ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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therewith: And whereas the said *Thomas Gill* also claims to be entitled to such Shore and Fundus or Soil between High and Low Water Mark: And whereas in consideration of the great Expence which the said *Thomas Gill* will incur in the Formation and Maintenance of the said Pier and Works, it is reasonable that he and his Heirs and Assigns should receive the Tolls, Rates, and Duties herein-after mentioned or referred to; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, and he and they is and are hereby fully authorized and empowered, subject to the Provisions herein-after mentioned, at his and their own proper Costs and Expences, and by his and their Contractors, Agents, Officers, Workmen, and Servants, to make, build, construct, and complete, on the Western Side of the *West Hoe*, near to a Point called *Rusty Anchor*, in the Parish of *Saint Andrew*, *Plymouth*, in the County of *Devon*, as well upon the aforesaid Lands and Grounds of the said *Thomas Gill*, as also on the Fundus or Soil below Low-water Mark, and the Shore and Fundus or Soil between High and Low Water Mark of *Mill Bay* aforesaid, a Pier or Jetty, with proper and sufficient Quays, Wharfs, Landing Places, Cranes, Weighing Machines, Rail or Tram Roads, and such other Erections, Buildings, and Works attached thereto or connected therewith, with all necessary or convenient Roads, Avenues, and Approaches thereto, as he or they shall consider to be requisite or suitable for the Reception and Accommodation of all Ships, Boats, and Vessels, and for the embarking and disembarking, landing, and shipping of Passengers, Carriages, Horses, Cattle, and other Live Stock, and of Goods, Wares, Merchandize, and Commodities of any Kind, and also from Time to Time to alter and improve the said Pier and Works as he or they shall judge fit, and also to make such Lighthouse or Lighthouses on the said Pier, and cause the same to be lighted in such Manner as he and they shall deem necessary, for the Convenience and Safety of Persons and Vessels frequenting the said Pier, and also to erect and make proper and convenient Toll Gates and Houses for the Collection of the Tolls, Rates, and Duties to be taken under the Authority of this Act upon or near to the said Pier; and for the Purposes aforesaid it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, by his and their Contractors, Agents, Officers, Workmen, and Servants, to dig and excavate and remove, and convert to his and their own Use, all such Land and Rocks as it may be expedient or necessary to remove for the Construction of the said Pier and Works, and it shall also be lawful for him and them, as well during the Construction of the said Pier and Works as from Time to Time and at all Times thereafter, to excavate and deepen the Bed of *Mill Bay* aforesaid, within the Boundaries herein-after specified, for improving the Accommodation of the said Pier, and for facilitating the Approach of Ships, Boats, and Vessels thereto, using and appropriating the Materials to be excavated and dug up in every such Case as he or they may think proper.

Power to construct a Pier with Quays, Wharfs, Landing Places, and other Works.

For Protection of Water Pipes supplying Plymouth Union Baths.

II. Provided always, and be it further enacted, That in the Construction of the said Pier and Works an Archway of not less than Four Feet Six Inches in Height and Two Feet Six Inches in Breadth shall be made through the solid Work of the said Pier and Works in such Place or Places as the same shall cross or be built over the Pipe belonging to the *Plymouth* Union Bath Company, and used for conveying a Supply of Salt Water from the *Rusty Anchor* to their Baths in *Union Street, Plymouth*, and that such Archway when so constructed shall be maintained and kept in repair by and at the Expence of the said *Thomas Gill*, his Heirs and Assigns, and the said Company, their Agents, Workmen, and Servants, shall at all Times have free Access thereto for the Purpose of examining, cleansing, repairing, altering, or relaying their said Pipe, as Occasion may require.

Power to alter Level of Pipe if necessary.

III. Provided also, and be it further enacted, That in case it shall be necessary for the due Construction of the said Pier and Works, or of any Landing Place, Quay, or Wharf to be made by the said *Thomas Gill*, his Heirs or Assigns, within the Boundaries of the said Pier herein-after mentioned, to remove and alter the Level of the said Pipe belonging to the said *Plymouth* Union Bath Company, it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, after giving Four Days previous Notice in Writing to the said Company, to take up the said Pipe and to relay the same at such lower Level, not being below the Level of Low Water of Spring Tides, as he or they may find necessary, and the Costs and Expences of so taking up and relaying the said Pipe, in case the same shall not exceed in the whole the Sum of One hundred Pounds, shall be borne by the said Company of Proprietors, their Successors and Assigns, and by the said *Thomas Gill*, his Heirs and Assigns, in equal Moieties, and if the same shall exceed the Sum of One hundred Pounds, then the whole of such Excess shall be borne and paid by the said *Thomas Gill*, his Heirs and Assigns; provided that the said Pipe when taken up shall be relaid in a proper and effectual Manner, and the Supply of Water to the said Baths shall not be discontinued at any One Time by the Performance of the said Works for a longer Period than Thirty Days; provided also, that the said Company of Proprietors of the said *Plymouth* Union Baths, their Officers, Agents, Workmen, and Servants, shall have full and free Right and Liberty of Access at all Times to their said Pipe throughout the Extent thereof, for the Purpose of examining, repairing, cleansing, altering, or relaying the same, as Occasion shall require.

Warping Buoys to be laid down by the said Thomas Gill.

IV. And be it enacted, That before any such Powers and Authorities as are in this Act contained for enabling the said *Thomas Gill*, his Heirs and Assigns, to construct a Pier and other Works as aforesaid, shall be lawfully exercisable by him or them, he the said *Thomas Gill*, his Heirs or Assigns, shall, at his and their own Expence, lay down, place, and fix in *Mill Bay* aforesaid Three substantial warping Buoys of sufficient Size, and moored by Chain Mooring in the following Places, *videlicet*, the First at the Distance of One hundred Yards from the North-western Corner of the said Pier on the Boundary Line herein-after mentioned, the Second of the said Buoys One hundred

hundred Yards from the said first-mentioned Buoy, and on the said Boundary Line, and the Third Buoy at the Distance of One hundred Yards from the said Second Buoy.

A Ring to be placed on the Pier Head, &c.

V. And be it further enacted, That when and so soon as the said Pier shall have been erected and completed, the said *Thomas Gill*, his Heirs or Assigns, shall, at his and their own Expence, fix, at the Head of the said Pier, a Ring, and also a Ring in the Rock immediately adjacent to the Government Reservoir on *Stonehouse Hill*, and also a Ring on the Shore at about Two hundred Yards on the same Shore and North of the last-mentioned Ring, of such Size and in such a Situation and in such Manner in all respects as shall be directed by the Lords Commissioners for executing the Office of Lord High Admiral, such Direction to be signified in Writing as herein-after provided, and such Warping Buoys, when so laid down, and such Rings, when so placed, shall be usable by all Ships, Boats, Barges, or other Vessels for warping into or out of the said Harbour of *Mill Bay*, and getting to or from the Quays and Anchorage in the same, without being subject, in the Use of the same, to any Hindrance or Interruption, Toll, or Charge whatsoever, by the said *Thomas Gill*, his Heirs or Assigns, or any other Person or Persons whomsoever.

The Warping Buoys to be repaired and maintained by the said Thomas Gill.

VI. And be it enacted, That the said *Thomas Gill*, his Heirs and Assigns, shall maintain, preserve, repair, and renew the said Warping Buoys and Buoy Moorings, and the said Rings, as often as Occasion shall require, in order to keep the same in a serviceable Condition, and in such Manner in all respects as shall from Time to Time be required by the said Commissioners for executing the Office of Lord High Admiral, either in the Places in which the said Warping Buoys and Rings shall have been originally placed, or in such other Places as the said Commissioners shall from Time to Time require the same to be removed to, such Requisition to be signified in Writing under the Hand of One of the Secretaries of the Admiralty.

Tolls to cease when the Warping Buoys are not maintained.

VII. And be it further enacted, That in case and whensoever it shall happen that the said *Thomas Gill*, his Heirs or Assigns, shall fail or omit to maintain, repair, and renew such Warping Buoys and Rings as aforesaid, or any of them, within One Month after having been required so to do by any Notice or Notices to be given to him or them or any of them by the said Commissioners for executing the Office of Lord High Admiral, then and in such Case, and as often as it shall happen, the Power and Authority in this Act given to the said *Thomas Gill*, his Heirs and Assigns, to levy and demand Tolls for the Anchorage of Vessels within such Boundary, shall cease and be suspended, and shall continue suspended until the same Warping Buoys and Rings shall have been completely repaired, renewed, and placed by the said *Thomas Gill*, his Heirs or Assigns, according to the Directions of the said Commissioners, and to their Satisfaction and Approval, such Approval to be signified by Writing under the Hand of One of the Secretaries of the Admiralty as aforesaid.

VIII. Pro-

Not to interfere with Right of Inhabitants of Plymouth of passing over the West Hoe.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any Right or Privilege now possessed by the Inhabitants of *Plymouth*, and Persons resorting thereto, of passing over the *West Hoe*, and of landing thereon at any Place not included within the Boundaries herein-after mentioned.

Rent to be paid to the Duchy of Cornwall for Fundus, Shore, and Soil.

IX. And be it further enacted, That all such Fundus or Soil below Low-water Mark of *Mill Bay* aforesaid belonging to the said Duchy of *Cornwall*, and all such Shore and Fundus or Soil between High and Low Water Mark of *Mill Bay* aforesaid (if any) as may hereafter be established to belong to the said Duchy of *Cornwall*, as shall be used for the Purposes of this Act, shall from henceforth be and be deemed and taken for the Purposes of this Act only, but for no other Purpose whatsoever, to be held of Her Majesty or other the Personage for the Time being entitled to the Revenues of the said Duchy of *Cornwall*, as Part and Parcel of the said Duchy, and that the said *Thomas Gill*, his Heirs and Assigns, shall, without Prejudice to the Rights of other Parties, pay or cause to be paid annually to Her Majesty, Her Heirs or Successors, in Right of the said Duchy of *Cornwall*, or to the Duke of *Cornwall* for the Time being, in respect of such Liberty and Water as aforesaid, for the Right and Liberty of erecting and maintaining such Part of the said Pier and other Works as may be erected by virtue of this Act, whether the same be below Low-water Mark or between High and Low Water Mark, the yearly Rents or Sums following; (that is to say,) a yearly Rent or Sum of Five Shillings on the Twenty-fifth Day of *March* One thousand eight hundred and forty-one, and on each succeeding Twenty-fifth Day of *March* until One Year after the Day of the Date of the Declaration and Certificate herein-after required, on the making and issuing of which Rates and Dues may be taken as herein-after provided; and in each of the Five Years next from and after One Year after the Day of the Date of such Declaration and Certificate a yearly Rent or Sum of Five Pounds on the Twenty-fifth Day of *March* in each Year, and from and after the Expiration of such last-mentioned Five Years a yearly Rent or Sum of Twenty Pounds on the Twenty-fifth Day of *March* in each Year.

How such Rent may be recovered.

X. Provided always, and be it enacted, That such respective Rents shall be paid to the Receiver General for the Time being of the said Duchy of *Cornwall* for and on behalf of Her Majesty, Her Heirs and Successors, in Right of the said Duchy, or for and on behalf of the Duke of *Cornwall* for the Time being, and that if the Rent so from Time to Time due and payable shall not be paid within Ten Days after the Twenty-fifth Day of *March* in each Year to the said Receiver General for the Time being, the said Rent and all Arrears thereof shall and may be recovered as any Rent of the said Duchy of *Cornwall* may be recovered.

If Pier is omitted to be used the Fundus and Soil to revert

XI. Provided always, and be it enacted, That if the said *Thomas Gill*, his Heirs and Assigns, shall at any Time hereafter neglect or omit to use such Pier and other Works as aforesaid, or the said Fundus,

to present Owner, and the Rent to cease.

Fundus, Shore, and Soil, for the Purposes of this Act, then and in such Case, and upon such Non-user, the said Fundus and Soil so belonging to the said Duchy of *Cornwall*, and so much of the said Shore and Fundus and Soil, if any, which may have been established to belong to the said Duchy of *Cornwall*, and as shall have been used for the Purposes of this Act, shall revert to the said Duchy of *Cornwall*, and all Rent which would otherwise thereafter have become payable shall thereupon absolutely cease and determine.

Plans and Books of Reference to remain with Clerks of the Peace, and be open to Inspection;

XII. And whereas a Map or Plan describing the Situation of the said Pier and Works, with a Book of Reference to the said Map or Plan, containing the Names of the Owners and reputed Owners and Occupiers of the Property proposed to be taken for the Purposes of the said Pier, have been deposited in the Office of the Clerk of the Peace for the County of *Devon*, and also with the Clerk of the Peace for the Borough of *Plymouth*; be it therefore enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said Clerks of the Peace respectively, and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof at reasonable Times, on Payment to the respective Clerks of the Peace for the Time being of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of the said Book of Reference the Sum of One Shilling; and the said Map or Plan and Book of Reference, or any Copy thereof, certified by any such Clerk of the Peace as aforesaid to be a true Copy, shall be and the same is 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.

and may be made Evidence.

Power to deviate from Plan to a limited Extent.

XIII. Provided always, and be it enacted, That it shall not be lawful for the said *Thomas Gill*, his Heirs and Assigns, in making and completing the said Pier, to deviate from the Line or Course and Direction thereof delineated in the Map or Plan deposited with the Clerks of the Peace as aforesaid, nor to make any Alteration in the Form of the said Pier, nor to increase or diminish the Dimensions thereof, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be signified in Writing by the Secretary of the Admiralty: Provided always, that it shall not be lawful for the said *Thomas Gill*, his Heirs and Assigns, under any Circumstances, to carry the said Pier at all further Westward than the Western Limit as now laid down in the Plan aforesaid, nor to deviate from the Line or Course aforesaid more than Ten Yards on the Surface of the said Pier, nor more than Twenty Yards at the Foundation of the said Pier.

Power to lay down Moorings within Boundaries of Pier.

XIV. And be it enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time to lay down such Moorings, Mooring Chains, Buoys, and Fastenings, as he or they may think proper, in any Part or Parts of *Mill Bay* aforesaid opposite to the said *West Hoe* Estate, within the following Boundaries; (that is to say,) within an imaginary Line projecting Northward from the North-west Angle of the said Pier in a straight Line to the North-

western

western Extremity of the *West Hoe* Estate, being the Point or Termination of a Quay belonging to the said *Thomas Gill*, distant about One hundred and seventy-five Feet from a Quay belonging to *Peter Simons*, lying to the North-west, as denoted by a Red Line drawn in the Plan of the said Works deposited in the Private Bill Office of the House of Commons, which Boundaries shall be the Boundaries of the *Mill Bay* Pier, and shall be so denominated: Provided always, that the Position of such Moorings, Mooring Chains, Buoys, and Fastenings as shall be laid down under the Provisions of this Act shall be subject to the Approval of the Lords Commissioners of the Admiralty, and shall be liable to be removed at any Time by their Order if they shall be found injurious or inconvenient.

Plan showing Boundary to be authenticated by the Speaker, and deposited with Clerk of the Peace.

XV. And be it enacted, That a Copy of the Map or Plan lastly herein-before mentioned, showing the Boundary aforesaid, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, within Three Calendar Months next after the passing of this Act, be deposited with the Clerk of the Peace for the Borough of *Plymouth*; and such Map or Plan shall remain in the Custody of such Clerk of the Peace, to the end that all Persons shall at all seasonable Times have Liberty to inspect the said Map or Plan so deposited, and to take Copies thereof, at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection; and the said Map or Plan, or any Copy thereof, such Copy being certified to be a true Copy by the said Clerk of the Peace, shall be good Evidence in all Courts of Law and elsewhere.

Plan may be made Evidence.

Power to levy Tonnage and Anchorage Dues.

XVI. And in consideration of the great Charges and Expences which the said *Thomas Gill* must necessarily incur and sustain in making and maintaining the said Pier and Works, be it further enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time, and at all Times, to ask, demand, collect, levy, and recover, to and for his and their Use, for and in respect of every Ship, Boat, or Vessel which shall arrive at and use or depart from the said Pier, or shall ride or be at anchor within the Boundaries thereof, according to the Tonnage Burden of such Ship, Boat, or Vessel, any Sum not exceeding the several Rates and Dues specified in the First Schedule to this Act annexed for each Voyage that such Ship, Boat, or Vessel shall make to or from the said Pier, or the Boundaries thereof; provided that no such Rates and Dues shall be asked, demanded, levied, or recovered as aforesaid for or in respect of any Ship, Boat, or Vessel passing over the said Space included within the said Boundaries, and not riding or anchoring therein, nor before or until the said Piers shall have been so far formed and completed as to admit of Passengers and Goods being landed at or embarked from the same, the Completion of the said Pier to such Extent to be previously declared and certified by the Court of Quarter Sessions of the Peace for the said Borough of *Plymouth*; and such Court is hereby authorized and required, upon the Application of the said *Thomas Gill*, his Heirs or Assigns, to hear Evidence and examine into the Fact of such Completion, and when satisfied thereof to make and issue such Declaration and Certificate

ficate accordingly: Provided always, that public Notice of such Application to the Court of Quarter Sessions shall be given by Writing affixed to the outer Door of the Guildhall or other Building in which such Court shall be held, Fourteen Days at the least previously to the making thereof.

Vessels re-entering the Harbour in certain Cases not to be again liable to Duties.

XVII. Provided always, and be it enacted, That if any Ship, Boat, or Vessel for which the said Rates and Dues of Tonnage shall have been paid shall depart from the said Pier or the Boundaries thereof, and shall, either from Accident, Stress of Weather, or any other Cause, put back or return to the same without having reached the Port of her Destination or discharged her Cargo, then and in every such Case such Ship, Boat, or Vessel shall not be again liable to the Payment of the said Rates and Dues in consequence of so putting back or returning, any thing in this Act contained to the contrary notwithstanding.

Vessels paying Tolls and Rates on their Arrival not subject to pay the same Rates on Departure.

XVIII. Provided always, and be it further enacted, That the Voyage of any Ship, Boat, or Vessel, for the Purpose of rendering the same liable to the Payment of Tolls, Rates, and Dues under the Provisions herein contained, shall comprehend an Arrival at and Departure from the said Pier or the Boundaries thereof, so that a Vessel paying such Tolls, Rates, and Dues on its Arrival shall not be subject to pay the same Tolls, Rates, and Dues at its Departure, and *vice versâ*: Provided also, that if any Ship, Boat, or Vessel shall remain within the Boundaries of the said Pier for the Period of Four Weeks, the same Tolls, Rates, and Dues shall be payable at the Expiration of such Four Weeks as on the first Arrival of such Ship, Boat, or Vessel, and so on at the Expiration of every succeeding Period of Four Weeks that such Ship, Boat, or Vessel shall so remain.

Power to levy Tolls on Passengers and Persons walking on the Pier.

XIX. And be it enacted, That every Person who may land at or embark from the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, and every Person who shall walk on the said Pier, shall pay to the said *Thomas Gill*, his Heirs or Assigns, or to any Person authorized or appointed by him or them, in respect of every such Landing or Embarkation, and of every Time of entering or coming upon the said Pier, any Sum not exceeding the several Tolls, Rates, or Dues specified in the Second Schedule to this Act annexed: Provided always, that it shall be lawful for the said *Thomas Gill*, his Heirs or Assigns, and for any Person or Persons authorized or appointed by him or them, to prevent every Person from walking on the said Pier, except Persons landing at or embarking from the same, and Persons paying the said Tolls, Rates, or Dues for or in respect of the same.

Power to levy Dues on Goods.

XX. And be it enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time and at all Times, to ask, demand, collect, levy, and recover, to and for his and their Use, over and above the Rates and Dues of Tonnage hereinbefore authorized to be taken, for all Carriages, Horses, Cattle, Live Stock, Goods, Wares, Merchandize, and Effects whatsoever which may be laden or unladen, taken on board or discharged, embarked or

disembarked at the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, any Sum not exceeding the several Tolls, Rates, or Dues specified in the said Second Schedule to this Act annexed.

Power to charge for Use of Cranes and weighing Machines.

XXI. And be it enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time and at all Times to ask, demand, levy, and recover of and from every Person landing or embarking any Goods, Wares, Merchandize, or Commodities whatsoever upon or from the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, who shall make use of any of the Cranes, Weighing Machines, Weights, and Measures to to be set up, fixed, or provided by the said *Thomas Gill*, his Heirs or Assigns, over and above the Tolls, Rates, and Dues herein-before authorized to be taken, such Sum or Sums of Money as herein-after mentioned; that is to say, for the Use of the Cranes any Sum not exceeding the several Tolls, Rates, or Dues specified in the Third Schedule to this Act annexed, and for the Use of the Weighing Machines, Weights, and Measures such reasonable Rates and Dues as the said *Thomas Gill*, his Heirs or Assigns, shall think proper; and in case any Question or Difference shall arise as to the Sum to be demanded or taken for the Use of such Weighing Machines, Weights, and Measures respectively, the same shall be determined by One Justice of the Peace for the Borough of *Plymouth* in the Manner herein-after provided concerning Differences arising as to the Amount of any Damages or Charges to be paid or recovered by virtue and in pursuance of this Act.

Exemptions.

XXII. And be it enacted, That no Toll, Rate, or Due shall be charged or chargeable for or in respect of any Officer, Soldier, Sailor, or Marine in Her Majesty's Service, in actual Service, or any Prisoners of War, (subject nevertheless to the Provision herein-after mentioned,) or any Officers of Her Majesty's Dockyard at *Plymouth*, who shall land from or embark in any Ship, Boat, or Vessel at the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, nor shall any of the said Rates or Dues, except for the Use of the Cranes, Weighing Machines, Weights, and Measures, be exacted in respect of the Baggage of any such Person respectively, nor in respect of any of Her Majesty's Ships, Boats, or Vessels, or of any Ship, Boat, or Vessel in the Service of Her Majesty's Customs or Excise, or in the Service of the Board of Ordnance or of Her Majesty's Postmaster General, nor of any Vessel which may be seized by the Officers of Her Majesty's Revenue, nor in respect of any Goods, Wares, or Merchandize the Property of the Crown or under Seizure, nor of any Articles shipped or landed for the Public Service, nor of any Ship, Transport, or Packet employed in Her Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage belonging to them or any of them, nor in respect of any Yacht, Barge, or Boat of or in the Employ of the Master, Wardens, and Assistants of the Corporation of *Trinity House* of *Deptford Strond*, whilst the same shall be in the actual *bonâ fide* Service of the said Master, Wardens, and Assistants, nor shall any Toll, Rate, or Due be charged or chargeable for or in respect

of any Person in the actual *bonâ fide* Service of the said Master, Wardens, and Assistants who shall land from or embark in any such Vessel, Yacht, Barge, or Boat, nor for nor in respect of any Vessel actually and *bonâ fide* proceeding to or coming from any Quay or Wharf not within the said Boundaries upon her Voyage within *Mill Bay* aforesaid, which for a Period not exceeding Twenty-four Hours, and such further Period as may be required by Stress of Weather, shall cast and remain at anchor within the said Boundaries: Provided always, that if any such Vessel shall so cast anchor within Three hundred Feet of the said Pier in anywise whilst within the said Boundaries, or proceed to discharge or take on board any Goods or Passengers, the same Tolls shall be payable and may be demanded or recovered in respect of such Vessel as under the Provisions of this Act are payable and may be demanded and recovered in respect of any other Ship or Vessel under ordinary Circumstances mooring, anchoring, or riding within the said Boundaries; but if any Person shall claim and take the Benefit of any of the Exemptions aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Tolls, Rates, and Dues imposed by this Act.

Pier and Boundaries to be free on Payment of Tolls and Rates.

XXIII. And be it enacted, That when and as soon as the Completion of the said Pier shall have been declared and certified in the Manner herein-before provided, all Persons shall have free Liberty to land at and embark from the said Pier, and to use the same for landing and shipping Goods, Wares, and Merchandize, and to use the Boundaries of the said Pier, and to anchor or moor any Ship, Boat, or Vessel within the same, subject to the Provisions of this Act, and to the Bye Laws, Rules, and Regulations which shall from Time to Time be made in pursuance thereof.

Prisoners of War to be landed, &c. on Payment of an annual Sum.

XXIV. And whereas the former Owners of the *West Hoe* Estate and their Lessees were allowed by Her Majesty's Government during Periods of War a certain annual Sum for the Use of a Quay or Wharf situate within the Boundaries of the said Pier herein-before described, and also of certain Portions of the *West Hoe* Estate lying between the said Quay and *Mill Prison* for the landing, Embarkation, Conduct, and Passage of Prisoners of War to and from the said Prison; and it hath been agreed between the said *Thomas Gill* and the Lords Commissioners of the Admiralty that Her Majesty's Government shall henceforth have the Liberty of landing and embarking Prisoners of War and their Baggage at or from the said Pier and Works, and conveying the same to and from *Mill Prison* aforesaid, on the Payment of the same annual Sum; be it therefore enacted, That upon Payment by the Lords Commissioners of the Admiralty to the said *Thomas Gill*, his Heirs or Assigns, of such annual Sum as aforesaid, no Toll, Rate, Due, or other Payment shall be demanded or taken by the said *Thomas Gill*, his Heirs or Assigns, for or in respect of any Prisoners of War who shall land at or embark from the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, nor in respect of the Baggage of any such Prisoners, nor for the Passage of any Horses or Carriages employed in conveying such Prisoners and Baggage respectively between the said Pier and Works and *Mill*

Prison aforesaid, any thing in this Act contained to the contrary notwithstanding.

Power to compound for Tolls on Steam Packets.

XXV. And be it further enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time as he or they shall see convenient, to compound and agree, for any Time not exceeding One Year, to and with the Owner or Owners, Consignees, Agents, or other Persons having the Charge or Management of any Steam Vessels using and resorting to the said Pier, for the Payment of such Sum or Sums of Money as they may think sufficient and proper, for and in lieu of and in full Discharge of the Tolls which would by this Act be payable in respect of such Steam Vessels, or of the Passengers, Live Stock, Goods, and Merchandize conveyed therein, and that such Composition Money shall be recovered, paid, and applied as the Tolls by this Act imposed would be recoverable, payable, and applicable: Provided also, that in case any such Composition or Agreement shall be made or entered into, the same shall extend to or may be adopted by all such Owners, Consignees, Agents, or other Persons having the Charge or Management of any Steam Vessels using and resorting to the said Pier, and trading from and to the same Ports or Harbours, who shall think fit to take advantage of such Composition, or accept the Terms thereof; and no such Composition shall, either directly or indirectly, be made partially or in favour of or against any particular Owners, Consignees, Agents, or other Persons aforesaid, or be confined to any particular Steam Vessel, any thing to the contrary thereof in anywise notwithstanding.

Tolls, &c. to be charged equally.

XXVI. And be it further enacted, That the Tolls, Rates, and Dues to be taken by virtue of this Act in respect of Passengers, and of Goods, Animals, or Carriages of any Description, shall be charged equally to all Persons, and no Reduction or Advance in any such Tolls, Rates, or Dues shall be made, either directly or indirectly, in favour of or against any particular Company or Person using the said Pier or other Works.

Recovery of Tolls.

XXVII. And be it enacted, That all Tolls, Rates, and Dues payable under and by virtue of this Act shall be paid to such Person or Persons and in such Manner as the said *Thomas Gill*, his Heirs or Assigns, shall in that Behalf direct or appoint; and the Money payable by or in respect of Passengers landing at or embarking from the said Pier and Works shall, if the said *Thomas Gill*, his Heirs or Assigns, shall so direct, be collected and received by the Master or other Person having the Command or Direction of the Ship, Boat, or Vessel carrying such Passengers, before the Embarkation or Disembarkation of such Passengers respectively, and shall be by such Master or other Person having such Command or Direction as aforesaid, with all convenient Speed, paid over to the Collector for the Time being, or other Person to be appointed by the said *Thomas Gill*, his Heirs or Assigns, for that Purpose; and in case of Refusal or Neglect of Payment of such Tolls, Rates, and Dues, or any Part thereof, or any Arrears of such Tolls, Rates, and Dues, on Demand, to the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said *Thomas Gill*, his Heirs or

or Assigns, to sue for and recover the same by Action of Debt or upon the Case in any of Her Majesty's Courts of Record; and in every such Action it shall be sufficient for the Plaintiff to declare that under or by virtue of this Act he is lawfully possessed of or entitled to such Tolls, Rates, and Dues as by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, and Dues accrued and became payable to the said Plaintiff, or it shall be lawful for the said *Thomas Gill*, his Heirs or Assigns, or his or their Clerk, Collector, or any other Person authorized or deputed by him or them, and all and every such Persons and Person are and is hereby authorized and empowered to take and distrain the Goods, Wares, Merchandize, Commodities, Articles, Matters, or Things for or in respect whereof any such Tolls, Rates, and Dues ought to be or to have been paid, and the Ship, Boat, or Vessel laden therewith, or in which the same shall be or have been, and to detain such Ship, Boat, or Vessel, Goods, Wares, Merchandize, Commodities, Articles, Matters, or Things, until Payment of the Amount of all Tolls, Rates, and Dues which, at the Time of such Seizure and Distress made, shall be due and owing for or in respect of the same, together with reasonable Charges for such Seizure and Distress; and if the said Tolls, Rates, and Dues, with such reasonable Charges as aforesaid, shall not be paid within Five Days after any Distress so taken as aforesaid, it shall be lawful for the Party taking such Distress to cause the same to be appraised and sold as the Law directs in Cases of Distress for Rent.

Persons liable to Payment of Tolls may be summoned and examined upon Oath.

XXVIII. And be it enacted, That it shall be lawful for any One of Her Majesty's Justices of the Peace for the Borough of *Plymouth*, upon the Application of the said *Thomas Gill*, his Heirs or Assigns, or his or their Clerk, Collector, or other Person or Persons authothorized by him or them to collect and receive the Tolls, Rates, and Dues payable under or by virtue of this Act, from Time to Time to call before him, by Summons, at any Time and Place, any Person being the Master or Owner, or having the Command or Direction, of any Ship, Boat, or Vessel, or any other Person liable to pay any of the Tolls, Rates, Dues, or Sums of Money by this Act imposed, to examine and inquire of and concerning all and every or any Goods, Wares, and Merchandize, Freight, Fare, and Number of Passengers, Toll on Passengers, or other Matters or Things liable to the Payment of any of the Tolls, Rates, Dues, and Sums of Money hereby imposed, and whether all and what Part of such Tolls, Rates, Dues, or Sums of Money shall have been paid or not paid, and when and by whom, and to whom; and in case any Person so summoned shall not appear at the Time and Place in the said Summons mentioned without sufficient Excuse, or shall refuse or neglect to answer and afford full and correct Information concerning all and every the Particulars to be inquired of by the said Justice, or to produce all such Books and Vouchers in his Custody or Power touching or relating to the Matters in question, as shall be required by such Justice, every Person so offending shall forfeit and pay for every such Offence such Sum, not exceeding Twenty Pounds, as the said Justice shall award, to be recovered, together with Costs of Suit, by Action of Debt in any Court of Record, or upon Conviction before

before any One Justice of the Peace of the Borough of *Plymouth*, in a summary Way, in the same Manner as other Fines, Penalties, and Forfeitures are by this Act directed to be recovered.

Magistrates may award Costs.

XXIX. Provided always, and be it further enacted, That in case it shall appear to such Justice that the Party to be so summoned before him has been so summoned without due Cause, or in case the Matter of the Complaint or Information shall not be proved to the Satisfaction of such Justice, it shall be lawful for such Justice to award such Sum of Money to be paid by the Party on whose Complaint or Information such Summons shall have issued, to the Party complained against, for his Costs, and the Loss of Time of himself and his Witnesses, as such Justice shall in his Discretion think fit, and the Sum to be so awarded by such Justice shall be recoverable in the like Manner as is herein directed concerning the Recovery of Fines to be imposed by virtue of this Act.

For ascertaining the Tonnage of Ships and Vessels.

XXX. And be it enacted, That the Tonnage of all Ships and Vessels required to be registered by any Act or Acts of Parliament liable to the Payment of the Rates and Dues of Tonnage by this Act imposed, not being Ships or Vessels belonging to or in the Service of Her Majesty, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master, Owner, or other Person having the Command or Direction of any Ship or Vessel is hereby required to produce such Certificate of Registry, at the Time of Payment or Demand made of the said Rates and Dues, to the Collector or other Person authorized to collect and receive such Rates and Dues; and in case of any Dispute in or about the same, or 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 any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and in case such Tonnage shall be found, upon measuring and gauging any such Ship or Vessel as directed by such Act, to be of greater Tonnage than shall be stated in the Account which shall have been given thereof, then the Master, Owner, or other 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, upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the Rates and Dues hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship, Boat, or Vessel shall be found to be of the same or less Tonnage than the same shall by such Account appear to be of, then the said Collector 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 One or more Justice or Justices of the Peace for the said Borough of *Plymouth*, on the Oath of One or more credible Witness or Witnesses, to have arisen from the Detention of such Ship or Vessel, and in default of immediate Payment thereof by such Collector or other Person or Persons as aforesaid the same shall and may be recovered by Distress and Sale of the Defaulter's Goods and Chattels in the Manner by this

this Act directed for the levying of Penalties and Forfeitures, or by Action in any of Her Majesty's Courts of Record by Action of Debt.

Power to lease Tolls.

XXXI. And be it enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, to demise, lease, or set all or any of the Tolls, Rates, and Dues hereby authorized to be taken, for any Term or Number of Years, not exceeding Seven Years at any Time, for such Rent and under and subject to such Covenants and Provisoes as he or they shall think fit.

Penalty on Persons rofusing or evading Payment of Tolls.

XXXII. And be it enacted, That if any Person liable to the Payment of any Toll, Rate, or Due for or in respect of his landing or embarking at the said Pier, or within the Boundaries above mentioned, or in respect of his walking on the said Pier, or for or in respect of any Carriages, Horses, Cattle, or other Live Stock, Goods, Merchandize, Commodities, Articles, Matters, or Things landed at or shipped from the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, shall refuse or evade the Payment of the said Tolls, Rates, and Dues by any Means whatever, every such Person shall for every such Offence forfeit and pay to the said *Thomas Gill*, his Heirs or Assigns, any Sum not exceeding Five Pounds, over and above the Payment of the said Tolls, Rates, and Dues.

Penalty on assaulting Persons employed.

XXXIII. And be it enacted, That in case any Person shall assault any Collector, Officer, or Servant of the said *Thomas Gill*, his Heirs or Assigns, in the Execution of any of the Powers by this Act granted, or shall forcibly pass through any Toll Gates or Bars to be erected or set up by virtue of this Act, without having paid the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing the Payment of Rates and Dues.

XXXIV. And for the more effectually securing the Payment of the said Tolls, Rates, and Dues, be it enacted, That the Collector or Comptroller, and every other Officer whatsoever, of Her Majesty's Customs, shall hereafter be authorized, with the Approbation of the Commissioners of Her Majesty's Customs, to refuse to give or make out any Cocquet or other Discharge, or take any Report, outwards or inwards, for any Ship, Boat, or Vessel not belonging to Her Majesty using the said Pier, until the Tolls, Rates, and Dues by this Act made payable shall be paid to the Collector or other Person from Time to Time appointed to receive the same; and no such Ship, Boat, or Vessel shall leave the said Pier, or the Boundaries thereof, without producing a Pass from such Collector or Receiver.

For settling Disputes as to the Amount of Rates and Dues.

XXXV. And be it enacted, That if any Question or Dispute shall arise concerning the Amount of the Tolls, Rates, or Dues payable, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, Rates, or Dues payable, and the Charges of seizing, distraining, keeping, or selling such

such Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the Borough of *Plymouth*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Persons, and determine the Amount of the Tolls, Rates, or Dues payable, and of such Charges as aforesaid; and it shall be lawful for such Justice to assess and award such Damages and Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable, and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

List of Tolls to be fixed in Pier Master's Office and on some conspicuous Place.

XXXVI. Provided always, and be it enacted, That the said *Thomas Gill*, his Heirs and Assigns, shall from Time to Time cause to be painted on a Board, or printed and affixed and stuck up, and continued and renewed as often as the same shall be obliterated or defaced, in the Office of the Pier Master, and on some conspicuous Part of the said Pier or the Approaches thereto, an Account or List of the several Tolls, Rates, and Dues which for the Time being shall be directed or appointed to be taken by virtue of this Act, and the Name of the Collector or Collectors for the Time being; and in case any Collector of such Tolls, Rates, and Dues shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Sum therein specified, or shall demand or take any Toll not specified in an Account or List to be affixed and stuck up in manner herein-before provided, such Collector or other Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Additional Dues for Articles remaining on the Pier above a certain Time.

XXXVII. And be it enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall have been placed upon the said Pier and Works or any Part thereof, then and in every such Case it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, or for the Collector or other Person appointed by him or them, to demand and levy a Sum not exceeding the Amount of the Tolls, Rates, and Dues authorized to be taken by virtue of this Act by way of additional Toll for and in respect of every successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, Commodities, or other Matters or Things, shall remain on the said Pier and Works or any Part thereof.

Application of Tolls.

XXXVIII. And be it enacted, That the Monies to arise or be received by or from the Tolls, Rates, or Dues granted by this Act shall be applied by the said *Thomas Gill*, his Heirs or Assigns, in manner following; (that is to say,) in the first place, in paying and discharging the Costs, Charges, and Expences which shall have been incurred in applying for or which shall be in any Manner incident to the obtaining and passing this Act; in the next place, in paying and discharging the Interest of any Money which may become due and owing on the Credit of the said Tolls, Rates, or Dues granted under the

the Authority of this Act; and in the next place, in paying and discharging all the Costs, Charges, and Expences of keeping the said Pier and Works in repair, and otherwise attending the Management and Regulation thereof; and lastly, in reducing and discharging the several Principal Sums of Money which may be borrowed on the Security of the Tolls, Rates, or Dues by this Act granted.

Power to remove Articles from the Pier.

XXXIX. Provided always, and be it enacted, That the said *Thomas Gill*, his Heirs and Assigns, and his and their Officers, Servants, and Persons employed by him or them in virtue of this Act, shall have full Power, and they are hereby severally authorized, if they shall see cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters and Things as shall be allowed to remain on the said Pier and Works or any Part thereof; and all Horses, Cattle, and Live Stock shall be immediately removed and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Rates and Dues herein-before authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, Cattle, and Live Stock as aforesaid.

No Gunpowder or other combustible Matter to remain on the Pier.

XL. And be it enacted, That no Gunpowder, Tar, Pitch, Resin, Spirituous Liquors, Turpentine, Oil, Tallow, Grease, or other Combustibles or Goods of a dangerous Quality of any Kind whatever, shall be suffered to remain on the said Pier and other Works or any Part thereof, or upon the Deck of any Ship, Boat, or Vessel lying within Two hundred Feet of the said Pier or the Boundaries thereof, after being passed by the Officers of Customs; and if any Owner, Consignee, Master, or other Person having the Command or Direction of such Ship, Boat, or Vessel shall fail to remove the said combustible Articles, after being required thereto by the Pier Master or other Officer appointed by the said *Thomas Gill*, his Heirs or Assigns, every Person so offending shall for every such Default forfeit and pay any Sum not exceeding Twenty Pounds, together with any Damage which may be occasioned by such Failure to remove the said Articles as aforesaid.

Penalty for boiling Pitch, &c.

XLI. And be it enacted, That in case any Person having the Command or Direction of any Ship, Boat, or Vessel lying or being within the Distance of Two hundred Feet from the said Pier, or within the Boundaries thereof, shall heat or boil, or permit to be heated or boiled, any Pitch, Tar, or Resin, or any Composition of the like Nature, on board or alongside of his Ship, Boat, or Vessel, otherwise than at the Place or in the Mode appointed by the Pier Master or other Officer appointed by the said *Thomas Gill*, his Heirs or Assigns, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to appoint Pier Masters.

XLII. And for the more orderly and better Government and Direction of the said Pier and the Works connected therewith, and for the better Preservation of the same from Damage, as well as for the Accommodation of Ships, Boats, and Vessels coming to and going from the same, be it further enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, and he and they is and

are hereby authorized and empowered, to nominate and appoint such Person or Persons as he or they shall think proper to be a Pier Master or Pier Masters; and every such Pier Master shall have full Power and Authority from Time to Time to order and require all and every Persons and Person having the Command or Direction of any Ship, Boat, or Vessel coming to or lying at the said Pier or within the Boundaries thereof, to lie, anchor, moor, or make fast in such Place or Places as such Pier Master shall assign or direct, and to remove such Ship, Boat, or Vessel from any Place or Places into any other Place or Places within the said Boundaries; and in case the Person or Persons having the Command or Direction of any Ship, Boat, or Vessel shall refuse or neglect to obey the Orders and Directions to be so given, every Person so offending shall forfeit and pay in every such Case of Refusal or Neglect any Sum not exceeding Ten Pounds, unless it shall appear to the Justice adjudicating on such Refusal that the Power hereby given to the said Pier Master shall have been in such Case exercised vexatiously on the Part of the said Pier Master, or contrary to any Bye Law, Rule, or Regulation to be made in pursuance of this Act; and it shall moreover be lawful for every such Pier Master, and such other Persons as he shall take to his Assistance, as often as he or they shall think proper, to remove or cause to be removed any such Ship, Boat, or Vessel, and to place the same in such Situation or Position as he or they may think proper, and unless such Removal shall be vexatious on the Part of the said Pier Master as aforesaid all Charges and Expences which shall be incurred in the Removal of any such Ship, Boat, or Vessel shall be paid, on Demand, by the Person having the Command or Direction thereof, and in default of such Payment shall be recoverable in like Manner as is herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person shall prevent or impede the Removal of any such Ship, Boat, or Vessel, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds: Provided always, that nothing in this Act contained shall extend or be deemed or construed to extend to limit or affect in any Manner the Jurisdiction of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral over every Part of the said Bay called *Mill Bay*, or the Power and Authority in the said Bay of the Queen's Harbour Master appointed for the Port of *Plymouth* in pursuance of an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers in the United Kingdom, and of His Majesty's Docks, Dock-yards, Arsenals, Moorings, and Stores therein, and for repealing several Acts passed for that Purpose*, nor shall it extend or be construed to extend to impeach, alter, limit, or affect in any Manner the said last-mentioned Act, or any Rules, Orders, or Regulations made or to be made under the Authority of the same.

Not to affect the Power or Authority of the Queen's Harbour Master of the Port of Plymouth.

54G.3.c.159.

XLIII. And be it enacted, That if any Person having the Command or Direction of any Ship, Boat, or Vessel arriving at or departing from *Mill Bay* aforesaid, not being a Ship, Boat, or Vessel in Her Majesty's Service, nor a Ship, Boat, or Vessel at the Time lying at and using the said Pier, shall, after Notice, wilfully anchor or moor such

Penalty on Persons causing Obstructions.

such Ship, Boat, or Vessel within Two hundred Feet from the said Pier beyond the Boundaries thereof, or if any such Person shall leave or place, or suffer any such Ship, Boat, or Vessel to be left or remain, so as to obstruct the Approach to the said Pier, or the Passage of any other Ship, Boat, or Vessel, and shall not immediately upon Notice given of such Obstruction remove the same so as to make a free Passage for other Ships, Boats, and Vessels respectively, or shall float any Timber within or near to the Boundaries of the said Pier so as to cause any Obstruction, every Person offending in any of the Matters aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to make Bye Laws.

XLIV. And be it enacted, That it shall be lawful for the said *Thomas Gill*, his Heirs and Assigns, from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations as he or they shall think fit, for the good Government of the Pier Master, Collectors, Officers, Assistants, Servants, and others appointed and employed under or by virtue of this Act, and for the better regulating the said Pier and other Works, and the regulating, stationing, removing, distributing, and arranging all and every the Ships, Boats, and Vessels resorting thereto, or which may come to anchor or remain within the Boundaries of the said Pier, (not being Ships, Boats, or Vessels belonging to Her Majesty,) and for Relief and Assistance of the Ships, Boats, and Vessels and others resorting to the said Pier, and also for the better regulating, governing, and managing the several Works, Matters, and Things by this Act authorized and directed to be made, done, and constructed, as well whilst the same are being made and constructed as after they shall be finished, and for the more safe and convenient shipping, landing, depositing, and removing of Goods, Wares, and Merchandize upon any of the Quays, Wharfs, or Landing Places belonging to the said Pier, and for the better governing and regulating Porters, Carriers, and others employed for conveying Goods, Wares, or Merchandize to and from the said Pier; and also to repeal, add to, amend, or alter such Bye Laws, Rules, Regulations, Orders, and Ordinances, or any of them, and to impose and appoint reasonable pecuniary Penalties not exceeding Five Pounds (to be recovered in manner herein-after mentioned) for the Nonobservance, Nonperformance, or other Breach of or Offence against any such Bye Law, Rule, Order, or Regulation, and also to make such other Bye Laws, Rules, Orders, and Regulations as shall be by the said *Thomas Gill*, his Heirs or Assigns, thought necessary or expedient, for effecting the Purposes of this Act, and the due Execution thereof; and all such Bye Laws, Rules, Orders, and Regulations, and all such Alterations thereof, shall be reduced into Writing, and subscribed by the Clerk to the Proprietor or Proprietors of the said Pier for the Time being, and Copies thereof in legible Characters shall be printed and affixed on some conspicuous Places or Buildings on or adjoining the said Pier, for the Inspection and Information of all Persons concerned; and all such Bye Laws, Rules, Orders, and Regulations shall thenceforth be binding upon, observed, and obeyed by all Persons whomsoever using or in any way concerned in the said Pier, or in any of the Works to be made, erected, or maintained by virtue of this Act, and shall be sufficient

in any Court of Law or Equity to justify all Persons who shall act under or in pursuance of the same; provided that such Bye Laws, Rules, Orders, and Regulations be not repugnant to the Laws of this Kingdom, or to any of the Provisions in this Act contained.

Bye Laws to be confirmed.

XLV. Provided always, and be it further enacted, That no Bye Law to be made under the Authority of this Act shall be valid or binding unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster* or by the Court of Quarter Sessions of the Peace for the Borough of *Plymouth*, and such Judge or Court respectively is hereby authorized and required, on the Request of the said *Thomas Gill*, his Heirs or Assigns, to examine into the Bye Laws which may be tendered for that Purpose, and to allow or disallow the same as to such Judge or Court may seem meet; and the said Bye Laws shall be so framed as to authorize the Justice or Justices before whom any Penalty to be imposed thereby may be sought to be recovered to order the whole or any Part of such Penalty to be paid: Provided also, that Six Weeks Notice at the least shall be given by the said *Thomas Gill*, his Heirs or Assigns, in some one Newspaper usually circulated in the County of *Devon* and in the Boroughs of *Plymouth* and *Devonport*, of his or their Intention to submit the said Bye Laws to such Judge or Court of Quarter Sessions, as the Case may be, in order that any Parties interested therein may attend and object thereto, which Notice shall contain a Copy of any such Bye Law to be so submitted to such Judge or Court: Provided also, that it shall at all Times be lawful for any Person who shall be desirous of objecting to the Allowance of any Bye Law of which Notice shall be given as aforesaid to require such Bye Law to be tendered for Allowance to the Court of Quarter Sessions of the Peace for the County of *Devon*, provided that Notice of such Requirement shall be given to the said *Thomas Gill*, his Heirs or Assigns, and a Copy of such Notice affixed to the outer Door of the Guildhall of the Borough of *Plymouth* Fourteen Days at least previous to the Time at which he or they shall have signified his or their Intention of tendering such Bye Law for Allowance; and in every Case in which such Requirement shall be made, and Notice given, and a Copy thereof affixed as aforesaid, such Bye Law shall be tendered for Allowance to the Court of Quarter Sessions of the Peace for the County of *Devon*, and in no other Manner, either, without further Notice, at the Quarter Sessions of the Peace for the said County then next after the said Fourteen Days Notice, or at such other Quarter Sessions of the Peace for the said County as the said *Thomas Gill*, his Heirs or Assigns, shall, in their Discretion, giving Six Weeks due Notice thereof in manner herein-before provided, elect; and such Court shall have the same Powers of examining into any Bye Law which shall be so tendered, and of allowing or disallowing the same, as are herein-before given and granted to the Court of Quarter Sessions of the Peace for the Borough of *Plymouth* in the Case of Bye Laws tendered for Allowance by that Court.

Penalty for throwing out Ballast within the

XLVI. And be it enacted, That in case the Person having the Command or Direction of any Ship, Boat, or Vessel approaching to or departing from the said Pier, or coming within the Boundaries thereof, whether

Pier Boundaries.

whether for the Purpose of landing or shipping Goods or Passengers, or otherwise, shall cast or throw out, or permit or suffer to be cast or thrown out, any Ballast or Rubbish, Stone, Sand, or other Materials, from any such Ship, Boat, or Vessel, within the aforesaid Boundaries of the said Pier, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons damaging Pier, &c.

XLVII. And be it enacted, That if any Person shall wilfully or maliciously injure, demolish, or break down the said Pier, or any of the Quays, Wharfs, Landing Places, or other Works to be formed under the Authority of this Act, or any Part thereof, or any Table of Tolls or Bye Laws affixed thereon, or shall wilfully or maliciously extinguish any Light used for lighting the said Pier, and the Ships, Boats, and Vessels resorting to or passing the same, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, together with the Costs and Charges of repairing and making good such Damage or Injury, to be recovered in like Manner as is herein directed with respect to the Recovery of Penalties and Forfeitures.

Penalty for injuring Ropes by which Vessels are moored.

XLVIII. And be it enacted, That if any Person shall wilfully or maliciously cut, break, or in any Manner destroy or injure any Rope or other Fastening by which any Ship, Boat, or Vessel shall be moored and fastened to the said Pier and Works, or to the Mooring Chains or Mooring Places to be fixed or laid by virtue of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that such Penalty shall not in any Manner preclude the Recovery of Damages in any Action which may be brought for any Loss or Injury which may arise from cutting, breaking, destroying, or injuring any such Rope, Chain, or other Fastening as aforesaid: Provided also, that nothing herein contained shall hinder or restrain any Pier Master to be appointed in pursuance of this Act, or his Assistants, from exercising any of the Powers and Authorities by this Act given to him and them.

For preventing Damage from Negligence or Mismanagement.

XLIX. And whereas Damage may frequently be done to the Pier and other Works belonging thereto by Ships, Boats, and Vessels, owing to the Negligence of the Master or other Person having the Command or Direction of such Ships, Boats, and Vessels; be it therefore enacted, That every Master or other Person having the Command or Direction of any Ship, Boat, or Vessel by whose Neglect or Mismanagement thereof any Damage shall be done or happen to the said Pier and Works, or any Part thereof, shall pay for and make good all such Damage; and the Amount of such Damage, in case the same shall exceed the Sum of Twenty-five Pounds, may be recovered, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; but if the Amount of Damage claimed do not exceed the Sum of Twenty-five Pounds, then the same may be recovered before any Two Justices of the Peace for the said Borough of *Plymouth*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Direction of such Ship, Boat, or Vessel, through whose Negligence or Mismanage-

Mismanagement such Damage shall have arisen, and to hear and determine the same, and ascertain the Extent of such Damage, and the Costs of repairing and making good the same; and if Judgment shall be given against such Master or other Person, then it shall be lawful for such Justices or any Two other Justices of the Peace for the said Borough of *Plymouth*, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Boat, or Vessel by which such Damage shall be done or occasioned, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after any Distress so made or taken, then it shall be lawful to sell the same or a sufficient Part thereof, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges of taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or other Person having the Command or Direction of such Ship, Boat, or Vessel, on Demand.

Justices may award Costs in case Complaint for Negligence or Mismanagement shall not be substantiated.

L. Provided always, and be it further enacted, That in case it shall appear to the Justices by whom any Complaint of Negligence or Mismanagement as aforesaid shall be heard and determined, that the Matter of such Complaint has not been proved, then it shall be lawful for such Justices, at their Discretion, to award to the Party complained against such Sum of Money for his Costs, and the Loss of Time of himself and his Witnesses, as the said Justices shall think fit, such Sum to be recoverable from the Party by whom the same shall be awarded to be paid, in like Manner as is herein directed concerning the Recovery of Fines and Penalties to be imposed under this Act.

Masters and Owners made answerable for their Crews and Servants.

LI. And be it enacted, That the Master and Owner of every Ship, Boat, or Vessel lying at or resorting to the said Pier shall be and he is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done or occasioned by his Ship, Boat, or Vessel, or by any of the Seamen, Boatmen, or other Persons belonging to or employed in or about the same respectively, to the said Pier and Works by any Means whatsoever, and the Amount or Value of such Trespass, Damage, Spoil, or Mischief shall be recoverable from every such Master and Owner as if he himself had done or committed such Trespass, Damage, Spoil, or Mischief respectively: Provided always, that if the Owner or Master of any Ship, Boat, or Vessel shall be compelled to pay any Penalty or make Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of his Seamen, Boatmen, or other Persons employed by him, then and in every such Case every such Seaman, Boatman, or other Person shall be liable to repay the Amount of such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Master; and in case of Nonpayment thereof, on Demand, the same shall be recoverable by such Owner or Master in like Manner as any Penalty is in and by this Act directed to be recovered.

Crews and Servants liable to repay their Masters.

Declaring what shall be good Service of Notices, &c. on the Proprietors of the Pier.

LII. And be it enacted, That in all Cases in which it shall be necessary for any Person or Corporation to serve any Summons, Demand, or Notice, or any Writ or other Proceeding at Law or in Equity, upon the said *Thomas Gill*, his Heirs or Assigns, for or in respect of the said Rents herein-before mentioned, or for or in respect of any Act, Matter, or Thing done or omitted by him or them under or by virtue of or in relation to this Act or any of the Provisions herein contained, personal Service thereof upon any One of the Proprietors, or upon the Clerk to the Proprietors of the Pier, or leaving the same at the Office of the said Proprietors or of the said Clerk, or at the last or usual Place of Abode of such Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon the Pier Master for the Time being, or leaving the same at the last or usual Place of Abode of such Pier Master, or in case there be no Clerk or Pier Master, then Service upon any Owner or Person interested in the said Pier, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said *Thomas Gill*, his Heirs or Assigns.

Declaring what shall be good Service of Notices, &c. by Proprietors of the Pier.

LIII. And be it enacted, That in all Cases in which it may be necessary to serve any Summons, Demand, or Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, by or on behalf of the said *Thomas Gill*, his Heirs or Assigns, upon any Person or Corporation, under the Provisions of this Act, or under any Bye Law, Rule, or Regulation made in pursuance thereof, Service of such Summons, Demand, Notice, Writ, or other Proceeding respectively, either upon the Person to whom the same ought to be given, or upon the Clerk or Principal Officer of such Corporation, or in case the same respectively shall not be found or known, then Service thereof upon any Agent or other Officer of such Corporation, shall be deemed good and sufficient Service of the same respectively upon such Corporation, as the Case may be: Provided always, that every Summons, Demand, or Notice or other Document requiring Authentication by the said *Thomas Gill*, his Heirs or Assigns, may be signed by the Clerk to the Proprietors of the Pier (unless it be otherwise specially directed by this Act), and may be in Writing or in Print, or partly in Writing and partly in Print.

For securing Offenders whose Names and Residences are unknown.

LIV. And be it enacted, That it shall be lawful for any Pier Master, Collector, or any other Officer or Servant employed by the said *Thomas Gill*, his Heirs or Assigns, under the Powers of this Act, and all such Persons as they respectively shall call to their Assistance, to seize and detain any Person who shall commit any Offence against this Act, and whose Name and Residence shall be unknown to such Pier Master, Collector, Officer, or Servant, and to convey him with all convenient Despatch before some Justice of the Peace for the Borough of *Plymouth*, without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Recovery and Application of Penalties.

LV. And be it enacted, That all Complaints and Informations of and for Offences against this Act, or any Bye Law, Rule, or Regulation

tion to be made in pursuance thereof (except in Cases where the Manner of hearing and determining the same is herein otherwise directed) shall and may be made before any Justice of the Peace for the Borough of *Plymouth*, such Justice not having any Interest in the said Pier and Works, and such Justice is hereby empowered and authorized to take cognizance thereof, and to summon the Person complained of to appear before him, or upon Complaint upon Oath or Affirmation to issue his Warrant for the Apprehension of any such Person, and upon the Appearance or Non-appearance of any such Person pursuant to any such Summons, or upon such Person being apprehended under such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witnesses upon Oath or Affirmation, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Person, either on his or her Confession, or on the Oath of any credible Witness, such Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by virtue of this Act, or of any Bye Law, Rule, or Regulation made in pursuance thereof, imposed for any such Offence, together with the Costs of Conviction, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid it shall be lawful for any such Justice to order any Person so convicted to be detained and kept in safe Custody until a Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the said Borough of *Plymouth*, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of 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 whereupon to levy the Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction of the County, Borough, or Place in which such Offence shall be committed, there to remain for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by this Act, be paid, as to one Moiety thereof to the Treasurer of the Borough of *Plymouth* for the Time being to the Credit and on account of the Borough Fund, and as to the other Moiety thereof into the Hands of the said *Thomas Gill*, his Heirs or Assigns, or the Clerk of the Proprietors of the Pier for the Time being,

being, and shall be applied and disposed of towards defraying the Expences of the said Undertaking, unless such Fines, Penalties, and Forfeitures shall be incurred by the Proprietors of the Pier, in which Case the same shall be paid wholly to the Treasurer of the Borough of *Plymouth* to the Credit and on account of the Borough Fund, and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained: Provided always, that no Penalty or Forfeiture created by this Act, or to be created by any Bye Law under the Authority of the same, shall extend to the Officers or Crews of any of Her Majesty's Ships, Vessels, or Boats, or of any Ships, Vessels, or Boats employed in Her Majesty's Service.

For Apprehension and Commitment of Offenders in certain Cases.

LVI. And be it enacted, That it shall and may be lawful for any Person who shall see any Offence committed against the Provisions of this Act by any Person destroying or doing any wilful Damage to any of the Works by this Act authorized to be made, or otherwise contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the said Borough of *Plymouth*, who shall forthwith proceed against such Offender according to Law and according to the Provisions in this Act contained.

Justices may proceed by Summons for the Recovery of Penalties.

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

Damages in case of Dispute to be settled by a Justice.

LVIII. And be it enacted, That where any Damages or Charges are by this Act directed or authorized to be paid or recovered, either in addition to any Penalty imposed by this Act, or any Bye Law, Rule, or Regulation made in pursuance thereof, or otherwise, the Amount of such Damages or Charges, in case of Dispute, shall be settled and determined by the Justice of the Peace, not having any Interest as aforesaid, by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

LIX. Pro-

Justices may allow Informer Part of the Penalty.

LIX. Provided always, and be it enacted, That, notwithstanding any thing herein-before contained as to the Application of Penalties to be recovered under this Act, it shall be lawful for the Justice or Justices of the Peace before whom any Penalties, Forfeitures, or Fines shall be recovered, under the Provisions of this Act, or any Bye Law, Rule, or Regulation to be made in pursuance thereof, from Time to Time, if he or they shall think fit, to pay and apply any Part of such Penalties, Forfeitures, and Fines to or for the Use of the Informer or other Person aiding or assisting in the Apprehension or Conviction of any Offender therein.

Form of Conviction.

LX. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, or any Bye Law, Rule, or Regulation made in pursuance thereof, may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

‘ to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, *C. D.*, one of Her Majesty's Justices of the Peace for [*here describe the Offence, and the Time and Place when and where committed,*] contrary to an Act [*or* contrary to a Bye Law, Rule, or Regulation duly made in pursuance of an Act] passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], for which Offence I do adjudge the said *A. B.* to have forfeited [*if the Offender be subject to a Fine*] the Sum of [*insert the Penalty*], together with the Sum of for Costs [*if any given*], [*or if to be imprisoned*] do adjudge the said *A. B.* to be committed to the [*naming the Gaol*] for the Space of [*insert the Time, and if the Commitment be for the Nonpayment of a Penalty, then add*] unless the said Sum of be sooner paid. Given under my Hand and Seal the Day and Year first above written.

Distress not to be avoided for Want of Form.

LXI. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, or of any Bye Law, Rule, or Regulation made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in such Distress, or in any Proceeding relating thereto, nor a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action on the Case.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

LXII. And be it enacted, That no Order, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act, or any Bye Law, Rule, or Regulation made in pursuance thereof, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been

been convicted, and that there be a good and valid Conviction to sustain the same, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover after Tender of Amends.

LXIII. And be it enacted, That no Plaintiff shall recover in any Action to be commenced against the said *Thomas Gill*, his Heirs or Assigns, or any Person or Persons employed by him or them, for any thing done in pursuance of this Act, or of any Bye Law, Rule, or Regulation made in pursuance thereof, if Tender of sufficient Amends shall have been made to him or his Attorney, by or on the Behalf of the Defendant, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Persons aggrieved may appeal to Quarter Sessions.

LXIV. And be it further enacted, That any Person or Persons, thinking himself or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace to be made or given in pursuance of this Act, or of any Bye Law, Rule, or Regulation made in pursuance thereof, may appeal to the next General or Quarter Sessions of the Peace to be held for the County, Borough, or Place in which the Cause of Appeal shall arise, and if the Matter shall arise within the Borough of *Plymouth* then such Appeal may be made to the Quarter Sessions of the Peace for the said Borough, or the Quarter Sessions of the Peace for the County of *Devon*, at the Option of the Party making such Appeal, and the Party appealing having first given at least Fourteen Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Party appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County, Borough, or Place in which the said Cause of Appeal shall arise, conditioned to try such Appeal, and to abide the Order of the said Court thereupon; and the said Court of Quarter Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, Borough, or Place, or, if the Court shall think proper, may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, Borough, or Place, and on the Hearing of such Appeal the Court, if they shall see Cause, may mitigate any Forfeitures and Fines, and may order any Money to be returned which shall or may have been imposed or levied in pursuance of any such Bye Law, Order, Rule, or Determination, and shall and may also award such further Satisfaction to be made to the Party aggrieved, or such Costs to either of the Parties, as the Court shall judge reasonable and proper; and all such Determinations of the said Court shall be binding and conclusive upon all Parties to all Intents and Purposes whatsoever.

LXV. And

Officers under the Act not incompetent Witnesses.

LXV. And be it enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or Dues by this Act anthorized to be taken, or respecting any Matter or Thing relating to the said Undertaking, no Person acting by or under the Authority or in the Service of the said *Thomas Gill*, his Heirs or Assigns, in pursuance of this Act, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, or respecting such Dispute, Suit, or Litigation, concerning any thing ministerially done by him in the Execution of his Office or Authority.

Power to grant Releases to Witnesses.

LXVI. And be it enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said *Thomas Gill*, his Heirs or Assigns, and also in all Prosecutions commenced or instituted by or on behalf of the said *Thomas Gill*, his Heirs or Assigns, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the said *Thomas Gill*, his Heirs or Assigns, to make, sign, seal, execute, and deliver all such general Releases as may be deemed necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may be necessary to be relieved against by the said *Thomas Gill*, his Heirs or Assigns, in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings, and also to do any other Act, Matter, or Thing, in any such Actions, Suits, Prosecutions, or other Proceedings which any Plaintiff, Prosecutor, or Defendant may do in any Action, Suit, Prosecution, or other Proceeding.

Compelling Witnesses to attend.

LXVII. And be it enacted, That if any Person shall be summoned as a Witness by any Justice of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, or any Bye Law, Rule, or Regulation made in pursuance thereof, either on behalf of the Prosecutor or on behalf of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a sufficient Excuse being given for such Nonappearance, or if appearing, after having been paid or tendered a reasonable Sum of Money for his Loss of Time, Costs, and Expences, (the Amount of such Costs and Expences to be ascertained and determined by the said Justice,) he shall refuse or decline to be examined upon Oath or upon solemn Affirmation, or to give Evidence touching the Matter in question before such Justice, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

General Power to Justices to administer Oaths.

LXVIII. And be it enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cogniżance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice, and he is hereby required, to administer an Oath to or to receive the solemn Affirmation of any Person before he shall be examined by or before such Justice;

Justice; and if any Witness who shall be examined by or before any Justice of the Peace under this Act upon Oath shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject and liable to.

List of Penalties to be affixed on Pier.

LXIX. And be it enacted, That no Penalty shall be recovered from any Person, under or by virtue of this Act, until the said *Thomas Gill*, his Heirs or Assigns, shall have caused to be painted on Boards, or printed and affixed to or upon the said Pier, or the Works or Approaches adjoining, an Abstract or List of the Penalties by this Act imposed for any thing done contrary to the Provisions thereof, or contrary to any Bye Law, Rule, or Regulation to be made in pursuance thereof; and such Boards shall be continued and renewed as often as the same shall be obliterated or defaced; and if any Person shall wilfully pull down, deface, or destroy any such Board which shall have been affixed according to the Directions of this Act, or shall in any Manner concur or aid therein, he shall, on Conviction, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

LXX. And be it enacted, That in case the several Works hereinbefore described, and intended to be carried into effect under the Authority of this Act, shall not have been completed within Seven Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to so much and such Part of such Works as shall have been completed within such Time.

Not to construct any Works below High-water Mark without Consent of Admiralty.

LXXI. And inasmuch as the Preservation of every Part of the Harbour of *Plymouth* is of great Importance to the Safety of the United Kingdom, and all Ports, Harbours, and navigable Rivers of the same, within the Flow of the Tide, are by Law under the Superintendence and Jurisdiction of the Lord High Admiral of the said Kingdom, be it enacted and provided, That nothing herein contained shall extend or be construed to extend to authorize the said *Thomas Gill*, his Heirs or Assigns, or any other Person or Persons, to begin to make, build, or construct the said Pier, or any Quay, Wharf, or other Work within the Boundaries thereof, below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only under such Limitations and Restrictions as the said Lord High Admiral or Commissioners aforesaid shall deem expedient for the Public Service; and that to enable the said Lord High Admiral or Commissioners to form a due Judgment therein the said *Thomas Gill*, his Heirs or Assigns, shall, at least One Calendar Month before any Work below the ordinary High-water Mark shall be commenced, deposit in the Hydrographer's Office in the Admiralty a Plan describing the Excavations to be made, the Position and Dimensions of all and every such proposed Works, the Materials of which they are to be constructed, and the Extent to which they are

in every Part thereof intended to be carried below such High-water Mark, and so from Time to Time as often as the said *Thomas Gill*, his Heirs or Assigns, shall judge it to be fit or necessary to alter and improve the said Pier and Works, or to build any Quay, Wharf, or other Works as aforesaid.

Works to be removed if left incomplete.

LXXII. And be it enacted, That in case the said *Thomas Gill*, his Heirs or Assigns, shall at any Time begin to build or construct the said Pier, or any Quay, Wharf, or other Work within the Boundaries aforesaid, under the Powers of this Act, below such High-water Mark as aforesaid, and shall fail to complete the same, and cease to proceed therewith for the Space of Six Calendar Months, the said *Thomas Gill*, his Heirs and Assigns, shall and he and they is and are hereby required, immediately after the Expiration of the said Six Calendar Months, to remove the said Works so begun and left incomplete, and all the Materials thereof, and the Mud which shall have been accumulated or occasioned by the same, from or out of the said Bay, and restore the Shore of the said Bay to the same State as before the passing of this Act; and in case the said *Thomas Gill*, his Heirs or Assigns, shall fail completely so to do by the Space of Six Calendar Months beyond the before-mentioned Period of Six Calendar Months, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, after Notice in Writing under the Hand of the Secretary of the Admiralty, to cause all such Works, Materials, and Accumulations of Mud respectively to be removed, at the Expence of the said *Thomas Gill*, his Heirs or Assigns, the Amount of such Expence to be recovered as a Debt due to Her Majesty; and it shall also be lawful for the said Lord High Admiral and Lords Commissioners respectively to make Sale of any Materials which may be removed or taken up by them as aforesaid, for the Purpose of reimbursing, so far they will extend, the Expences of such Removal, and of clearing away the Mud as aforesaid.

Pier and Works to be kept in repair.

LXXIII. And be it enacted, That from and after the Completion of the said Pier, or any Quay, Wharf, Landing Place, or other Work to be made or constructed by the said *Thomas Gill*, his Heirs or Assigns, under the Powers of this Act, the said *Thomas Gill*, his Heirs and Assigns, shall, and he and they is and are hereby required, from Time to Time, to repair, and maintain and keep the same respectively in a proper State of Repair, and he and they is and are hereby further required, from Time to Time and at all Times, to maintain the present Depth of Water within the Boundaries of the said Pier, by the Removal of any Mud or Soil which may have been accumulated by the Tide or any other Cause in consequence of the Erection of the said Pier and other Works.

Lights not to be exhibited or altered without the Sanction of the Trinity House of Deptford Strond.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said *Thomas Gill*, his Heirs or Assigns, to exhibit or alter any Light or Lights on the Pier to be erected under the Provisions of this Act, or elsewhere, for directing the Course of Vessels into *Mill Bay* aforesaid, or to the said Pier, without having from Time to Time first

first obtained the Sanction in Writing of the Corporation of *Trinity House* of *Deptford Strond*, as to the Description and Power of any such Light or Lights, and the Mode of exhibiting the same.

Saving the Rights of the Trinity House.

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

Saving the Rights of the Duchy of Cornwall.

LXXVI. Provided always, and be it further enacted, That neither this Act nor any thing herein contained shall extend, or be deemed or taken to extend, by Implication or otherwise, to affect, alter, take away, destroy, lessen, or prejudice the Rights or Interests of Her Majesty, Her Heirs or Successors, in right or in respect of the said Duchy of *Cornwall*, except as herein expressed, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise considered, as Evidence upon any Occasion prejudicially to affect in any Manner such Rights of Her Majesty, or other the Personage for the Time being entitled to the Revenues of the said Duchy of *Cornwall*, but that all such Rights, except as aforesaid, shall remain of the same Force and Effect as if this Act had not been made and passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving the Rights of the Mayor and Free Burgesses of Saltash.

LXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, lessen, alter, or affect any of the Estates, Tolls, Rights, Privileges, Franchises, or Duties of the Mayor and Free Burgesses of the Borough of *Saltash*, or the Justice or Recorder thereof, or any or either of them, or to defeat, alter, or diminish any Power or Jurisdiction which at the Time of the passing of this Act the said Mayor and Free Burgesses, or the said Justice or Recorder or other Officers of the said Borough, or any or either of them, were entitled to or could lawfully exercise, or to charge or make liable the said Mayor and Free Burgesses, or the said Recorder or Justice, or any of their Officers, or any or either of them, or any other Person or Persons acting by or with their Authority or Direction, to or with the Payment of any or either of the Tolls, Dues, or Duties granted or imposed by this Act, for or in respect of their entering or departing from the Boundaries of the said Pier, or landing upon or from or using the said Pier, or any Quay, Wharf, or Landing Place within the Boundaries thereof, in the actual Use, Exercise, Discharge, or Enjoyment of any of the Estates, Tolls, Rights, Privileges, Franchises, Powers, Authorities, Duties, or Jurisdiction to which they respectively were entitled at the Time of the passing of this Act, any thing herein contained to the contrary in anywise notwithstanding: Provided always, that the Justices of the Peace of the Borough of *Saltash* shall not have Jurisdiction, in Quarter Sessions or otherwise, to hear or decide upon any of the Matters or Complaints by this Act authorized to be heard and determined by and before any Justice of the Peace, or any Court of Quarter Sessions, within the Borough of *Plymouth* or County of *Devon*.

LXXVIII. Saving

General Saving.

LXXVIII. Saving and always reserving to the Queen's most Excellent Majesty, Her Heirs and Successors, to the Lord High Admiral of the United Kingdom, and to all and every Body and Bodies Politic and Corporate, and other Person and Persons whomsoever, his, her, or their Successors, Heirs, Executors, and Administrators, all such Prerogatives, Estates, Rights, Titles, Immunities, Franchises, and Liberties, (other than those meant and intended to be barred and regulated by this Act,) as they, and every or any of them, had and enjoyed before the passing of this Act, or could or might have had and enjoyed in case this Act had not been passed.

Interpretation Clause.

LXXIX. And be it enacted, That in the Construction of this Act and of the Schedules hereto annexed the Words "Ship" and "Vessel" shall be construed to mean and include every Description of Ship, Packet, Barge, Raft, Float, or other Craft, and whether propelled by Steam, Mechanism, or otherwise; the Words "Justice and Justices of the Peace" shall be construed to include Justices of the Peace for any County, Division of a County, Borough, Liberty, Precinct, or Town Corporate, unless where otherwise provided by this Act; the Word "Oath" shall be construed to include the Affirmation of a Quaker, Separatist, or Moravian, or of any such Person as shall have been a Quaker or Moravian; the Word "Person" shall be construed to include any Body Politic, Corporate, or Collegiate, Aggregate or Sole, as well as any Individual; the Words "General Quarter Sessions" shall extend to and be construed to include General or Quarter Sessions, and Adjournments thereof, for any County, Division of a County, Borough, Liberty, Precinct, or Town Corporate; and that the Words "*Thomas Gill*, his Heirs and Assigns," shall be construed to mean the Owner or Owners for the Time being of the said Pier and Works; and the same Words, "Owner or Owners," shall mean and include every Person who shall be in the actual Possession of the said Pier and Works respectively, or in Receipt of the Rates, Tolls, and Dues by this Act authorized to be taken in respect of the said Pier and Works respectively; and wherever in this Act, in describing any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as One Person or Party, and Females as well as Males, and several Matters and Things as well as One Matter or Thing respectively; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

LXXX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The First SCHEDULE referred to by the foregoing Act.

TONNAGE DUES.	Per Ton. £	s.	d.
For every Ship, Barge, Boat, or Vessel exceeding Ten Tons Burthen, and not paying the Composition herein-after mentioned, (not being a Yacht or kept for Pleasure,) coming from or going to any Port or Place in Great Britain or Ireland - -	0	0	2
For every such Ship, Boat, or Vessel as last mentioned, coming from or going to any Foreign Port or Place - - -	0	0	4
All Vessels performing more than One Voyage in a Day shall be charged only for One Voyage on such Day.			
For Yachts and Vessels kept for Pleasure, at per Month -	0	0	6
Or, at the Option of the Owner of the same, per Annum	0	2	0
For Barges and Lighters, One Pound and Ten Shillings per Annum.			
Or, at the Option of the Owner of the same, at per Month, Seven Shillings and Sixpence.			
Or, at the Option of the Owner of the same, at per Voyage per Ton - - - -	0	0	2

The Second SCHEDULE referred to by the foregoing Act.

	£	s.	d.
For every Passenger and Person who shall land on or embark from the said Pier, or any Landing Place, Quay, or Wharf within the Boundaries thereof, from or in any Boat or undecked Vessel, for each and every Time - - - -	0	0	2
For every Passenger and Person who shall land on or embark from the said Pier, or any Landing Place, Quay, or Wharf within the Boundaries thereof, from or in any Ship or decked Vessel, for each and every Time - - - - -	0	1	0
N.B. Each Passenger is allowed to take Packages, being his or her Property, not exceeding together One Cwt., free of Toll.			
For every other Box, Trunk, Bale, Bag, Basket, or Parcel of Passenger's Luggage - - - - -	0	0	2
For every Person who shall use the said Pier or Wharf for the Purpose of walking for Exercise, Pleasure, or otherwise, per Day	0	0	1
For every Four-wheeled Carriage landed on or embarked from the said Pier, or any Landing Place, Quay, or Wharf within the Boundaries thereof - - - -	0	10	0
For every Two-wheeled ditto - - - -	0	7	6
Anchors below Ten Cwt., at per Cwt. - - -	0	0	3
——— above Ten Cwt., ditto - - - -	0	0	6
Apples, Pears, Nuts, and all other Fruit, per Bushel - -	0	0	1
Asses, each - - - -	0	2	6

	£	s.	d.
Bacon, Lard, Hams, and Tongues, at per Cwt.	0	0	1½
Bale, Truss, Box, Trunk, Case, Chest, Bundle, and Parcel, not exceeding Six Cubic Feet, containing Goods not otherwise enumerated	0	0	3
For every additional Cubic Foot, at per Foot	0	0	0½
Bark, per Ton	0	1	6
Beans, Peas, Tares, Wheat, Barley, Oats, and other Seeds sold by Measure, per Quarter	0	0	3
Bedsteads, each	0	0	6
Bedding, Seamen's, each	0	0	2
Beef and Pork, per Tierce	0	0	4
Ditto, per Barrel	0	0	3
Beer, Cyder, Vinegar, Porter, and other Liquids in Casks, at per Hogshead	0	0	6
Ditto, per Half Hogshead or Kilderkin	0	0	4
Ditto, for a less Quantity, at per Gallon	0	0	0½
Ditto, in Bottles, at per Dozen	0	0	2
Birds, Cage, per Cage, English	0	0	6
Ditto, Foreign	0	1	6
Biscuit, per Cwt.	0	0	2
Bones, per Cwt.	0	0	1½
Bone Dust, ditto	0	0	1½
Bottles, empty, per Dozen	0	0	1
Bricks, Fire, per Thousand	0	2	0
Ditto, Building, per Thousand	0	1	0
Brushes, Brooms, and Mops, per Dozen	0	0	1
Bullocks, each	0	2	6
Butter, in Irish Firkins	0	0	1
Ditto, in other Packages, per Cwt.	0	0	2
Calves, each	0	1	6
Carboys, each	0	0	6
Carts	0	2	6
Ditto, Hand	0	1	6
Chairs, per Dozen	0	1	0
Cheese, loose, at per Cwt.	0	0	2
Chest of Drawers, at per Cubic Foot	0	0	0¾
Coals, Culm, Coke, and Cinder, per Ton	0	0	6
Coffee, per Cwt.	0	0	3
Cordage, per Cwt.	0	0	1½
Corpse	1	0	0
Currants in Butts, Hogsheads of Sugar and Molasses, and other dry Goods packed in Hogsheads, at per Cwt.	0	0	1½
Ditto, in smaller Casks, per Cwt.	0	0	2
Deals, per Ton of Forty Cubic Feet	0	1	6
Dos, each	0	0	3
Earthenware, loose, per Score Pieces	0	1	0
Eggs, in Cases or Crates, at per Cubic Foot	0	0	0½
Elephants, Lions, Tigers, Rhinoceroses, and Bears, each	0	15	0
All other wild Beasts and Foreign Animals not already enumerated, each	0	5	0
Feathers, per Cwt.	0	0	3
Fish, dry, per Cwt.	0	0	2
Flax and Hemp, per Cwt.	0	0	3
Flour, Oatmeal, Bran, and Pollard, per Sack	0	0	2
Foxes, each	0	2	6
Fruit, dried, in Boxes, per Cwt.	0	0	2
Glass, China, and Earthenware, in Crates, large	0	1	6

	£	s.	d.
Glass, China, and Earthenware, in Crates, small - -	0	1	0
Grass, and all other Seeds sold by Weight, per Cwt. - -	0	0	2
Grinding Stones, each - - - - -	0	0	3
Groceries and other dry Goods, not already specified, per Cwt. -	0	0	2
Gunpowder, Barrels of 100 lbs. - - - -	0	2	0
Ditto - 50 - - - -	0	1	6
Ditto - 25 - - - -	0	1	0
Hay, per Cwt. - - - - -	0	0	2
Ditto, per Ton - - - - -	0	1	6
Herrings, per Barrel - - - - -	0	0	3
Hides, raw or cured, per Cwt. - - - -	0	0	2
Hoops, per Bundle, Butts - - - - -	0	0	2
Ditto, other Sorts - - - - -	0	0	1
Hops, per Bag - - - - -	0	0	9
Ditto, per Pocket - - - - -	0	0	6
Horses and Mules, each - - - - -	0	10	0
Hurdles, Iron or Wood, per 100 - - - -	0	2	6
Instruments, Musical, Statuary, Pictures, Glass, and China, Billiard Tables, Plate and Jewellery, packed in Cases, at per Cubic Foot - - - - - - -	0	0	1½
Laths, at per 1,000 of 3 Feet - - - -	0	0	4
Lathwood, per Fathom, 4 Feet long - - - -	0	1	0
Ditto - 8 Feet - - - -	0	1	6
Leather, per Cwt. - - - - - -	0	0	3
Mahogany and other ornamental Woods, per Foot Superficial -	0	0	1
Marble, Foreign, per Ton, unwrought - - -	0	1	0
Ditto wrought - - - - -	0	2	6
Masts and Spars, 10 Inches in Diameter and upwards, each -	0	3	6
below ditto - - - -	0	1	0
Meat, per Cwt. - - - - - -	0	0	3
Metals and Minerals, per Ton - - - -	0	1	6
less than a Ton, per Cwt. - -	0	0	1½
Metal manufactured Goods, per Cwt. - - -	0	0	3
Millstones, large, each - - - - -	0	1	6
Ditto small, each - - - - - -	0	1	0
Nails, per Cwt. - - - - - -	0	0	2
Oil Cakes, at per 1,000 - - - -	0	2	0
Oils, Fish or Train, at per Ton of 252 Gallons - -	0	2	6
Other Oils, at per ditto - - - - -	0	3	6
Oil, in Bottles, at per Chest - - -	0	0	4
Ditto, Half Chest - - - - - -	0	0	3
Oranges and Lemons, whole Chest, each - - -	0	0	6
Ditto, Half Chest - - - - - -	0	0	3
Ordnance, Pieces of, per Cwt. - - - -	0	0	4
Oysters, per Firkin - - - - - -	0	0	2
Paper Stuff, per Ton - - - - -	0	1	6
Pitch and Tar, per Barrel - - - - -	0	0	4
Plants and Shrubs in Mats, per Cubic Foot - - -	0	0	1
Potatoes, per Ton - - - - -	0	1	0
Poultry, per Dozen - - - - -	0	0	6
Rags, at per Cwt. - - - - - -	0	0	3
Salt, at per Cwt. - - - - -	0	0	1
Sheep, each - - - - - -	0	0	6
Shot, per Cwt. - - - - -	0	0	2
Slates, per Ton - - - - - -	0	1	0
Sofas, each - - - - - -	0	1	0
Specie and Bullion, at per Cwt. - - - - -	0	1	0