourse to and peruse and inspect the same, and to the Books of Account of the Treasurers or Treasurer, Collector or Collectors to the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words to be copied, the Sum of One Shilling; and if any such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors to the said Company or Directors, shall not permit or shall refuse to permit any Proprietor or Proprietors, so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; and in case any such Treasurer, Clerk, Collector, Receiver, Harbour Master, or other Agent, Officer, or Servant, shall die or quit the Service of the said Proprietors or of such Directors, or by Reason of any Negligence, Misconduct, or Inability, in any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or Servant to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall and may be lawful to and for the Proprietors assembled at any such stated or special General Meeting as aforesaid, or for the said Directors, to remove any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or Servant;

Servant; and in case any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or Servant shall so die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Directors, then it shall and may be lawful to and for the said Company of Proprietors, at their said General or Special General Meetings, or for the said Directors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors, or of the said Directors; but in case any such new Appointments be made by the said Directors, the same shall only continue until the next General or Special General Meeting of the said Proprietors when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such General or Special General Meeting may think proper.

Treasurer or Collector to find Security.

XXXI. And be it further enacted, That the said Company of Proprietors shall be obliged, and they are hereby required to take such Security from the Treasurer or Treasurers, Engineer, Collector or Collectors, Clerk or Clerks, Harbour Master, or other Agents, Officers, and Servants, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them, or Services to be performed by them in virtue of their said Offices, as to the said Company of Proprietors or the said Directors shall seem meet.

Clerk and Treasurer not to be the same Person.

XXXII. Provided always, and be it enacted, That it shall not be lawful for the Company of Proprietors 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 of the said Company; 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 such Treasurer shall act as Clerk in the Execution of this Act, every Person 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*, 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.

Powers of the Directors, and Regulations respecting the same.

XXXIII. And be it further enacted, That no Member of the said Board of Directors (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Meeting of the said Directors, except the Chairman, who shall be chosen by and out of the said Directors; and who, in case of an Equality of Votes upon any Question which may be agitated at any Meeting of the said Directors, shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Directors,

Directors, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present being not less than Three; and every such Board of Directors shall from Time to Time make Reports of their Proceedings to the said General Meetings, and if required to the said Special General Meetings of the Proprietors, and shall obey their Orders and Directions; and the said Directors shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; but no Person holding any Place, Office, or Employment under the said Company, or concerned or interested in any Contract or Contracts with the said Company, shall be capable of being chosen to serve upon any Board of Directors during the Time of his Continuance in such Place, Office, or Employment, or during the Time of his being concerned in such Contract or Contracts; and in order to defray the Expences of their Meetings, the said Directors shall from Time to Time receive out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such General Meetings; and the said Directors (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in improving the said Harbour, and in making and completing the said Pier, Quays, Wharfs, Warehouses, and other Works, Matters, and Things, hereby authorized to be made, and all and every Part and Parts thereof, and shall by themselves, or their Clerk or Clerks aforesaid, keep a full and true Account of all Money disbursed and Payments made by the said Directors, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of such Harbour or other Works, from any Collector or Collectors of the said Rates or Duties, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Harbour and Undertakings, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors: Provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto, as herein-before mentioned, for his or her Inspection.

Directors to make Calls.

XXXIV. And be it further enacted, That the said Directors shall have Power, from Time to Time, to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Five Pounds for every Twenty-

five Pounds, and so in Proportion for any greater or less Share or Interest which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at least from each other, and Fourteen Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some one or more Newspaper or Newspapers usually circulated in the said County of *Cornwall*, and by Letter to be signed by the Clerk, addressed to the respective Subscribers at his, her, or their Place of Abode, as the same stand described or recorded in the Books of the said Company of Proprietors; and such Directors shall (subject nevertheless to the Orders and Directions of such General Meetings as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments, and Materials for the Use of the said Harbour, Pier, Quays, Wharfs, Warehouses and other Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Shares to be called for as aforesaid, to such Person or Persons as aforesaid, and at such Time and Place as the said Directors shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such Directors, or within Thirty Days next ensuing, he, she, or they so neglecting or refusing shall forfeit and pay a Sum not exceeding Twenty Shillings for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Three Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall, at the Option of the said Company of Proprietors, forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof (all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors), in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said stated or special General Meetings, be publicly sold for the Use of the Rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice shall have been given to or Notice left at or sent by the General Post, addressed to the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively; and the same Share or Shares shall likewise be declared to be forfeited at some stated or special General Meeting of the said Company of Proprietors, within Six Calendar Months next after such Forfeiture shall have been incurred: Provided always nevertheless, that every such Forfeiture, after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the

Shares may be forfeited, but no Advantage to be taken of Forfeiture without personal Notice.

Forfeiture of Shares to be an Indemnity to Persons

Proprietor or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract, or other Agreement between such Proprietor or Proprietors so forfeiting, and the said Company, with regard to the future carrying on and management of the said Undertaking; but no such Share or Shares shall be forfeited, if the Owner or Owners thereof shall, at or before such stated or special General Meeting, pay or tender to the Treasurer or Clerk of the said Company of Proprietors what shall be due thereon, together with legal Interest for the same, from the Time when the same ought to have been paid, and all Expences incurred for Recovery thereof.

forfeiting, but Shares not to be forfeited if Arrear and Interest be paid or tendered at or before General Meeting.

XXXV. And be it further enacted, That if any Proprietor or Proprietors shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, at the Time and Place appointed for that Purpose, it shall be lawful for the said Company of Proprietors, in case they shall think fit, to sue for and recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for Payment thereof, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and in every such Action it shall be sufficient for the said Company to declare and allege, that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such and so many Call or Calls, of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall be only necessary to prove, that the Defendant or Defendants, at the Time of making such Call or Calls, was or were Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matters whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Share of Twenty-five Pounds, or was made within the Distance of the Three Calendar Months from the last preceding Call, or without Notice given as aforesaid.

Company may sue for Calls not paid at the Time appointed.

XXXVI. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Harbour and Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares, which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise, how or in what manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors, for the Purpose of the said Undertaking; then and in such Case, the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics,

On the Death of Subscribers before Shares completed, Executors may do it.

Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased or lunatic or infant Owner or Owners, on condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Lunatic or Lunatics, Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners by virtue of any Call or Calls or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and for the Purpose of vesting such Share or Shares, or any forfeited Share or Shares in a Purchaser or Purchasers, it shall be competent to the Clerk for the Time being of the said Company of Proprietors, with the Approbation of the said Company of Proprietors, signified under their Common Seal, to execute the Transfer of such Share or Shares, which shall have such and the like Effect as if the same had been executed by the Owner or Owners of such Share or Shares, without Notice of any legal Impediment or Disability in such Owner or Owners; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares shall be in the Form or to the Effect following; (that is to say),

Form of Conveyance of Shares.

'I *A. B.* of in consideration of paid to me by *C. D.* of do hereby bargain, sell, assign, and transfer to the said *C. D.* the Sum of Capital Stock of and in the *Goran* Harbour Company, and in the Works and Premises belonging to the said Company, being Part [*or*, the Whole, *as the Case may be*] of my Share

'Share in the said Undertaking; to hold to the said *C. D.* his Exe-
'cutors, Administrators, and Assigns, subject to the same Rules,
'Orders, and Restrictions, and on the same Conditions that I held
'the same immediately before the Execution hereof; and I the said
'*C. D.* do hereby agree to take and accept the said Capital Stock or
'Share of subject to the same Rules, Orders,
'Restrictions, and Conditions: As witness our Hands and Seals,
'the Day of .'

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books, to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which Transfer and Memorial no more than Five Shillings shall be paid, exclusive of the Stamp and other Duty; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

After a Call no Share to be sold until such Call shall be paid.

XXXVIII. And be it further enacted, That after any Call of such Money shall have been made by such Directors as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have been paid and discharged to the Treasurer or Treasurers of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Meeting, in manner before directed.

Regulations as to the Acquisition of Shares;

by Marriage,

XXXIX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares, ought to be paid and do belong; be it therefore enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the effect of such Register, shall be made and sworn to by some credible Person, before a Master or Master Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace for the said County of *Cornwall*; and the said Master or Master Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear

any such Person to such Affidavit, and such Affidavit shall be transmitted to the Clerk or Clerks to the said Company of Proprietors for the Time being; who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks, for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shown to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietors shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be), before a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace for the said County of *Cornwall*, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in manner herein-before mentioned; and for every such Entry the Clerk or Clerks of the said Company shall be entitled to receive from the Person or Persons claiming such Share or Shares by Marriage or Will, or in course of Administration as aforesaid, the Sum of Five Shillings and no more.

or Will, or in course of Administration.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

XL. And for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their Second or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their common Seal to be affixed thereto; and shall also cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

For enforcing Payment of Subscriptions.

XLI. And be it further enacted, That if the several Persons who have become Subscribers towards the Purposes of this Act, or any One or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for that Purpose, shall after Thirty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Company, given to him, her, or

them, or left at his, her, or their usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, at such Place or Places, and to such Person or Persons as the said Company shall authorize to receive the same, it shall be lawful for the said Company to bring, or cause to be brought, any Action or Actions of Debt or on the Case, or Bill, Plaint, or Suit against the Person or Persons so refusing or neglecting as aforesaid, or his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiff in all such Action and Actions, and Execution shall issue thereupon as the Case may require.

Harbour Duties to be paid on Tonnage.

XLII. And be it further enacted, That from and after the Time that the said Harbour, Quay, or Pier at *Goran Haven* aforesaid, and the intended Works therein shall have been improved and completed as herein-before mentioned, which Fact shall be ascertained by a Certificate under the Hands of any Two Justices of the Peace assembled at the Quarter Sessions for the said County of *Cornwall*, and be published in the *London Gazette*, and in One or more Newspapers circulated in the said County of *Cornwall*, it shall and may be lawful to and for the said Company of Proprietors, and such Person or Persons as they shall appoint, to demand, collect, receive, and take the several Harbour Rates or Dues following, on Ships, Vessels, Barks, Lighters, and Boats coming in or going out of the said Harbour of *Goran Haven*, of and from all and every the Masters and Owners of any Ships, Vessels, Barks, and Lighters belonging to *Great Britain* or *Ireland*, or to the *British* Plantations, or to any Foreign Country, Kingdom, State, City or Town whatever, importing into or exporting from the Harbour of *Goran Haven* aforesaid, any Kind of Goods or Merchandizes; (that is to say),

Tonnage Duties.

If belonging to *Great Britain* or *Ireland*, or to the *British* Plantations, (unless carrying Coal or Limestone), the Sum of Two-pence Sterling for each and every Ton which such Ships, Vessels, Barks, and Lighters shall measure; and if Foreign Ships, Vessels, Barks, or Lighters importing into or exporting from the said Harbour of *Goran Haven*, any Article, Matter, or Thing, the Sum of Four-pence for each and every Ton which such Foreign Ships, Vessels, Barks, and Lighters shall measure; and of and from the Masters or Owners of all Ships, Barks, and Lighters arriving in the said Harbour of *Goran Haven*, or putting into the same by Stress of Weather or otherwise, when neither the Ship shall be sold, nor any Part of the Cargo shall be landed, One Penny for each and every Ton of the Measurement thereof.

Exemption for Vessels in His Majesty's Service.

XLIII. 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

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 the King's most Excellent Majesty, or any Member of the Royal Family; nevertheless the Captain or Master of every such Ship, Vessel, or Boat, shall be answerable for all Damages 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.

Duties on Exports and Imports.

XLIV. And be it further enacted, That in addition to the several Rates or Duties herein-before mentioned, there shall be paid to the said Company of Proprietors, or to such Person or Persons as they shall appoint to collect and receive the same, for all Goods, Wares, Merchandize, and Commodities whatsoever, imported or exported to or from the said Harbour, such Rates or Duties as the said Company shall order and direct to be paid, not exceeding the Rates or Duties contained or specified in the Table or Schedule hereto annexed, as far as such Goods, Wares, Merchandizes, and Commodities as shall or may be imported or exported as aforesaid, are particularized in the said Schedule of Rates, which said Rates shall be paid by the Merchant or Merchants, or other Person or Persons exporting or importing such Goods, Wares, and Merchandizes, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon the Delivery or Shipping of the same respectively.

Power to fix Duties payable on Articles not enumerated.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered to affix, appoint, settle, establish, and impose such Rates to be paid upon the loading or unloading, exporting or importing, and in respect of any Goods, Wares, Merchandizes, or Commodities, not specified or enumerated in the said Table or Schedule to this Act annexed, as they shall think fit, so as such Rate or Duty shall not exceed the Sum of Three-pence in every Two Shillings of the Amount of the Freight.

Goods chargeable with Duties according to Weight or Measure, to be weighed or gauged.

XLVI. And be it further enacted, That all such Goods, Wares, and Merchandize as shall be brought into the said intended Harbour, and shall be chargeable with Duties according to the Weight or Measure thereof, shall be respectively weighed or gauged, as the Case shall require, immediately or as soon as may be, after the same shall be landed or unshipped, and before any Samples for Sale shall be taken from the same.

Rates to be published.

XLVII. Provided always, and be it further enacted, That a Table of the several Rates and Duties to be taken for the Use of the said intended Harbour, Quays, Piers, and other Works hereby authorized

to

to be made, shall be provided and fixed up in some conspicuous Part of the said Harbour, in legible Characters.

To ascertain the Tonnage or Admeasurement of Ships.

XLVIII. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts of Parliament of this Kingdom, or of the Kingdom of *Ireland*, and trading or coming to or departing from the said Harbour, and liable to the Payment of the Rates or Duties of Tonnage by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates and Duties to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in or about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel 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.*

Power to measure Ships.

XLIX. And be it further enacted, That if the Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons, as the said Company of Proprietors shall in that Behalf nominate or appoint, and the Master or other Person or Persons having the Charge or Command of any Ship or other Vessel, cannot agree about or otherwise ascertain the Tonnage of such Ship or other Vessel, then and in every such Case, it shall and may be lawful for the said Collector or Collectors, or Person or Persons appointed as aforesaid, from Time to Time and at all convenient and reasonable Times to stop, detain, enter into, measure, and gauge the same; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, Owner, or Person giving in such Account shall pay the Costs and Charges of such measuring and gauging, all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the Rates and Duties hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons appointed as aforesaid respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace for the County of *Cornwall*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and such Costs, Charges, and Damages shall be recovered and levied on the Goods and Chattels of the said Company of Proprietors, in the same Manner as other Fines, Penalties, and Forfeitures can or may be recovered and levied under this Act; and if any Master, Commander, or other Officer of any Ship or Vessel, of

any Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed in or from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds over and above the said Rates.

Custom House Officers not to discharge Vessels before Duties paid.

L. And, to the Intent that the Rates or Duties aforesaid may be duly accounted for and paid, be it further enacted, That from and after the Time that the said Harbour and Works shall have been so certified as aforesaid to be so far complete, as that any Ship or Vessel may be enabled to load and unload Goods and Effects within the said Harbour, no Collector or other Officer of His Majesty's Customs at the said Harbour, or at any Port to which the same shall be attached, shall thenceforth afterwards, on any Pretence whatever, permit or allow any Ship or other Vessel on which Duties of Tonnage are by this Act imposed, to be entered inwards from Foreign Ports or Coastwise, or outwards from the said Harbour, unless and until the Master or other Person having charge of such Ship or Vessel shall have paid the Duties of Tonnage by this Act granted or imposed, and shall have produced to the said Collector or other Officer of the Customs, a Certificate, under the Hand of a Collector or Person appointed under the Authority of this Act to collect and receive the Rates and Duties due, that the said Rates and Duties payable on account of any such Ship or Vessel have been fully paid and satisfied, upon pain of forfeiting and paying for every such Offence any Sum not exceeding Ten Pounds; and such Penalty shall be recovered and levied in the same Manner as other Fines, Penalties, and Forfeitures may be recovered and levied under this Act; and which Certificates and Signatures such Collector or Collectors, or other Person or Persons appointed under the Authority of this Act to collect and receive the said Tonnage Tolls or Duties as aforesaid, are required to sign and give accordingly, without Fee or Reward, upon pain of forfeiting and paying for every Refusal thereof upon Demand, any Sum not exceeding Ten Pounds; and such Penalty shall and may be recovered and levied in the same Manner as other Fines, Penalties, and Forfeitures under this Act may be recovered and levied.

Ships to be reported on arriving in the Harbour.

LI. And be it further enacted, That from and after such Certificate of the Improvement of the said Harbour as aforesaid, every Master or Commander of any Ship or Vessel which shall arrive in the said Harbour, with any Goods subject to Duties of Customs or Excise, shall in every Case make his Report of such Ship or Vessel, and of her Cargo, at the Custom House at the Port of *Fowey*, within Twenty-four Hours next after her Arrival within the said Harbour, and shall also within Twenty-four Hours after such Ship or Vessel and Cargo shall be so reported, deliver or cause to be delivered a true Copy of the Manifest of the Cargo of such Ship or Vessel at the principal Office or House near to the said Harbour, used for the Time being for the Management of the Affairs of the said Company of Proprietors, to such Officer or Servant of the said Company of Proprietors as shall be appointed for the Receipt thereof; and every such Master or Commander refusing or neglecting to make such Report, or to deliver a true Copy of such Manifest within the respective

Times

Times and in the Manner before directed shall for every such Offence (upon being convicted thereof) forfeit and pay any Sum not exceeding Ten Pounds.

Rates may be altered.

LII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and they are hereby required, whenever the Profits arising from the said Undertaking shall be more than sufficient to pay and divide amongst the Proprietors Ten Pounds *per Centum* upon each Share therein, at their said General Meetings, or at any Special Meeting to be appointed for that Purpose, to lower or reduce the said Rates and Duties, or any of them, so as that the said Profits shall not exceed Ten Pounds *per Centum* upon each such Share as assessed; but nevertheless, the said Company of Proprietors shall and may from Time to Time again raise or reduce the same Rates and Duties, or any of them, to such Sum or Sums of Money as they shall think proper, not exceeding in the Whole the Sums before mentioned or referred to, as often as it shall be deemed necessary for the Benefit of the said Undertaking, and so as that the said Proprietors do not receive a greater Proportion of Profit than Ten Pounds *per Centum* upon each Share.

Manner of recovering Rates and Duties.

LIII. And, to the Intent that the Rates and Duties imposed by this Act may be more effectually collected and levied, be it enacted, That in case any Owner or Master, or any other Person or Persons, having the Rule or Command of any Ship, Boat, Barge, or other Vessel, or any Factor or Consignee thereof, chargeable with Rates or Duties granted by this Act, shall refuse or neglect to pay the same, then and in such Case it shall and may be lawful to and for the said Company, or the Collector or Collectors, or other Person or Persons, appointed in pursuance of this Act to receive the same, to go on board such Ship or other Vessel, to demand, collect, and receive the said Rates or Duties; and on Non-payment thereof, to take and distrain every such Ship or other Vessel, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and all or any Part of the Goods, Wares, or Merchandize, in respect whereof such Rates or Duties shall be payable, either on board such Ship or other Vessel, or on Land, and the same to retain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties, for the Space of Five Days after any Distress or Distresses so made or taken, that then it shall and may be lawful to and for the said Company, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the same to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and out of the Produce of the Sale thereof to satisfy themselves or himself, as well for and in respect of their or his reasonable Charges in taking, keeping, appraising, and selling the same, as also for and in respect of the said Rates and Duties and every of them, rendering the Overplus (if any such there be) to the Owner upon Demand; and it shall and may be lawful for the said Company, in case of Non-payment of the Rates and Duties as aforesaid, instead of recovering the same in Manner aforesaid, or in

case

case the Whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, by Action of Debt or on the Case, in any Court of Record at *Westminster*.

Persons evading Payments to remain liable; and also to forfeit a Sum equal thereto.

LIV. And be it further enacted, That if any Master, Owner, or other Persons having the Rule or Command of any Ship or other Vessel, or the Owner, Factor, or Consignee of any Goods, Wares, or Merchandize, shall, by any Means whatsoever, at any Time or Times, elude, evade, or avoid the Payment of the Rates or Duties hereby made payable, in respect thereof, or any Part of the same, every Person eluding, evading, or avoiding Payment as aforesaid, shall forfeit and pay to the said Company a Sum equal to the Amount of such Rates and Duties, and shall also stand charged with and be liable to the Payment of the said Rates and Duties; which Rates and Duties, as well as the Forfeiture incurred, by having eluded, evaded, or avoided the Payment thereof, shall and may be recovered from such Master or Owner, Factor or Consignee, or such other Person having such Rule or Command respectively, at any Time or Times, either by the Means herein-before prescribed for the levying the said Duties, and by the same Method, or in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act, and with the like Costs.

Power to regulate Vessels lying in Harbour.

LV. And for the more orderly governing the said Harbour, and for the better preserving the same, and the Works to be erected there from Prejudice or Damage, as well for the Accommodation of Ships or Vessels coming into as going out of the said Harbour; be it enacted, That the Harbour Master to be appointed in pursuance of this Act shall from Time to Time order and require all and every Person having the Rule or Command of any Ship or Vessel entering into, lying, being, or abiding within the said Harbour, to anchor, moor, and ballast such Ship or Vessel in such proper Place or Places within the same, as such Harbour Master shall assign or direct for those Purposes (having due Regard, that, to the best of his Skill and Judgment, such Ship or Vessel shall be ordered to lie, anchor, moor or ballast in a Place of Safety); and in case the Person or Persons having the Rule or Command of any Ship or other Vessel, shall refuse or neglect to obey the Orders so given, or shall cast or throw out, or permit or suffer to be thrown out, any Ballast or Rubbish, Sand or other Materials used for Ballast, from any such Ship or Vessel within the said Harbour, or within Ten Yards of the Heads thereof, every Person so offending, for every such Refusal or Neglect, shall forfeit and pay any Sum not exceeding Five Pounds to the said Company: Provided also, that no Gunpowder, Pitch, Tar, Rosin, Hemp, Flax, Faggots, or Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other inflammable or combustible Matter or Thing whatsoever, shall be suffered to be or remain on any Quay, Pier, Wharf, or Barrier belonging to the said Harbour, or upon the Deck of any Ship or Vessel within the said Harbour, above the Space of Twenty-four Hours after having passed the Custom House Officers, and the Owner or Owners thereof shall and they are hereby required to remove the same from

such Place or Places within the Space of Twenty-four Hours; and in case the same cannot be conveniently removed before Sunset, that then the Owner or Owners thereof shall be obliged, and he and they is and are hereby required, to set and employ at his or their own Expence, such a Number of careful and sober Persons to guard and watch over the same, for such and so many Hours from Sunset to Sunrise as the said Directors or the Harbour Master, or other Person or Persons by them appointed, shall specify and direct; and in case any such Owner or Owners, or the Person or Persons having the Rule or Command of any Ship or Vessel as aforesaid, shall make Default in the Premises, each and every such Person so offending, shall for every such Offence forfeit any Sum or Sums not exceeding Five Pounds to the said Company.

LVI. Provided always, 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, laden with Gunpowder.

Persons destroying Works or extinguishing Lights guilty of Felony.

LVII. And be it further enacted, That all and every Person or Persons whosoever, who shall at any Time or Times hereafter wilfully or designedly demolish, break down, or damage the said Pier, Quays, Wharfs, Warehouses, or any of the Works or Buildings which shall be constructed in or which shall belong to the said Harbour, or who shall wilfully do any Damage to any of the Shipping or Goods within the same, or who shall wilfully or designedly extinguish or put out any of the Lights used in or belonging to the said Harbour, for the Safety and Protection of the Ships or other Vessels resorting to the same, shall be adjudged guilty of Felony; and the Court by or before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for any Term not exceeding Seven Years; or in Mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Petit Larceny.

Masters of Vessels answerable for Damages done by Crew through Unskilfulness or Neglect.

LVIII. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship or other Vessel lying or being in the said Harbour, shall be and is hereby made answerable and accountable to the said Company for the Amount or Value of any Damage or Mischief that shall be done through Unskilfulnes or Negligence by him, or by such Ship or Vessel, or by any of the Mariners, Servants, or Crew on board of or belonging to the same, to the Pier, Quays, or any of the Works which shall be constructed in pursuance of this Act; and the same, if not forthwith paid and satisfied, shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover Damages from their Servants.

LIX. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Ship or Vessel as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass by Reason of any such Damage or Mischief done

done or committed by his or their Mariners, Boatmen, Servants, or other Persons employed by them or any of them, such Mariner, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same or the Costs thereof have or hath not been repaid to him, her, or them by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded (such Oath to be made before any One Justice of the Peace of the County where such Penalty or Satisfaction shall have been incurred as aforesaid, or where such Mariner, Boatman, Servant or other Person can be found), the Amount whereof shall be recovered as any other Penalty is hereby directed to be recovered.

Declaring what shall be good Service of Notice on the Company.

LX. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons, or Party or Parties, to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings upon the said Company, the Service thereof respectively upon any One of the Members of the Board of Directors, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Recovery of Fines, Forfeitures, and Penalties.

LXI. 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 *Cornwall*, 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

curity 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 Five 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 Three 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.

LXII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Conviction.

' } BE it remembered, That on this Day of
' to wit: } in the Year of our Lord
' is convicted before me *C. D.* One of His Majesty's Justices of the
' Peace for the of having [*as the Offence shall be*]; and
' I the said do adjudge him, [her, *or* them,] to forfeit
' and pay for the same the Sum of . Given under my
' Hand and Seal [*or*, our Hands and Seals], the Day and Year
' aforesaid. *A. B.*

Distress not to be deemed unlawful for want of Form.

LXIII. And be it further enacted, That where any Distress or Distresses 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 in the Summons, Conviction, Warrant of Distress, or other Warrant or Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity by him or them done or committed after such Distress made or taken; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in any Action upon the Case.

Collectors of Rates, &c. to be competent Witnesses.

LXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates or Duties, or any of them, or respecting any Matter relating to the said Harbour, Pier, Quay, or other Works, the Person or Persons acting by or under the Authority of the said Company of Proprietors,

prietors, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Rates or Duties, or being concerned or interested in the Execution of the said Works.

Allowing an Appeal to the Quarter Sessions.

LXV. And be it further enacted, That in case any Person shall think himself or herself aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation of the said Company of Proprietors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act contained, or by any thing done in pursuance of this Act, and for which no particular Method of Relief is hereby otherwise provided, it shall and may be lawful for such Person to appeal to the next Quarter Sessions of the Peace to be held for the County or Place where the Cause of Complaint shall have arisen, next after the Expiration of Two Calendar Months from the Time when the Cause of such Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at the least, in Writing, of his, her, or their Intention to bring such Appeal and of the Matter thereof, to the said Company, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace acting within such Jurisdiction, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and pay such Costs as shall be awarded by the Magistrates assembled at such General or Quarter Sessions; and upon due Proof of such Notice having been given as aforesaid, and the entering into such Recognizance, the said Justices at such Sessions before whom such Appeal shall be brought, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as the Justices shall think proper; and the Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order or Regulation, and may also award such further Satisfaction to be made to the Party injured, as to them the said Justices shall seem reasonable; and the Determination of such Justices thereupon shall be final, binding, and conclusive upon all Parties.

Proceedings not to be quashed for want of Form.

LXVI. And be it further enacted, That no Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing, signed by his, her, or their Attorney, (specifying the Cause of Action), shall have been given to the Defendant or Defendants at least Thirty Days before the same shall have been brought; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her,

Thirty Days Notice of Action.

Satisfaction for Special Damages.

her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case no Tender of Amends shall have been made, it shall and may be lawful for the Defendant or Defendants (by Leave of the Court), at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made and given in and by such Court, as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

LXVII. And be it further enacted, That no Action against any Person or Persons, for or on account of any thing done in pursuance of this Act, shall be commenced after the Expiration of Six Calendar Months next after the Cause of Action shall arise; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in all Actions or Suits so brought 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 it shall appear to have been so done, or that such Action or Suit was brought before Thirty Days Notice given to the Defendant or Defendants, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or may have for Costs of Suit, in any other Cases by Law.

Defendants may plead the General Issue.

Expences of passing this Act.

LXVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to or attending the obtaining or passing of this Act, shall be defrayed and paid out of the first Monies to be received or recovered by virtue of or under the Authority of this Act, in preference to all other Payments whatsoever.

Powers given by this Act to cease, if Works not completed within Five Years.

LXIX. Provided always, and be it further enacted, That in case the several Works herein-before described, and intended to be carried into Effect under the Authority of this Act, shall not have been completed, so as to answer the Purposes aforesaid, within the Space of Five Years from the passing of this Act, then and thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to such or so much of such 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 herein contained; and so that the said Company of Proprietors be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate,

Corporate, or Collegiate, arising out of the Provisions herein contained.

The Act to be put in force when Money subscribed.

LXX. And whereas the probable Expence of making the said Harbour, Pier, Quay, and other Works hereby authorized to be made will according to an Estimate made thereof amount to the Sum of Two thousand five hundred Pounds, Four Parts in Five whereof have been already subscribed by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money subscribed by them respectively; be it therefore enacted, That the Powers given by this Act shall not be put in force until the whole of the said Sum of Two thousand five hundred Pounds shall have been subscribed.

General Saving.

LXXI. 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 the Estates, Rights, Interests, Privilege or Authority of the King's most Excellent Majesty, His Heirs and Successors, or of the Duke of *Cornwall*, his Heirs and Successors, or of the Lord Warden of the Stannaries of *Cornwall* and *Devon* for the Time being, or of any Bodies Politic and Corporate, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, other than and except those meant and intended to be barred and regulated by this Act.

Public Act.

LXXII. 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.

SCHEDULE

SCHEDULE.

		£	s.	d.
Alum	per Cwt.	0	0	4
Apples	per Hogshead, Winchester	0	0	2
Ale, Porter, &c.	per Hogshead	0	1	0
Anchors	per Ton	0	2	6
Almonds	per Bushel	0	0	4
Boat	per Year, each	0	5	0
— small	entering the Pier	0	1	0
— large	Do.	0	2	0
Ballast, taken from or thrown in	per Ton	0	0	6
Bark, British	per Bushel	0	0	1
Barley	per Quarter	0	0	3
Boards, Deal	per Hundred 10 ft. 1½ in. and so in proportion.	0	1	0
Brimstone	per Cwt.	0	0	4
Butter	per Firkin, under 84lb.	0	0	3
—	Barrel, per Cwt.	0	0	4
Bricks	per Thousand	0	1	0
Bottles	Basket or Box	0	0	8
——	Gross of	0	1	0
Bacon	Side of	0	0	3
Bullocks	each	0	2	0
Beef	per Barrel	0	0	8
——	per Tierce	0	1	0
Brushes	Basket or Bundle	0	0	4
Bread	per Cwt.	0	0	2
Bellows	per Dozen	0	0	6
——	Smith's each	0	1	0
Beans	per Quarter	0	0	4
Brooms	per Dozen	0	0	1
Coals, Culm, Cinders, &c.	per Quarter	0	0	4
Cane	per Cwt.	0	1	0
Copperas	Barrel, Box or Bag	0	0	4
Cheese	per Cwt.	0	0	4
Cotton	per Cwt.	0	0	6
Casks	Ton of	0	0	6
Cider	per Hogshead	0	1	0
Canvass	per Bolt	0	0	3
Candles	Chest or Box	0	0	6
Copper, fine	per Cwt.	0	0	4

		£	s.	d.
Charcoal	per Pack	0	0	3
Chesnuts	per Bushel	0	0	4
Cork	per Cwt.	0	0	4
Currants	per Cwt.	0	0	3
Cordage	per Cwt.	0	0	3
Dye Wood	per Cwt.	0	1	0
Earthenware	per Crate or Box	0	0	8
———	per Hogshead	0	1	0
———, coarse	per Dozen	0	0	1
Figs	per Frail or Box	0	0	3
———	per Barrel	0	0	6
Flour	per Sack	0	0	6
———	per Barrel	0	0	4
Feathers	per Cwt.	0	1	0
Fish, dry	Quintal of	0	0	2
Flax	per Dozen lbs.	0	0	2
Furniture	Case or Package, per Foot	0	0	1
Glass	Crate or Case	0	1	0
———	Box or Basket of	0	0	6
Glue	per Cwt.	0	0	6
Gunpowder	per Cwt.	0	1	0
Ginger	per Cwt.	0	0	6
Grinding Stone	per Cwt.	0	0	1
Hemp	per Ton	0	3	0
Hops	Pocket	0	1	0
Herrings	per Barrel	0	0	6
Horns	per Cwt.	0	0	3
Hides	each	0	0	2
Horse	-	0	2	0
Hellings	per Thousand	0	0	2
Hoops	per Bundle	0	0	$0\frac{1}{4}$
Hay	per Ton	0	0	6
Hats	per Box	0	0	6
Iron	Ton of	0	1	6
Lime	per Score Bushels	0	0	3
Limestone	per Ton	0	0	1
Lamp-Black	per Barrel	0	0	3
Lemons	per Box or Chest	0	0	6
Leather	per Cwt.	0	1	0
Lead, Pig, Sheet, or Bar	per Cwt.	0	0	2
Lard	per Cwt.	0	0	4
Lignum Vitæ	per Ton	0	1	6
Laths	per Thousand	0	0	2
Malt	per Quarter	0	0	6
Maund of Goods	-	0	0	6
Molasses	per Puncheon	0	1	3
Mustard	per Barrel	0	0	3

		£	s.	d.
Nails	per Bag	0	0	3
Nuts	per Bushel	0	0	4
Netting	per Sling	0	0	2
Oil, Pilchard, Goran	per Ton	0	4	0
— Ditto	brought in	0	2	0
Oil, Dregs, Goran	per Ton	0	4	0
—— Ditto	brought in	0	2	0
Oil, Foreign	per Hogshead	0	2	0
———	Jug of	0	0	2
Ore	per Ton	0	0	4
Oars	per Dozen	0	1	0
Oakum	Ton of	0	1	0
Oranges	per Chest or Box	0	0	6
Onions	per Cwt.	0	0	2
Oats	per Quarter	0	0	3
Ochre	per Barrel	0	0	3
Pilchards	per Hogshead, not exceeding	0	1	0
Plaister of Paris	per Cwt.	0	1	0
Pears	per Barrel	0	0	2
Perry	per Hogshead	0	1	0
Pipe Clay	Barrel of	0	0	2
Pipes	Chest, Box, or Barrel	0	0	3
Pepper	per Cwt.	0	1	0
Pimento	per Bag	0	0	2
Paper, Writing	per Ream	0	0	2
—— Brown and White Brown	per Ream	0	0	1
Pitch	per Barrel	0	0	3
Peas	per Quarter	0	0	9
Paint	per Firkin	0	0	6
Rinds	per Cwt.	0	0	1½
Rice	per Ton	0	2	0
Rosin	per Barrel	0	0	3
Sean	ground	0	5	0
Seans and Boats	Mackarel	1	1	0
—— Pilchard	per Annum	3	0	0
Seans, Men therein, each per Week		0	0	6
Seans, Pilchard fitted out from Mevagissey, and resorting for Shelter to Gorran	each per Annum	2	2	0
String of Drift Pilchard, Net and Boat	per Boat	3	3	0
Salt	per Bushel of 56 lbs.	0	0	1
— Entering Money on additional Seans brought into Goran		5	5	0
Salt, Household	per Ton	0	1	8
Sugar, Lump or Loaf	per Cwt.	0	0	6
——— Moist	per Cwt.	0	0	4
Starch	per Cwt.	0	0	6
Skins	per Dozen	0	0	3
Sheep	each	0	0	6

		£	s.	d.
Soap	per Cwt.	0	0	2
Spirits, Foreign	per Hogshead	0	3	0
——— British	per Hogshead	0	2	0
Seeds	per Bag	0	0	6
Staves and Heading, Foreign	per Thousand	0	1	6
Staves, British sawn	per Thousand	0	0	6
Spars	not exceeding 30 Feet in Length	0	0	2
———	not exceeding 40 Feet	0	0	6
———	not exceeding 50 Feet	0	1	0
———	above 50 Feet	0	2	0
Shovels or Scoops	per Dozen	0	0	3
Snuff	per Cwt.	0	0	6
Tin	per Cwt.	0	0	4
Tin Plate	per Box	0	0	4
Tobacco	per Cwt.	0	0	8
Timber	Load of	0	1	0
Turpentine	Carboy	0	0	6
Tallow	per Ton	0	3	0
Tar	per Barrel	0	0	3
Tea	per Chest	0	0	8
Trusses	per Cwt.	0	0	6
Vinegar	per Hogshead	0	1	0
Varnish	per Cask	0	0	6
Wine	per Hogshead	0	3	0
———	per Dozen	0	0	3
Wick Yarn	per Cwt.	0	2	0
Wool	per Cwt,	0	0	6
Wheat	per Quarter	0	0	6
Walnuts	per Bushel	0	0	4

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