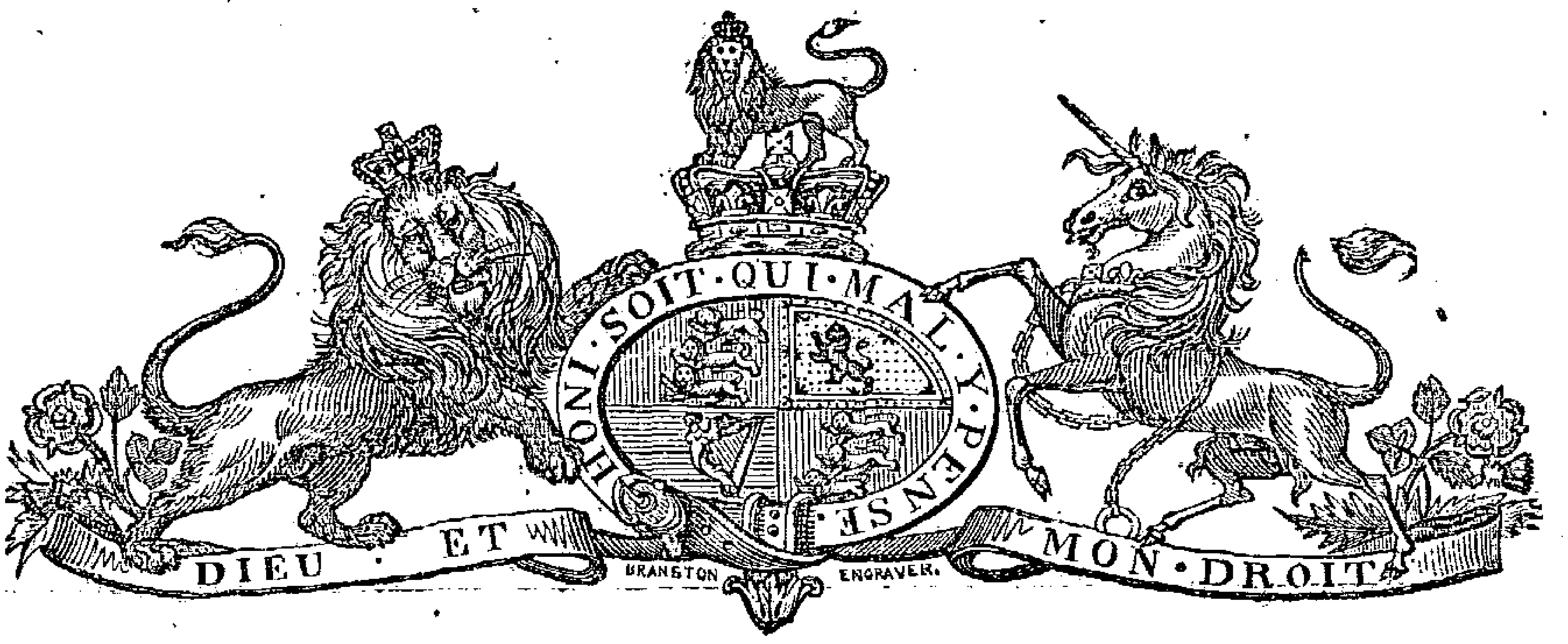


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. lxxxiv.

An Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall*.

[27th *July* 1838.]

WHEREAS the Pier and Harbour of *Newquay* is situated on the Western Side of *Towan Bay* on the Northern Coast of the County of *Cornwall:* And whereas the said Coast is exposed, rocky, and dangerous, and there is no Harbour capable of affording Shelter to Vessels nearer to *Newquay* than *Saint Ives* or *Padstow*, each of which Places is distant about Twenty Miles from *Newquay:* And whereas there was a small Pier or Quay at *Newquay* belonging to the Lord of the Manor of *Towan Blistra* in the Parishes of *Saint Columb-Minor* and *Crantock* in the said County of *Cornwall*, within which Manor this Pier or Quay was situated; but such Pier or Quay, which consisted only of One Arm, and inclosed a Space not exceeding Twenty-two Yards, was insufficient for the Accommodation and Protection of the Fishing Boats belonging to this Harbour, and could not be approached by Vessels exceeding Eighty Tons Burden: And whereas Inconvenience, Delay, and Expence were experienced in consequence of the Want of a Harbour at *Newquay* in which Fish and other Goods could be shipped and exported, and which might afford Security to Vessels in tempestuous Weather: And whereas the Fishermen and other Persons interested

in the Pilchard Fishery at *Newquay* applied to *Richard Lomax* Esquire, the Lord of the said Manor, to improve the said Harbour by erecting a larger and more commodious Pier: And whereas the said *Richard Lomax* was induced by such Request to erect at his own Expence a new Pier, which consists of Two Arms, and incloses an Area of more than Three Acres, and affords an effectual Harbour to Boats and Vessels, and is capable of receiving Vessels of Six hundred Tons Burden: And whereas the said *Richard Lomax* borrowed considerable Sums of Money to enable him to erect the said Pier: And whereas the said new Pier was finished in the Year One thousand eight hundred and thirty-six, and in the Month of *November* One thousand eight hundred and thirty-six the said *Richard Lomax* died, having duly made, signed, and published his last Will and Testament in Writing, bearing Date the Ninth Day of *September* One thousand eight hundred and thirty-six, and thereby devised the said Manor and all other his Real Estate to *John Tippet* of *Truro* in the County of *Cornwall*, Auctioneer, and *William Carrwick* of *Newquay* aforesaid, Gentleman, their Heirs and Assigns, upon Trust to pay the Monies borrowed as aforesaid and his other Debts, and upon the other Trusts therein mentioned, and appointed them Executors of his said Will: And whereas the future Maintenance of the said Pier and Harbour will require a continual annual Expenditure: And whereas in consideration of the great Expence which the said *Richard Lomax* has incurred in erecting the said new Pier, and to provide for the future Maintenance of the said Harbour, it is reasonable that the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, should receive the Rates, Dues, and Tolls herein-after mentioned or referred to: 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 in consideration of the great Expence which the said *Richard Lomax* incurred in erecting the said Pier, and which the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, will incur in maintaining the said Pier and Harbour, it shall be lawful for the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, or their Collectors, Receivers, or Lessees, or such Person as they shall appoint for that Purpose, from Time to Time and at all Times after the passing of this Act, instead of the Tolls, Rates, and Dues now payable to them, to ask, demand, take, receive, collect, recover, and levy, for all Ships, Boats, or other Vessels of whatsoever Description which shall come into or use the said Harbour for the Purpose of unloading Good or Effects within the Limits of this Act, and for entering within the Pier of the said Harbour for Shelter, the several Tolls, Rates, or Dues specified and mentioned in the Schedule marked (A.) hereto annexed, and so in proportion for any fractional Part of the same respectively.

Instead of the Tolls or Dues heretofore taken the Tolls or Dues specified in the Schedule to this Act annexed may be taken for all Vessels coming into the Harbour.

Limits of the Harbour defined.

II. And be it further enacted, That for the Purposes of this Act the Limits and Boundaries of the said Harbour shall extend over and include the whole Coast to the Extent of One Half Mile to the Eastward of the Extremities of the said Pier, and to the Middle of *Histrell Bay* to the Westward of the Extremity of the said Pier, being One

Mile and Three Quarters to the Westward of the Extremity of the said Pier, measuring along the said Coast round *Towan Head.*

Rates or Duties for landing Goods.

III. And be it further enacted, That over and above the Tonnage Rate or Duty herein-before authorized to be taken on Ships, Vessels, or Boats entering into and using the said Harbour there shall be paid to the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, on all Goods, Wares, Merchandise, or other Commodities or Things which shall be landed or shipped within the Limits of this Act, or to be there exported or imported in such Ships, Vessels, or Boats, the several Rates or Duties specified in Schedule (B.) hereunto annexed.

Power to fix Tolls on Goods not mentioned in this Act.

IV. And be it further enacted, That it shall be lawful for the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, to fix and take such reasonable Tolls, Rates, or Dues upon Commodities not mentioned in the said Schedule marked (B.) as they shall think fit, provided such Rates do not exceed One Shilling *per* Ton; Household Furniture to be computed at Forty Feet Measurement to the Ton.

Act not to affect Vessels in Her Majesty's Service.

V. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of Her Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, Excise, or Her Majesty's Postmaster General.

Ships returning during the same Voyage not again liable to Toll.

VI. Provided always, and be it further enacted, That if any Merchant Ship or any Coasting Vessel for which the said Tolls, Rates, or Dues shall have been paid shall depart from or leave the said Harbour during the said Voyage, and shall, either from Accident, Stress of Weather, or any other Cause, be obliged to put back or return into the same, then and in every such Case such Ship or Vessel shall not again be liable to the Payment of the said Harbour Dues in consequence of so putting back or returning, any thing in this Act contained to the contrary notwithstanding.

Double Duties to be paid in respect of Foreign Vessels.

VII. And be it further enacted, That Double the Duties which from Time to Time shall be imposed by virtue of this Act in respect of *British* Vessels shall be payable in respect of Foreign Vessels, and also in respect of all Goods or Articles imported or exported in such Foreign Vessels; and every Vessel shall be deemed a Foreign Vessel within the Meaning of this Act which shall not be entitled to the Privileges of a *British*-built Vessel by virtue of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation.* 3 & 4 W. 4. c. 54.

Power to Her Majesty to reduce

VIII. Provided always, and be it further enacted, That it shall be lawful for Her Majesty, in and by an Order of Council, or for the Lords

Duties on Foreign Vessels.

Lords Commissioners of Her Majesty's Treasury, by any Order in Writing, from Time to Time to reduce the Duties which shall be imposed on Foreign Vessels under the Powers of this Act on all or on such and on so many of such Vessels, and on all or on such and on so many of the Goods or Articles imported or exported in such Vessels, as Her Majesty, or as the Lords Commissioners as aforesaid, shall deem expedient, to the same or the like Duties as shall by virtue of the Powers of this Act be payable at the Time in respect of *British* Vessels.

Duties may be varied.

IX. And be it further enacted, That it shall be lawful for the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, from Time to Time to reduce all or any of the Duties by this Act granted, and again to raise the same to any Amount not exceeding the respective Duties by this Act granted; and such reduced and also such advanced Duties shall be paid, collected, recovered, and applied in the same Manner as the Duties in this Act specified and made payable to the said *John Tippet* and *William Carrwick*, their Heirs or Assigns, are directed to be paid, collected, recovered, and applied.

Duties to be charged equally.

X. Provided always, and be it further enacted, That the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, shall not partially raise or lower the Duties by this Act granted, but the said Duties shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Table of Duties to be put up.

XI. And be it further enacted, That the said *John Tippet* and *William Carrwick*, their Heirs or Assigns, shall cause to be painted on Boards, in legible Black Letters on a White Ground, and to be affixed and continued, and also to be renewed as often as the same shall be obliterated or defaced, on some conspicuous Place in or near the said Harbour, an Account or List of the several Duties which shall from Time to Time be payable under and by virtue of this Act.

Duties to be paid by Masters of Vessels.

XII. And be it further enacted, That the several Duties to be from Time to Time imposed under the Provisions of this Act in respect of Vessels shall be a Charge on the Owners of such Vessels, and shall be paid by the Master of the Vessel to which such Duties shall attach; and the several Duties to be from Time to Time imposed under the Provisions of this Act in respect of Goods and Articles shall be a Charge on the Owners thereof, and shall be paid by the Master of the Vessel in which such Goods or Articles shall be imported or exported, or otherwise by the Owners or other Persons into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively (as the Case may be), immediately upon the Delivery or Shipping thereof respectively (as the Case may be).

Lien to be given to Masters, &c. on Goods for Duties paid.

XIII. Provided always, and be it further enacted, That in case the Duties made payable on Goods and Articles shall be paid by the Master of the Vessel in which the same shall have been imported or exported, such Duties shall be forthwith repaid to such Master by

by the respective Owners of such Goods and Articles, on Demand, and before the Delivery to them of such Goods and Articles; and the Master so paying such Duties shall have a Lien upon the said Goods or Articles in respect of which such Duties shall have been paid for the Amount of such Duties, and until Repayment thereof may lawfully detain and hold Possession thereof; and in case the Amount of such Duties shall not be repaid to such Master within One Calendar Month after Demand thereof made on the Owner, either personally or by Letter delivered at his last known Place of Abode, it shall be lawful for such Master to make Sale of a competent Part of such Goods or Articles as shall have been so detained for the Nonpayment of the Duties charged thereon, and to apply the Proceeds of such Sale in reimbursing himself the Duties which he shall have so paid, and the Charges attending such Sale, rendering the Overplus (if any) of the Proceeds of such Sale to the Owners or Consignees of the Goods or Articles whereof a Sale shall have been so made as aforesaid.

Masters of Vessels to produce Registers, &c. to Collector when required.

XIV. And be it further enacted, That the Master of every Vessel liable to the Payment of any of the Duties by this Act granted shall, whenever required by the Collector of the said Duties, or by the Person for the Time being appointed by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, to receive the same, produce and show to such Collector or Person the Register of such Vessel and other Documents relating to the Appointment of such Master or to the Ownership of such Vessel, and also every Manifest, Bill of Lading, or other Paper in his Possession relating to the Lading thereof; and in case such Master shall upon such Request refuse or neglect to produce or show to such Collector or Person as aforesaid such Register and other Documents as aforesaid he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Refusal or Neglect.

Vessels to be reported on arriving in the Harbour, and an Account given of their Cargoes.

XV. And be it further enacted, That the Master of every Vessel which shall arrive in the said Harbour of *Newquay*, and shall be liable to the Payment of any of the Duties by this Act granted, shall make his Report of such Vessel and of her Cargo, and from whence she came, to the Collector of the Duties for the Time being of the said Harbour, or to such other Person as the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, shall appoint for that Purpose, within Twelve Hours next after her Arrival within the said Harbour; and every such Master shall, within Six Hours after such Vessel or Cargo shall be so reported, deliver in Writing to the said Collector of the Duties, or to such other Person as the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, shall appoint for the Receipt thereof, a true and particular Account to the best of his Knowledge of the several Goods and Articles of which such Cargo shall be composed, and of all separate and small Parcels thereof, and the Names of the respective Persons to whom they are consigned, and shall also (if required) give due Notice in Writing of the Time appointed for the Delivery of such Cargo; and in case any such Master shall refuse or neglect to make such Report or to deliver such Account within the respective Times and in the Manner herein-before

directed, or to give such Notice when required, or shall wilfully give a false Statement, or do any other Act whereby the Payment of the full Amount of the said Duties shall be avoided or be attempted to be avoided, he shall for every such Neglect or Refusal or false Statement forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of the Duties payable in respect of such Goods or Articles.

Masters of Vessels loading to deliver an Account of the Cargo.

XVI. And be it further enacted, That the Master of every Vessel in the said Harbour liable to pay any of the Duties by this Act granted shall give to the Collector of the said Duties, or to such other Person as may be appointed to receive the same, a true and particular Account in Writing of any Goods and Articles which shall be embarked in each such Vessel, and of the Quantities and Weight of such Goods and Articles respectively, and of their Nature or Kind, stating from whence brought and where the same are intended to be sent; and in case the Master of such Vessel shall neglect or refuse to give such Account, or shall wilfully give a false Account, or do any other Act whereby the Payment of the full Amount of the said Duties shall be avoided or be attempted to be avoided, or shall refuse to give such Collector or other Person as aforesaid (when required) an Account of the Charge made by him in respect of the said Duties, he shall forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of the said Duties.

Officers of Customs may refuse to give a Cocquet for Clearance until Duties are paid.

XVII. And be it further enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs, with the Permission of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or to give or make any Cocquet or other Discharge or Clearance, or to take any Report Inwards or Outwards for any Vessel liable to the Payment of any of the Duties by this Act granted, until the said Duties shall have been paid to the Collector or other Person appointed to receive the same, and until a Receipt under the Hand of the said Collector or other Person shall have been produced to the said Collector or other proper Officer of Her Majesty's Customs.

Penalty on Persons eluding Payment of Duties.

XVIII. And be it further enacted, That if the Master of any Vessel shall depart or attempt to depart from the said Harbour of *Newquay* without having paid the Duties payable in respect of such Vessel and of her Cargo, or shall elude or attempt to elude the Payment of the full Amount thereof by any Means whatsoever, such Master shall forfeit and pay to the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, for every such Offence any Sum not exceeding Twenty Pounds, over and above the Amount of the Duties which shall be payable in respect of such Vessel or Cargo, to be recovered in any of Her Majesty's Courts of Record, in addition to any other Mode of Recovery given by this Act.

Collector may enter Vessels and take Account of Duties.

XIX. And be it further enacted That it shall be lawful for the Collector of the Duties by this Act granted, or such other Person as shall be appointed by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, to receive the same, to enter, either alone

or

or with any other Person for his Assistance, into or on board any Vessel within the said Harbour, and to demand, take account of, and ascertain by Inspection what Duties are payable by virtue of this Act in respect of the Tonnage of any such Vessel, or in respect of any Goods or Articles of whatever Description on board thereof, and to demand, collect, and receive such Duties; and in case any of the Duties by this Act authorized to be demanded shall not be paid by the Master of such Vessel, upon Demand thereof made by the said Collector, it shall be lawful for such Collector or other Person as aforesaid to seize and distrain such Vessel, her Guns, Tackle, Apparel, and Furniture, or any Part thereof, or any Goods or Articles on board thereof, and any other Goods or Articles belonging to the Owner of the Vessel or Goods in respect of which such Duties shall be payable which shall then or at any Time afterwards come to or be found within the said Harbour of *Newquay*, or which shall come to or be found in any Wharf belonging to or adjoining the same respectively; and in case of Neglect in the Payment of the Duties for which such Distress shall have been taken as aforesaid for the Space of Five Days next after such Distress, it shall be lawful for the said Collector or such other Person as aforesaid to sell the said Vessel, Goods, and Articles, Guns, Tackle, Apparel, and Furniture so distrained, or so much thereof as he shall deem necessary, and therewith to satisfy himself as well for the said Duties as for his reasonable Charges in taking, keeping, and selling such Distress, rendering the Overplus (if any), on Demand, to the Owner of the same, or to the Consignee or Shipper of such Goods or Articles, or to his or their Agent; and if any Master or other Person shall prevent any Collector or other Person employed by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, from entering on board any Vessel, or from taking an Account of or ascertaining the Amount of the Duties which may be payable under the Authority of this Act, or from performing any other Act authorized by this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, over and above the Amount of the said Duties.

How Tonnage Duties shall be ascertained.

XX. And be it further enacted, That every *British* Vessel chargeable with the Tonnage Duties by this Act granted shall pay the said Duties according to the Custom House Register of the Burden or Tonnage of such Vessel; and on Failure or Delay in producing the Register, or in case the Tonnage of any Foreign Vessel cannot otherwise be satisfactorily computed, it shall be lawful for the Collector or other Person appointed to receive the Duties as aforesaid to admeasure such Vessel according to the Directions of any Act in force for the registering of *British* Vessels.

What Quantity of Goods shall be deemed a Ton.

XXI. And be it further enacted, That the Tonnage of all Goods and Articles imported or exported into or from the said Harbour shall be ascertained and charged according to the real Weight thereof, and Twenty Hundred Weight Avoirdupois shall be deemed and taken as and for One Ton, any Usage to the contrary notwithstanding.

For ascertaining the Weight of

XXII. Provided nevertheless, and be it further enacted, That in ascertaining the Tonnage of Timber and light Goods to be charged with

Timber and light Goods.

with the Payment of the Duties by this Act granted Fifty Cubic Feet of round or Forty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Forty Cubic Feet of Fir or Deal, Poplar or Birch, not cut into Scantlings, and Forty Cubic Feet of light Goods, shall be deemed One Ton Weight.

Power to Collector to weigh or measure Goods in dispute.

XXIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Duties, or other Person appointed to receive the same, and the Master of any Vessel within the said Harbour, concerning the Weight or Quantities of the Goods or Articles on board such Vessel, it shall be lawful for such Collector or other Person as aforesaid to detain any such Vessel, and to examine, weigh, measure, and gauge such Vessel and all such Goods and Articles as shall be therein; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof by the Master of such Vessel, then it shall be lawful for the said Collector or other Person as aforesaid to charge the Duties for such Goods and Articles according to the Weight, Measurement, or Quantity thereof found upon such examining, weighing, measuring, or gauging, and the Master giving in such Account shall pay the Costs and Charges of such examining, weighing, measuring, or gauging; all which Charges, upon Refusal or Neglect of Payment thereof on Demand, shall be recovered and levied in the same Manner as the Duties are by this Act authorized to be recovered and levied; but if such Goods or Articles shall appear to be of the same Weight, Quantity, and Quality, or of less Weight or Quantity, than shall be stated in such Account, then the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, shall pay the Costs and Charges of such examining, weighing, measuring, or gauging, and shall also pay to the said Master such Damages as shall appear to any Justice of the Peace for the County, Riding, City, Borough, Town, or Place where such Difference shall arise, on the Oath of any credible Witness, to have arisen from such Detention.

Masters to pay Duties immediately, and give a Note of the Particulars if required.

XXIV. And be it further enacted, That the Master of every Vessel liable to the Payment of any of the Duties by this Act granted shall, immediately after the shipping or Delivery of any Goods or Articles on board such Vessel, pay and discharge all such Sums of Money as shall be due for such Duties, and shall also, if required by the Collector of the said Duties or other Person appointed to receive the same, give a true Note in Writing of the Names and Places of Abode of the Merchants or others who shall load or unload such Goods or Articles at the said Pier of *Newquay*, or who shall be the Owners or the Consignees or Shippers of such Goods or Articles; and in case any such Master shall refuse to give such Note within Three Days from the shipping or Delivery of such Goods, he shall forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheless, that if any Vessel entering into the said Harbour shall attempt to depart therefrom without having first paid the Duties to which such Vessel shall be liable by virtue of this Act it shall be lawful for the Collector or other Person appointed by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, to require Payment thereof from the

the Master of such Vessel; and in default of Payment of the same it shall be lawful for such Collector or other Person, and all others whom they may call to their Assistance, to detain and prevent the said Vessel from proceeding out of the said Harbour, with the same Powers of Entry, Distress, and Sale by the said Collector or other Person, and the same Penalty, as herein-before mentioned in other Cases of Nonpayment of the Duties by this Act granted; and any Pilot or Salvage Man or other Person piloting or assisting any Vessel out of the said Harbour after being desired to desist therefrom by the Collector or other Person employed by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Master or Owner liable for Damage done by their Vessel or Crew.

XXV. And be it further enacted, That the Owner or Master or other Person having the Command or Charge of any Ship, Vessel, Lighter, or Boat within the said Harbour shall be and is hereby made answerable and accountable to the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, for the Amount of any Damage or Mischief (other than that occasioned by Storm or Tempest or other unavoidable Accident) done by any such Ship, Vessel, Lighter, or Boat, or by any of the Mariners, Boatmen, Bargemen, Watermen, or Servants or other Persons on board of or belonging to the same, to the said Harbour, or to any of the Piers, Quays, Walls, Wharfs, Works, Machinery, or Tackle within or about any Part of the same, or to any of the Anchors, Buoys, Beams, Moorings, Cranes, Chains, or any other of the Works made, executed, or placed in and about the said Harbour; and if the Amount of such Damage or Mischief, to be ascertained by Referees chosen as herein-after mentioned, be not forthwith paid, in case the same shall not exceed the Sum of Twenty Pounds, the same shall and may be recovered as any of the Penalties and Forfeitures imposed by this Act may be recovered; and it shall be lawful for the Collector of the Tolls or other Agent to detain any such Vessel by which or by any of the Persons belonging to which any Damage or Mischief shall have been done until such Security shall be guaranteed or given for Payment of the Amount of the Expence of repairing such Damage or Mischief, and of the Costs of recovering the same: Provided always, that any Sum which may be recovered for Damages done to any Vessel within the Harbour shall be paid to the Owner thereof or the Person in charge of the same.

Appointment of Arbitrators.

XXVI. Provided always, and be it further enacted, That the said Arbitrators shall be appointed in manner following; that is to say, one by such Owner, Master, or other Person, and another by the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, and the Third by the Two Arbitrators so before appointed, within Seven Days after such Damage or Injury shall have occurred; and in case of the Death or Incapacity to act of any or either of the said Arbitrators, another shall be appointed in his Stead by the Party by whom or in whose Behalf he was so appointed, or by the said Two Arbitrators appointed by the Parties, as the Case may be, within Seven Days next after Notice thereof; and the said Arbitrators, or any Two of them, shall and they are hereby authorized and empowered, by

Power to settle Questions as to Arbitration.

Examination

Examination of Witnesses upon Oath, (which Oath the said Arbitrators are hereby empowered to administer,) and by other fit and proper Ways and Means, to hear, settle, and determine the Matter in question, and to make their Award therein by Writing under their Hands, or under the Hands of any Two of them; and in case either of the said Parties shall not appoint an Arbitrator for the Purposes aforesaid within Seven Days after being thereunto required by Writing, to be delivered to the Party on whose Behalf any Arbitrator shall not have been appointed as aforesaid within the Time or Times herein-before limited for that Purpose, or if the Arbitrator appointed by or on behalf of either of the said Parties shall refuse or neglect to act in the Premises, or having acted shall refuse or neglect to proceed by the Space of Ten Days, and in case no Third Arbitrator shall have been appointed by the said Two Arbitrators chosen by the said Parties, then such Matter may be settled and determined, as soon as conveniently may be, by the Arbitrator appointed by or on behalf of the other of the said Parties, and the Determination to be had and made by such One Arbitrator as herein-before directed shall be final and binding on all Parties; but if the Two Arbitrators shall have so far acted as to have named a Third Arbitrator, and either of such first-named Arbitrators shall neglect or refuse to act any further, then and in such Case the Matter may be settled and determined, as soon as conveniently may be, by the Arbitrator who shall not decline to act and such Third Arbitrator, and the Determination to be had and made by such One of the Two first-named Arbitrators and such Arbitrator shall be final and binding on all Parties; and the Costs and Charges incurred in and about such References and the making of the Awards shall be apportionable, paid, and payable, and recoverable in like Manner as any Penalty can or may by virtue of this Act be recovered.

Servant to repay his Master for Damages occasioned by his Neglect.

XXVII. And be it further enacted, That if the Owner of any such Ship, Boat, or Vessel shall be compelled to pay any Penalty, or make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his Seamen, Boatmen, or other Persons employed by him, then and in such Case every such Seaman, Boatman, or other Person shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner; and in case of Nonpayment thereof, on Demand, the same shall be recovered by Distress and Sale of the Goods and Chattels of such Seaman, Boatman, or other Person, as any Penalty can or may by virtue of this Act be recovered.

Mode of Recovery and Application of Penalties.

XXVIII. And be it further enacted, That all Offences whatsoever which by or under the Authority of this Act shall be subjected to or punishable with any pecuniary Penalties, Fines, or Forfeitures shall and may in every Case be heard, adjudged, and determined by or before any Justice of the Peace acting for the County of *Cornwall* in a summary Way, upon Information or Complaint made or exhibited before him, and upon such Information or Complaint as aforesaid the said Justice shall summon the Party accused, and examine into the Matter thereof; and if upon the Confession of the Party accused, or on the Oath of any One or more credible Witness or Witnesses, which

Oath the said Justice is hereby empowered and required to administer, the Party accused shall have been convicted of having committed such Offence, then and in every such Case the said Penalty, Fine, or Forfeiture hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justice, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant under the Hand and Seal of any such Justice (which he is hereby authorized and empowered to grant), be levied and recovered, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, by Distress and Sale of the Goods and Chattels of such Offender, wherever such Goods and Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any), after deducting the reasonable Charges of taking, keeping, and selling such Goods and Chattels, to the Party whose Goods and Chattels shall be so distrained; and one Half of such Penalty shall be paid to the Informer, and the other Half to the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, or to such Person as shall by them be in that Behalf authorized to receive the same, and shall go and be applied for the same Purposes as the Duties imposed by this Act are directed to be applied; and it shall and may be lawful to and for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before the said Justice on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Fines, or Forfeitures and Costs may be levied were a Warrant of Distress issued, such Justice shall not be required to issue a Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby empowered, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction of the County, Town, or Place respectively in the Jurisdiction of which the Place may be situated where the Offence was committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until such Offender shall have paid such Penalty, Fine, or Forfeiture, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

XXIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before such Justice of the Peace for the County of *Cornwall* as aforesaid it shall and may be lawful for any Justice as aforesaid to whom Complaint

Complaint shall be made of any Offence against this Act 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 shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

For securing transient Offenders.

XXX. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Agent or Servant of the said *John Tippet* and *William Carrwick*, their Heirs and Assigns, and such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him before any Justice of the Peace or other Magistrate, not being a Creditor under this Act, without any other Warrant or Authority than this Act for so doing, and such Justice of the Peace is hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender.

Tender of Amends.

XXXI. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other Proceeding under this Act if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceeding or Order and Judgment shall be had, made, or given in by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Saving the Rights of the Trinity House of Deptford Strond.

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

Rules for the Interpretation of certain Terms in this Act.

XXXIII. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number only, the same shall extend and be applied to several Persons, Matters, or Things as well as one Person, Matter, or Thing; and where any Word shall be used importing the Masculine Gender only, the same shall extend and be applied to a Female as well as a Male; and where the Word "Vessel" shall be used, the same shall be understood to mean any Ship, Lighter, Keel, Barge, Boat, Raft, or Craft, and any other Kind of Vessel whatsoever; and where the Word "Master" (in relation to any Vessel) shall be used, the same shall be understood to mean any Person, whether the Owner or Master or other Person, having the Command, Charge, or Management of the Vessel at the Time; unless

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.

General Saving of the Rights of the Duchy of Cornwall.

XXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interests, Jurisdiction, Privileges, or Authority of the Queen's most Excellent Majesty, Her Heirs and Successors, in right or in respect of Her Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law, or otherwise considered as Evidence upon any Occasion to be admitted against or to affect prejudicially in any Manner such Right of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall*, or Duke of *Cornwall* for the Time being.

Public Act.

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

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

TABLE of RATES and DUES of HARBOUR.

	£	s.	d.
For every Boat belonging to Newquay, if above Fourteen Feet in Length, to pay, per Year	0	5	0
If under Fourteen Feet in Length	0	3	0
For all other Boats not belonging to Newquay, to pay each Time, Keelage	0	1	0
All Ships or Vessels belonging to Her Majesty's Subjects to pay every Time they enter Newquay, per Ton, as per Register	0	0	1
For all Vessels remaining at the Pier for a longer Period than a Month, to pay a further Charge per Ton, per Month	0	0	1

SCHEDULE (B.)

TABLE of RATES and DUES to be paid on all EXPORTS and IMPORTS as QUAY DUES.

		£	s.	d.
Bricks	per Hundred	0	0	2
Tiles	per Dozen	0	0	1
Helling Stones	per Thousand	0	0	2
Rags	per Dozen	0	0	1
Bark	per Cwt.	0	0	2
Butter	per Firkin	0	0	2
Beef or Pork	per Barrel	0	0	2
Coals or Culm	per Wey	0	0	4
Clay or Stone, loose	per Ton	0	0	4
Ditto in Casks	ditto	0	0	6
Clomb Ware	per Dozen	0	0	1½
Corn or Grain	per Quarter	0	0	1½
Cheese	per Cwt.	0	0	2
Candles	per Chest or Hogshead	0	0	6
Cattle	per Head	0	0	6
Cork	per Cwt.	0	0	2
Canvass	per Bolt	0	0	0½
Ditto	per Bale	0	0	6
Copper Ore	per Ton	0	0	3
Deal Boards	per Hundred	0	1	0
Less Quantities than One hundred	for each Ten	0	0	2
Fish, dry	per Cwt.	0	0	2
Glass or Earthenware	per Crate	0	0	6
Groceries	per Hogshead	0	0	8
Ditto	per Barrel	0	0	4

	£	s.	d.
Gravel or Sand for Ballast - - - - - - per Ton	0	0	2
Stone - - - - - - - - per Ton	0	0	4
Flour - - - - - - - per Sack or Bag	0	0	1
Hemp or Rope - - - - - - - per Ton	0	1	8
Ditto - ditto - - - - - - - per Cwt.	0	0	1½
Herrings - - - - - per Barrel or Thousand	0	0	6
Hops - - - - - - - per Bag or Pocket	0	0	8
An End of Hops - - - - - - - - -	0	0	4
Hides - - - - - - - per Hundred	0	2	6
Hogshead Timber - - - - - - per Thousand	0	1	0
Empty Casks - - - - - - - per Ten	0	0	2
Goods - - - - - per Bag or Box of 20lb., at	0	0	2
Iron - - - - - - - - - per Ton	0	0	6
Laths - - - - - - - - per Thousand	0	0	2
Lead Ore or Pig Lead - - - - - - - per Ton	0	0	3
Lime - - - - - - - - - per Ton	0	0	4
Limestone - - - - - - - - per Ton	0	0	2
Linen or Woollen Cloth - - - - - - per Bale	0	0	6
Oars - - - - - - - - - per Dozen	0	0	2
Oranges or Lemons - - - - - - per Box	0	0	2
Oil - - - - - - - - per Hogshead	0	0	3
Ovens - - - - - - - - - each	0	0	1½
Pitch or Tar - - - - - - - - per Barrel	0	0	2
Powder - - - - - - - - - per Cwt.	0	0	3
Potatoes - - - - - per Bushel Twenty-four Gallons	0	0	0½
Pilchards caught by any of the Seans, Nets, or Boats which belong to or frequent Newquay, and which shall be cured at Newquay or any other Place - - - - - - per Hogshead	0	1	0
Pilchards caught by any of the Seans, Nets, or Boats which belong to or frequent Newquay, and not cured - - per Hundred	0	0	0½
Raisins - - - - - - - - - per Barrel	0	0	4
Salt - - - - - - - - - per Ton	0	0	2
Soap - - - - - - - - - per Chest	0	0	4
Sugar - - - - - - per Chest or Hogshead	0	0	4
Tallow - - - - - - - - per Cwt.	0	0	2
Treacle - - - - - - - - per Cask	0	0	4
Wine or Spirits - - - - - - per Hogshead	0	0	8
Ditto - ditto - - - - - - per Barrel	0	0	4

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