ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. i.

An Act for making and maintaining a Harbour and other Works at *Paington* in the County of *Devon*. [30th *March* 1838.]

WHEREAS the constructing and maintaining of a Pier, Harbour, and other Works upon certain Land at, near, or upon a Place called *Northey's Point*, in the Parish of *Paington* in the County of *Devon*, will not only afford Protection to the Commercial Interests of the Inhabitants of *Paington* and other Places in the Neighbourhood, but will also be of great public Utility: And whereas the Fundus or Soil below Low-water Mark, whereupon it is proposed and intended to erect, build, and maintain such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as aforesaid, is claimed to be Part and Parcel of and within the Water Bailiwick of *Dart* otherwise *Dartmouth*, and the Ports, Liberties, and Precincts thereof, (whereof *Paington* aforesaid is one, and is Parcel, as it is alleged,) and the said Water Bailiwick and the Office of Water Bailiff thereof is and are alleged to be Part and Parcel of the Possessions of the Duchy of *Cornwall* in the County of *Devon*, and Her Majesty, or other the Personage for the Time being entitled to the Revenues of the said Duchy, or the Lessees thereof for the Time being, claim to be entitled to demand and take certain Dues and Duties for various Goods and Merchandize landed or shipped within the Ports, Liberties, and Precincts aforesaid: And whereas Her Majesty is or claims to be entitled, in right of Her said Duchy, and as Part and Parcel thereof and of the said Water Bailiwick, to the Shore between High and Low Water Mark (whereupon is proposed and intended to erect, build, and maintain such Piers, Jetties, Breakwaters,

waters, Quays, Wharfs, Slips, and other Works as aforesaid), and to the Fundus or Soil below High-water Mark, as being Lands subject to the Flux and Reflux of the Tide within the Water or Water Bailiwick of *Dart* otherwise *Dartmouth* aforesaid: And whereas certain other Persons also claim to be entitled to the said Shore and Fundus or Soil between High and Low Water Mark, as adjoining to their respective Manors or Lands, or otherwise: And whereas the several Persons herein-after named, with other Persons, are willing, at their own Expence, to carry into execution the said Undertaking, but the same 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 *Gabriel Jackson*, *Thomas Churchward*, *John Jackson*, *Richard Hunt*, *Robert Butland*, *Thomas Hunt*, *John Goodridge*, *Philip Michelmore*, *Gabriel Hannaford*, *George Browse*, *Thomas Jackson*, *George Browse* junior, *Nicholas Prout Hunt*, *John Rich King Tozer*, *Richard Ching*, *Alan Belfield Metherell*, and *John Hutchings*, together with all such other Persons and Corporations as have subscribed or shall hereafter subscribe towards or as shall at any Time hereafter be possessed of any Share in the Undertaking hereby authorized to be caried into execution, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into and declared to be a Company for constructing and maintaining the said Harbour and other Works by this Act authorized, according to the Provisions and Restrictions hereinafter contained, and for that Purpose shall be one Body Corporate by the Name and Style of "The *Paington* Harbour Company," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill of Indictment against any Person who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm, and by that Name and Description shall have full Power and Authority to purchase and hold Lands to them and their Successors and Assigns, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power to sell and demise or otherwise dispose of the said Lands in manner by this Act directed.

Subscribers incorporated.

Construction of certain Words in the Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall comprise and be applied to one Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure, and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, and where the Word "Company" is used the same shall be understood to mean the said

Paington

Paington Harbour Company, 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.

Company empowered to construct the Harbour;

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make, construct, deepen, form, and maintain a Harbour at *Paington* in the Parish of *Paington* in the County of *Devon* and for those Purposes the said Company, their Deputies, Agents, Servants, Serveyors, and Workmen, are hereby authorized and empowered to erect, build, and maintain such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as may be deemed necessary, and to enter into and upon the Lands and Grounds of any Person or Corporation whatsoever authorized to be taken by the said Company according to the Provisions of this Act, and to survey the same or any Part thereof, and to set out, ascertain, and appropriate such Parts thereof, and do, execute, and perform all such other Acts, Matters, and Things as they shall think necessary and proper for making, constructing, and maintaining the said Harbour and other Works; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making, deepening, scouring, improving, or maintaining the said Harbour and other Works, out of the Lands or Grounds of any Person or Corporation adjoining or contiguous to such Harbour, and which may be proper, requisite, or necessary for making, building, deepening, scouring, improving, or maintaining the said Harbour and other Works, or which may hinder or obstruct the making, using, completing, scouring, improving, or maintaining of the same respectively; and to make, build, and erect, upon the Lands and Sea-shore adjoining to the said Harbour, such and so many Piers, Jetties, Breakwaters, Basins, Buoys, Beacons, Posts, Ropes, and Chains, and such and so many Wharfs, Quays, Houses, Warehouses, Yards, Landing Places, Cranes, and other Machines, and such and so many Roads and Conveniences, where and when, and at such Time and in such Manner, as the said Company shall think necessary and convenient, for the Construction and Improvement of the said Harbour; and also from Time to Time to alter, repair, and amend, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for making, deepening, scouring, improving, erecting, and maintaining the said Harbour and other Works on the Lands or Grounds adjoining to the Place where the said Works or any of them shall be or are intended to be made or executed; and to construct, erect, make, and do all other Works, Buildings, Matters, and Things which they shall think convenient or necessary for the making, deepening, scouring, improving, maintaining, and using of the said Harbour and other Works; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner hereinafter mentioned, to the Owners and Proprietors of and all Persons interested in any Lands which shall be taken, used, or removed, diverted, or injured, for all Damages to be by them sustained in or by

the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, their Deputies, Agents, Servants, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

Limits of the Harbour.

IV. 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 Mile and a Quarter to the Northward of the Extremities of the intended Piers, and the same Distance to the Southward of such Extremities, but not beyond the Boundaries of the said Parish of *Paington*, and to the Extent of Half a Mile to the Eastward of such Extremities.

Plans, &c. to remain with the Clerk of the Peace.

V. And whereas a Map or Plan describing the Situation of the said Harbour and other Works, with a Section, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Grounds in, upon, or through which the same are intended to be made, has been deposited with the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Map or Plan, Section, and Book of Reference shall remain with and be kept by the said Clerk of the Peace, to which Map or Plan, Section, and Book of Reference all Persons shall have Liberty to resort, and to examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan, Section, and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than One hundred Yards from Plan.

VI. And be it further enacted, That the said Company, in making, building, improving, and maintaining the said Harbour and other Works, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, without the Consent in Writing of the Owners or reputed Owners of the Land or Ground through which such Deviation is to be made first had and obtained.

Works may be executed notwithstanding Errors in Book of Reference.

VII. And be it further enacted, That the said Company may make the said Harbour and other Works in, into, through, across, or over the Lands or Grounds of any Person or Corporation whose Name or Description shall appear to the Satisfaction of any Two or more Justices of the Peace for the County of *Devon*, and be by them certified under their Hands, to be by Mistake omitted or inaccurately described in the said Book of Reference, or that instead thereof the Name of some other Person or Corporation to whom such last-mentioned Lands or Grounds do not belong hath been by Mistake inserted therein, any thing herein contained to the contrary thereof in anywise notwithstanding.

VIII. And

Rent to be paid for Fundus or Soil taken for the Purposes of the Act.

VIII. And be it further enacted, That all such Fundus or Soil below Low-water Mark so claimed to belong to the said Duchy of *Cornwall* as aforesaid, and of the Shores between High and Low Water Mark, if any, as may hereafter be established to belong to Her Majesty, in right and as Parcel of Her said Duchy, as shall be used for the Purposes of this Act, shall from thenceforth be deemed and taken 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, for the Purposes of this Act only, and for no other Purpose whatsoever; and that the several Parties hereby authorized and empowered to erect, build, and maintain such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as aforesaid shall, after the Establishment of such Claim, without prejudice to the Rights of other Parties, pay or cause to be paid annually to the Bailiff of the Duchy of *Cornwall*, in respect of such Water and Bailiwick aforesaid, the yearly Rent or Sum of Five Shillings for erecting, building, and maintaining such Part or Parts of the said Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as may be situate below Low-water Mark, and the further yearly Sum of Five Shillings to the said Bailiff or other the Person or Persons entitled to the same for erecting, building, and maintaining such other Part or Parts of the said Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as may be erected and built between High and Low Water Mark; such Rent or Rents respectively to be paid, on or within Ten Days after the Twenty-fifth Day of *March* in every Year, to the Person or Persons or Body or Bodies Politic or Corporate holding such Office of Bailiff otherwise Water Bailiff as aforesaid for the Time being, and if the same shall not be paid, on Demand, the said Rent or Rents may be recovered as any Rent of the Duchy of *Cornwall* may be recovered.

If Piers, &c. shall be omitted to be used, they shall revert to such Persons as shall be entitled thereto.

IX. Provided always, and be it further enacted, That if the said several Persons so authorized and empowered as aforesaid to carry this Act into execution shall at any Time hereafter neglect or omit to use such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as aforesaid, or the said Fundus or Soil, for the Purposes of this Act, then and in such Case, and upon such Non-user, the said Fundus and Soil, as to such Part or Parts thereof as shall have been established to belong to the said Duchy of *Cornwall*, and shall have been used for the Purposes of this Act, shall revert to the said Duchy of *Cornwall*, and the said Rent or Rents of Five Shillings respectively shall thereupon cease and determine.

Certain Property not to be taken without Consent.

X. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Company or any Person acting under their Authority to take, injure, or damage for the Purposes of this Act any House or other Building which was erected on or before the First Day of *November* One thousand eight hundred and thirty-seven, or any Land then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to any Dwelling House, or planted and set apart as a Nursery for Trees, other than and except a Cottage, Field, or Paddock, and other

other Premises belonging to and in the Occupation of *Martha Pearse*, and respectively numbered 6 and 7 on the Plan herein-before mentioned, without the previous Consent in Writing of the Owner and Occupier thereof respectively.

Company may contract for the Works.

XI. And be it further enacted, That the said Company, or such Person as they shall for that Purpose appoint, are and is hereby authorized to contract and agree with any Person for any of the Works hereby authorized to be made or done by the said Company, in such Manner and for such Sum of Money, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or any of the Parties failing in the Execution thereof.

Provision for Deficiencies in the Land Tax.

XII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessment for Land Tax in the Parish herein mentioned; be it therefore enacted, That the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Work hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of the said Parish, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the several Assessments for Land Tax within such Parish by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

Incapacitated Persons, &c. empowered to sell.

XIII. And be it further enacted, That it shall be lawful for all Corporations, and all Lords of Manors, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to any Interest therein, and to and for every other Person whomsoever who is or shall be seised, possessed of, or interested in any Lands or Grounds required for the Purposes of this Act or any of them, to contract for, sell, and convey the same and every or any

Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Corporations and Persons so conveying as aforesaid are hereby indemnified for what they shall respectively do by virtue hereof; and all Conveyances for the Purposes of this Act shall be made at the Expence of the said Company, and may be in the Words or to the Effect following, or with such Variations, Covenants, or Conditions as the Number of the Parties and the Circumstances of each Case may render expedient; (that is to say,)

Form of Conveyance.

'I *A. B.* of in consideration of the Sum of to me paid by the *Paington* Harbour Company, do hereby, by virtue of the Powers contained in an Act passed in the First Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], grant and release [*or* assign, *as the Case may require*,] to the said Company all [*describing the Premises to be conveyed*], with the Appurtenances, and all my Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company and their Successors and Assigns for ever, by virtue and according to the true Intent and Meaning of this said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .'

And all such Conveyances and Assurances shall completely bar all Estates Tail and all other Estates whatever, and the Rights of Succession, and all Rights and Titles to Dower, and other Rights, Titles, Trusts, and Interests whatsoever, in or to or affecting the Property comprised in such Conveyances and Assurances respectively, and to vest the Inheritance in Fee Simple of and in such Hereditaments in the said Company, their Successors and Assigns; and all such Conveyances and Assurances respectively shall be kept by the Clerk to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words (and so in proportion for any less Number of Words), exclusive of Stamps.

Mortgagee to convey.

XIV. And be it further enacted, That every Person who shall have any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in his own Right or in Trust for any other Person or Corporation, and whether in Possession thereof by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands solely, or jointly with any other Lands which shall not be so required,) shall, on Payment or Tender of the Principal Money and Interest due thereon by or on behalf of the said Company, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company, or from such Person as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of

Six Calendar Months, to be computed from the Day of giving such Notice, then, at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee shall convey, assign, and transfer his Interest in the Premises to the said Company, or to such Person as shall be appointed in Trust for them; and in case such Mortgagee shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal Sum due upon any Mortgage, with all Interest due thereon, shall amount to more than the real Value of the Premises to be taken and made use of for the Purpose of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, for the Use of the Mortgagee, the Cashier of the Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of every Person in Trust for him, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage to all Intents and Purposes whatsoever.

Difference respecting the Price of Land or Compensation for Damage to be settled by a Jury.

XV. And be it further enacted, That in case of any Difference or Dispute between the said Company, and any Corporation, Trustee, or other Person interested in or entitled to any Lands to be taken, used, damaged, or injuriously affected by the Execution of any of the Powers of this Act, relative to the Price or Value, Damages or Recompence, to be given for the same, and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, or agreed for by and between the said Company and such Proprietors of or Persons interested in the said Lands, or if any such Corporation, Trustee, or any other Person interested or entitled as aforesaid shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company, or shall for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Corporation or to such Trustees or Persons respectively, or left at the Place of his or their Abode, neglect or refuse to treat, or if any Person shall by reason of Absence or otherwise be prevented from treating, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the Interest in the Premises which he is or shall be in possession of, or which he claims therein, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case it shall be lawful for the said Company and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Devon*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under the said Company, or shall be

be in anywise interested in the Matter in question, then to some one of the Coroners of the said County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before such Sheriff or Coroner at such Time and Place as in such Warrant shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff or Coroner is hereby empowered and required, on Request in Writing by either Party, to summon before him every Person who shall be thought necessary to be examined as a Witness touching the Matter in question, and may order and authorize such Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury upon their Oaths (which Oath, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff or Coroner is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of right purchased by the said Company from any other Person or Corporation), and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence for the Damage which shall or may be sustained as aforesaid; and the said Sheriff or Coroner shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes against all Corporations and Persons whomsoever: Provided always, that in all Proceedings before any Jury the Person claiming Satisfaction or Compensation shall be deemed Plaintiff, and shall be entitled to all such Rights, Privileges, and Advantages as Plaintiffs are in Actions tried in any of Her Majesty's Courts of Record at *Westminster* by Law entitled.

Verdicts to be recorded by the Clerk of the Peace.

XVI. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Sheriff, Under Sheriff, or Coroner presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for every such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every such Copy after the Rate of Sixpence for every One hundred Words.

XVII. And

Penalty on Sheriff, Jury, or Witnesses making default.

XVII. And be it further enacted, That if any such Sheriff, or his Deputy or Coroner, so directed to summon or return a Jury as aforesaid, shall make Fault in the Premises, he shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, or being a Quaker shall refuse to make his solemn Affirmation, or to be examined or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County of *Devon*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, if any, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

XVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and every Person who in any Examination to be taken by virtue of this Act upon Oath or Affirmation shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, or Coroner, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may by Law be subject and liable.

Expences of Jury and Witnesses how to be paid.

XIX. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for the same or a greater Sum of Money than shall have been previously offered by or on behalf of the said Company as a Recompence or Satisfaction for any such Land as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damage that may have been sustained by any Person as aforesaid, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, or in anywise consequent thereon, shall be borne by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs, Charges, and Expences shall not be paid to the Person or Corporation entitled to receive the same, within Twenty-one Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company, or of any Goods

Goods and Chattels of the Treasurer of the said Company (in case such Treasurer shall refuse or neglect to pay such Costs, Charges, and Expences out of any Money then in his Hands belonging to the said Company, or if such Treasurer shall not then have any Money belonging to the said Company then in his Hands, then out of the first Monies of the said Company that shall then afterwards come into his Hands, but not unless he shall so refuse or neglect, all which Payments the said Treasurer is hereby authorized to make), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Person entitled to receive such Costs, Charges, and Expences; and in every Case where a Verdict shall be given by any such Jury for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, then the said Costs, Charges, and Expences shall be borne in equal Proportions by the Person refusing or neglecting to treat or agree as before mentioned and by the said Company; but in Cases where any Person shall have been prevented by Absence from treating with the said Company, the Costs, Charges, and Expences so incurred shall be borne by the said Company; and in all Cases where any Difference shall arise touching the Amount of the Costs, Charges, and Expences, the same shall be settled and ascertained by any Justice of the Peace for the said County not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where any Costs shall be payable by the Person having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Person as so much Money advanced for his Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Person; or otherwise, if such Costs, Charges, and Expences be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Person liable to the Payment thereof by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons requesting Juries to enter into Bonds to prosecute.

XX. And be it further enacted, That every Person with whom the said Company shall have any such Difference or Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue out a Warrant for summoning such Jury, enter into a Bond to the Treasurer of the said Company in a Penalty of Two hundred Pounds to prosecute his Complaint, and to bear and pay his Portion of the Costs and Expences of summoning and returning such Jury and taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon him, to be paid according to the true Intent and Meaning of this Act.

Proportion of Compensation Money may be allowed to a Tenant.

XXI. And be it further enacted, That every Jury shall and is hereby empowered to settle what Shares and Proportions of the Purchase Money and Compensation for Damages which shall be agreed, determined, or assessed in manner aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for such his Interest therein.

Demand of Compensation to be made before any Proceedings taken.

XXII. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, without the Consent of the said Company, to receive or take notice of any Complaint to be made by any Party for any Loss, Injury, or Damage by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless such Complaint shall be made to the said Company within the Space of Six Calendar Months next after the Time such supposed Loss, Injury, or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Damages not otherwise provided for to be settled by a Jury.

XXIII. And be it further enacted, That if any Person shall sustain any Damage in his Lands by reason of the Execution of any of the Powers given by this Act, and through or by means not herein provided for, then and in every such Case such Damages, in case any Dispute or Difference shall arise between such Person and the said Company in respect of the same, shall be settled by the said Company or by a Jury as herein-before mentioned, and the Amount of such Damages may be recovered and applied in manner herein directed with regard to other Damages; and in every such Case the said Company are hereby empowered and required to issue a Warrant to the Sheriff of the said County, or other such Person as aforesaid, commanding him to summon a Jury in manner herein-before mentioned.

Application of Compensation Money when amounting to 200*l.*

XXIV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands purchased, taken, or used by virtue of the Powers of this Act for the Purpose thereof, which shall belong to any Corporation, or to any Feoffee in Trust, Executor or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *Paington* Harbour Company," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made

1 G. 4. c. 35.

made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, either in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or other Incumbrance, or Part thereof, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be invested and laid out, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Proceeds of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands to be purchased by virtue of this Act, in case such Purchase and Settlement were made.

When less then 200*l.* and not less than 20*l.*

XXV. And be it further enacted, That if any Money so agreed or assessed to be paid for any Lands purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the said Lands so purchased, taken, or used, or of his Guardian or Committee in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and of the Seal of the approving Parties, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court touching the Application thereof.

XXVI. And

When less than 20*l*.

XXVI. And be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then to his Guardian, Committee, or Trustee, to and for the Use and Benefit of such Person so entitled respectively.

In case of not making out Titles, &c. Money to be paid into the Bank.

XXVII. And be it further enacted, That in case any Party to whom any Sum of Money shall be agreed or assessed to be paid for the Purchase of any Lands to be purchased, taken, or used by virtue of this Act shall refuse or neglect to accept the same, upon Tender being made of the same as aforesaid, or shall refuse or neglect or be unable to make out a Title to the Premises to the Satisfaction of the said Company, or shall be absent from *England*, or cannot be conveniently found, or if any Party entitled unto or by this Act capacitated to convey any such Lands be not known or discovered, or be absent from *England*, or shall refuse to convey the same, then and in every such Case it shall be lawful for the said Company to order the Money so agreed or assessed as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them, so far as the Company can do so), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or any Part thereof, by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Company, or to the Party so paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use the same is received, and in respect of what Purchase the same has been so paid in.

In case of disputed Titles, the Persons in possession to be deemed presumptively entitled.

XXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Party to any Lands, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate or Interest therein, to be purchased, taken, or used in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Party who shall have been in possession of such Lands at the Time of such Purchase, and all Corporations or Persons claiming under such Parties, or under or consistently with the Possession of such

such Parties, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Lands, or to some Estate or Interest therein, when the said Court shall be empowered to make such Order, as to the Capital, Dividends, and Interest thereon, as the said Court shall deem proper.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Company.

XXIX. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, except the wilful Refusal of such Person or Corporation to convey the said Lands or Hereditaments, or to accept the Purchase or Compensation Money after mentioned, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money, for the Costs, Charges, and Expences herein-before mentioned, as the said Court shall direct.

Expences of Titles to be paid by the Company.

XXX. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any

Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company: Provided also, that in case the said Company shall not require the making out or furnishing of such Abstract of Title as aforeaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Company, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Company so to do, without furnishing any Abstract of his Title.

How such Expences are to be ascertained.

XXXI. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Company shall not be at liberty to enter into possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sums claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The *Paington* Harbour Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Caae the said Expence shall be paid and borne by the Party from whom the Lands were purchased or taken,

and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

Power to enter Lands on Payment or Tender of Purchase Money.

XXXII. And be it further enacted, That upon Payment or legal Tender of such Money as shall have been agreed upon between the Parties or assessed by a Jury in manner aforesaid, for the Purchase of any Lands, or of any Estate or Interest in any Lands, or of the Balance of such Purchase Money which shall remain after the Deduction of any such Proportion of Costs and Charges which shall be payable by such Party, and shall have been so ascertained as aforesaid, to the Proprietor of such Lands, or to such other Person as shall be interested therein, or entitled or enabled as aforesaid to receive such Money respectively, at any Time within Six Calendar Months after the same shall have been so agreed for, determined, or awarded, or whenever any of the respective Cases shall happen wherein such Money is by this Act authorized or directed to be paid into the Bank of *England*, then upon Payment of the said Sum of Money into the Bank of *England* as by this Act directed and required, for the Use of Persons entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands respectively, and thereupon such Land, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of the several Parties in respect of whose Interest such Purchase Money shall have been paid, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act for ever; and such Payments shall not only bar all Right, Title, Claim, Interest, and Demand of the Person to whom the same shall be or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, or their Issue, and of every other Person whomsoever therein, claiming, by, through, or under such Person: Provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to dig, cut, take, or use the Lands of the Person entitled to such Payment for the Purposes of this Act without the Consent in Writing of such Person or of the Persons herein-before enabled to receive the same respectively: Provided always, that in case only an Easance or a Right or Power to use any Lands for the Purposes of this Act shall be purchased by the Company under the Powers of this Act, which any Person shall be at liberty to sell to the said Company instead of his Interest in the Lands, then, upon Payment or legal Tender of the Purchase or Compensation Money agreed or awarded to be paid for or in respect of such Easance in manner herein-before mentioned, the said Company shall be entitled to the free Use and Enjoyment of the same against the Parties from whom such Easance shall be purchased, and against all Persons claiming, from, by, through, or under them or any of them.

Tenants at Will, &c. to deliver up Possession on Six Months Notice.

XXXIII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, Tenant from Year to Year, or any other Person in possession of any Lands or any Part thereof which shall be required by the said Company to be taken or used for the Purpose of this Act, and

and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company, or to such Person as they shall appoint to take possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Company or from the Person so authorized by them; and such Person in possession shall at the End of the said Six Calendar Months, whether such Notice be given with reference to the Time of such Tenant's holding or not, or so soon after as he shall be required, peaceably and quietly deliver up the Possession of the Premises to the said Company, or to the Person authorized by them to take possession thereof; and in case any such Person so in possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the said County to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue by or on account of the issuing and Execution of such Precept on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his Goods.

Compensation to be made to such Tenants.

XXXIV. Provided always, and be it further enacted, That where any such Tenant or Lessee, being Tenant or Lessee from Year to Year, shall be required to deliver up the Possession of any Premises so occupied by him to the said Company, or to the Person authorized by them to take possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in the Premises, which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in manner by this Act directed with regard to any other Satisfaction or Compensation in and by this Act provieded for and directed to be made and assessed.

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

XXXV. And whereas, by means of the Purchases which the said Company are empowered to make by virtue of this Act, they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Seven Years after the passing of this Act, to sell and dispose of any such Land or Ground, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same, and to convey the same accordingly, and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company before they shall sell and dispose of any such Land or Ground shall first offer to re-sell the same to the Person from whom such Land or Ground was purchased by the said Company, in case he shall be the Owner of any Land or Ground adjoining

adjoining thereto, and in case such Person shall have died or cannot be found, or shall refuse or neglect to repurchase such Land or Ground, then the Offer to sell the same shall be made to the Owner of any adjoining Land or Ground; and a Declaration pursuant to an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the Abolition of unnecessary Oaths*, made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the said County, by some Person not interested in the said Land or Ground, stating that such Offer was made by or on behalf of the said Company, and that such Offer was then and thereupon not agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person to whom such Offer was made, as the Case may be; and in case such Person shall be desirous of purchasing or repurchasing the same, and he and the said Company shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Company, *mutatis mutandis;* and the Money produced by the Sale which may be made by the said Company of such Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

5 & 6 W. 4. c. 62.

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

XXXVI. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to Grantees or other Purchasers, their Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, freed from all Incumbrances done or occasioned by them, for quiet Enjoyment thereof against the said Company and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Purchasers or Grantees, their several Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action to be brought assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

If Land not contracted for within Three Years the Power of purchasing to cease.

XXXVII. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued, and pay or cause to be paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of making and improving the said Harbour and other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent of the Owners and Occupiers thereof respectively.

If Works not completed in Seven Years the Powers of the Act to cease, except as to such Part as shall be completed.

XXXVIII. And be it further enacted, That in case the said Harbour and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then, and from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Harbour and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace for the said County of *Devon* at any General or Quarter Sessions of the Peace to be held for the said County of *Devon* at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath (or in the Case of Quakers Affirmation) to be produced before such Justices for that Purpose.

Satisfaction to be made for Lands taken.

XXXIX. And be it further enacted, That all Corporations, Trustees, and other Persons by this Act enabled to sell or convey Lands, and any other Owner and the Occupier of any Lands through, in, or upon which the said Harbour and other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands, and also Compensation for the Damages to be sustained by making or completing the said Improvements and Works hereinbefore directed to be made, such Satisfaction and Compensation respectively to be made and given in gross Sums; and in case the said Company and the Parties interested in such Lands cannot agree as to the Amount or Value of such Satisfaction or Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as in this Act is directed.

Compulsory Powers of Act not to be put in force until the whole Capital is subscribed.

XL. And whereas the probable Expence of making and completing the said Harbour and constructing the Pier or Breakwater and other Works hereby authorized to be made and provided will, according to an Estimate thereof, amount to the Sum of Three thousand four hundred and twenty-three Pounds Ten Shillings, more than Four Fifth Parts whereof have been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That the whole of the said Sum of Three thousand four hundred and twenty-three Pounds Ten Shillings shall be subscribed for in like Manner before

before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the Pier or Breakwater, Harbour, and other Works shall be put in force.

Capital to be 6,000*l.* to be divided into Six hundred Shares of 10*l.* each.

XLI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum of Money for making and improving the said Harbour and constructing such Pier or Breakwater and other Works herein-before mentioned, not exceeding in the whole the Sum of Six thousand Pounds, and the same shall be divided into Six hundred Shares of Ten Pounds each, and such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Corporations and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum of Money as shall be demanded in lieu thereof, towards the said Undertaking, shall be entitled to and be the Proprietors of a proportionate Share of the Capital Stock of the said Company, and shall be entitled to and shall receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Tolls or other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Corporation and Person having such Property in the said Undertaking as aforesaid shall bear and pay a proportionate Sum towards carrying on the same, in manner herein directed and appointed.

Shares to be Personal Estate.

XLII. And be it further enacted, That all Shares and Proportions of and in the said Undertaking or the Joint Stock or Fund of the said Company shall to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Names of Proprietors to be entered in a Book, and Tickets delivered to them.

XLIII. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to cause the Names and proper Additions of the several Persons who shall from Time to Time become entitled to Shares in the said Undertaking, with the Number of the Shares of which they are respectively possessed, and also the proper Number by which every Share shall be distinguished, and the Amount of the Subscription paid thereon, to be fairly and distinctly entered in a Book to be kept by the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall also from Time to Time cause a Ticket or Instrument, with their Common Seal affixed thereto, to be delivered to every such Proprietor, on Demand, specifying the Number of the Share or Shares to which he is entitled in the said Undertaking, every such Proprietor paying to the said Company Three Shillings and Sixpence,

pence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his Executors, Administrators, and Assigns, to the Share therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; (that is to say,)

Form of Ticket.

'THESE are to certify, That *A. B.* of is a Proprietor 'of the Share Number in "The *Paington* Harbour 'Company," subject to the Rules, Regulations, and Orders of the 'said Company; and that the said *A. B.*, his [*or* her] Executors, 'Administrators [*or* Successors], and Assigns, is and are entitled to 'to the Profits and Advantages of such Share. Given under the 'Common Seal of the said Company the Day of 'in the Year .'

And in case any such Ticket or Instrument shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Ticket or Instrument shall be made out and entered by the said Company on the same Terms and Conditions as aforesaid.

For compelling Payment of Subscriptions.

XLIV. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards the said Undertaking shall and they are hereby required to pay the Sums by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company in manner herein-after mentioned; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, together with Interest on such Sum or Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed by the said Company to be paid as aforesaid.

Power to make Calls.

XLV. And be it further enacted, That the said Company shall have Power from Time to Time to make such Calls for Money from the Subscribers to and Proprietors for the Time being of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall think necessary for those Purposes, so that no such Call shall exceed the Sum of Three Pounds upon each Share of Ten Pounds in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other; and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some one Newspaper usually circulated in the said County of *Devon*, or by Notice in Writing delivered to each Proprietor in the said Undertaking, or left at or sent by Post to his last known or usual Place of Residence, in manner and subject to the Proviso herein contained in the Case of Notices of Meetings; which

which Monies so called for shall be paid to such Person, at such Time and Place, and in such Manner as the said Company shall from Time to Time appoint and direct; and if any Person or Corporation shall neglect or refuse to pay his or their rateable or proportionable Part or Share of the Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, or the said Company may and they are hereby authorized to declare the Shares belonging to any Person or Corporation neglecting or refusing to pay any Calls in manner aforesaid to be forfeited, and all Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and shall be assigned by Writing under the Common Seal of the said Company unto the Purchaser thereof, and the Produce thereof shall be applied and disposed of for the Purposes of this Act, but no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given to or left at or sent by Post to the usual Place of Abode of the Owner of such Share respectively, in manner and subject to the Proviso herein-before specified in the Case of Notices of Meetings, nor until such Share shall have been declared to be forfeited at some stated or special Meeting of the said Company which shall be held after the End of Two or more Calendar Months from the Day on which such Notice of Forfeiture shall have been given: Provided always, nevertheless, that every such Forfeiture, after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between the said Proprietor so forfeiting and the said Company, with regard to any Call for Money subsequently to the Declaration of such Forfeiture, or the future carrying on and Management of the said Undertaking, but no such Share shall be forfeited if the Owner thereof, at or before such Stated or Special Meeting, pay or tender to the Treasurer or Clerk to the said Company what shall be due thereon, together with legal Interest for the same from the Time when the same ought to have been paid, and all Expences incurred for the Recovery thereof: Provided also, that in case the Money produced by the Sale of any such Share shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, together with the Penalties incurred by Nonpayment and the Expences attending the Sale thereof, the Surplus arising from such Sale shall be paid to the Person or Corporation to whom such Share shall have belonged: Provided also, that the said Company shall not by virtue of this Act at any Time sell or transfer, or direct to be sold or tranferred, any more of such Shares of such Defaulter than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter for or on account of such Calls, and the Interest, Penalties, and Expences attending the same, and from and after the Payment of all Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, all Shares vested in the said Company as aforesaid which shall remain in their Hands unsold

shall revert to and again become the Property of the Person or Corporation to whom such Share shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

Proceedings and Evidence in Actions for Calls.

XLVI. And be it further enacted, That in any Action to be brought by the said Company against the Proprietor of any Share in the said Undertaking, to recover any Sum of Money due and payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege, that the Defendant, being the Proprietor of a Share in the said Undertaking, is indebted to the said Company in such a Sum of Money as the Calls in arrear shall amount to, for so many Calls of so many Sums of Money upon so many Shares belonging to the said Defendant, (as the Case shall happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter, and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Call was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice thereof was given as is directed by this Act, without proving any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Three Pounds for every Sum of Ten Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper and by Letter as aforesaid.

After a Call is made, no Shares to be sold until the Call is paid.

XLVII. And be it further enacted, That after any such Call of Money shall have been made no Person shall sell or transfer any Share which he shall possess in the said Undertaking, unless at the Time of such Sale or Transfer he shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

Proprietors in arrear for Calls not to vote.

XLVIII. And be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Proprietors, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls.

Mode of voting at Meetings.

XLIX. And be it further enacted, That every Corporation or Person who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share; and every Two Shares, whether held by one Person or Corporation or by several Persons or Corporations, shall constitute and be entitled to One Vote and no more in the several Meetings to be held as herein-after appointed for carrying on the said Undertaking, which Vote may be given by the Parties entitled thereto, or by their Guardians in case of a Minor, or by their Committee in case

of Lunatics or Idiots, or by their Proxies constituted under the Seal of such Corporation, or the Hands of such other Person, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Corporation or Person holding less than Two Shares by themselves, or by their Guardians in case of a Minor, or by their Committee in case of Lunatics or Idiots, or by their Proxies constituted as aforesaid, may join together so as to form Votes, and any one of such Corporation, Persons, Guardians, Committees, or Proxies so joined shall have Power to give such Vote, at the Request and on behalf of all Parties joining or agreeing therein, so as to form such Vote, in like Manner as a Person holding Two or more Shares is entitled to vote in respect thereof as aforesaid; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company shall be determined by the Majority of Votes and Proxies then present; and the Appointment of which Proxies may be made according to the following Form, with such Variations as the Circumstances of each Case may render necessary; (that is to say,)

Form of Proxy.

'I *A.B.* of one of the Proprietors of the *Paington* Harbour Company, do hereby appoint *C.D.* of to be my Proxy, in my Name and in my Absence to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking that shall be mentioned or proposed at any Meeting of the said Company, in such Manner as the said *C.D.* shall think proper. In witness whereof I have hereunto set my Hand [*or* Common Seal] the Day of .'

Shares may be transferred.

L. And be it further enacted, That it shall be lawful for the Proprietor of any Share in the said Undertaking, his Executors or Administrators, to sell and dispose of any Share to which he shall be entitled therein, subject to the Rules and Conditions in this Act mentioned and provided; and the Conveyance of every such Share shall be in Writing, and shall be by Deed duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby bargain, sell, assign, and transfer to the said *C.D.* Share [*or* Shares] numbered of and in the Undertaking called "The *Paington* Harbour Company", to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, on the same Conditions that I held the same immediately before the Execution hereof, and I the said *C.D.* do hereby agree to take and accept of the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals the Day of .'

And on every such Sale the said Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Purchaser for his Security after the said Company shall have entered in a proper Book to be kept for that Purpose a Memorial of such Transfer and Sale, and have testified and indorsed the Entry of such

such Memorial on the said Deed of Sale or Transfer, for which no more than Four Shillings, exclusive of Stamps, shall be paid for each Share so transferred; and the said Company are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Vote in respect thereof as Proprietor in the said Undertaking.

Power to borrow an additional Sum of 1,660*l.*

LI. And be it further enacted, That it shall be lawful for the said Company, after One Half of the Capital by this Act authorized to be raised shall have been paid up, to borrow and take up at Interest any further or other Sum of Money for completing and perfecting or at any Time in repairing the said Undertaking, not exceeding the Sum of One thousand six hundred and sixty Pounds, by Mortgage of the said Undertaking, as to them shall seem meet and convenient; and the said Company, after an Order has been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Tolls or Duties arising or to arise by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Tolls or Duties, as a Security for any such further Sum to be borrowed as aforesaid, with Interest to such Person who shall advance the same, or to his Trustee; all which said Mortgages or Assignments shall be made, under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'Number

'BY virtue of an Act passed in the First Year of the Reign of 'Queen *Victoria*, intituled [*here set forth the Title of this Act*], 'we "The *Paington* Harbour Company" incorporated by the said 'Act, in consideration of the Sum of to us in hand 'paid by of do assign unto the said 'his [*or* her] Executors, Administrators, and Assigns, 'all and singular the Tolls arising by virtue of the said Act, and all 'the Estate, Right, Title, and Interest of us the said Company of, 'in, and to the same, to hold unto the said his [*or* her] 'Executors, Administrators, and Assigns, until the said Sum of 'together with Interest for the same after the Rate 'of for every One hundred Pounds for a Year, shall 'be fully paid and satisfied. Given under our Common Seal this 'Day of in the Year of our 'Lord.'

And the respective Parties to whom such Mortgages or Assignments shall be made shall be equally entitled one with another to their Proportions of the said Tolls and Premises according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Mortgages or Assignments, or on any other Account whatsoever; and a Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Name of the Party to whom made, with his proper Addition, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book to be kept by the said Company, which said Book shall and may be perused at all

all seasonable Times by any of the Proprietors or Creditors of the said Undertaking or other Persons interested therein, without Fee or Reward; and every Person to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his Right and Interest therein to any Person whomsoever; which Transfer shall be by Deed duly stamped, in which the Consideration for the same shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Mortgages may be transferred.

Form of Transfer of Mortgage.

'I [*or* We] of in consideration of the
'Sum of paid by of
'do hereby transfer a certain Mortgage numbered made
'by the Company of Proprietors of the *Paington* Harbour to
'bearing Date the Day of for securing the
'Sum of and Interest, and all my [*or* our] Right and
'Property therein to the said his [*or* her] Executors,
'Administrators, and Assigns. Dated this Day of
'in the Year of our Lord .'

And every such Transfer shall, within Twenty-one Days after the Date thereof, if executed in *England*, or within Twenty-one Days after the Arrival thereof in *England* if executed elsewhere, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in like Manner as of the original Mortgages, for which the said Company shall be paid any Sum not exceeding Five Shillings; and after such Entry made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum thereon due or thereby secured, or any Part thereof.

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

LII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act, to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be behind or unpaid for the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Devon*, and they are hereby required, on Request to them made by or on behalf of any Creditor whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the whole or such part of the said Tolls or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Tolls or Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be

sued for and recovered, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Mortgagee not to be deemed a Proprietor, or entitled to vote as such.

LIII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company, by or on account of his having advanced any Money on such Mortgage or Assignment.

Application of the Money to be raised.

LIV. And be it further enacted, That all the Money to be raised or received by the said Company by virtue of this Act, whether by way of Capital or Profits or otherwise, shall be applied, in the first place, in paying and discharging all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Land, and making and maintaining the said Harbour, Pier, and other Works, and otherwise in carrying this Act into execution.

First and other Meetings of the Company.

LV. And be it further enacted, That the First Meeting of the said Company for putting this Act into execution shall be held at Twelve of the Clock at Noon on the second *Monday* next after the passing of this Act at the *Crown and Anchor* Inn or at some other convenient Place in *Paington* aforesaid, and the Second and every other Meeting shall be held in *Paington* aforesaid at such Times as shall be appointed at such First or any subsequent Meeting, or by Advertisement in some One Newspaper printed or usually circulated in the County of *Devon*, and by Notice in Writing delivered to each Proprietor in the said Undertaking, or left at or sent by the Post to his last known or usual Place of Residence; and One Annual Meeting shall be holden in the Month of *August* in every Year, of which Meeting not less than Fourteen Days Notice shall be given by public Advertisement and Notice in Writing as herein-before mentioned; and the said Company shall and may meet and adjourn from Time to Time in such Manner as they shall deem expedient and proper; and at every such Meeting a Chairman shall be appointed by the Majority of Persons then present, who shall, in addition to his Vote as Proprietor or Proxy or both, have a casting Vote in case of an Equality of Votes on any Question; and the said Company shall at all such their Meetings proceed to put the several Powers and Authorities hereby given and granted into execution, and do all Things hereby authorized to be done and executed by the said Company, and shall also have Power and Authority to make such Rules, Bye Laws, and Orders, for the good Government of the said Company, and for regulating all Officers, Pilots, Hoblers, Workmen, Agents, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using of the said Port and Harbour and other Works thereto belonging, and the conveying of all Goods, Wares, and Merchandize which shall be conveyed into the said Port and Harbour, or landing upon the said Piers, Quays, Wharfs, and other Works, and for the orderly Behaviour of all Persons who shall be employed in carrying, landing, or conveying any such Goods,

Wares, or Merchandize, or in managing, piloting, or conducting Ships, Boats, or Vessels into or out of the said Harbour, and for the Superintendence and Management of the said Port and Harbour and other Works in all other respects whatsoever, and from Time to Time to alter and repeal and again to renew the said Rules, Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem fit, not exceeding the Sum of Five Pounds for any Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, shall be painted on Boards, and affixed on the Piers or Wharfs of the said Harbour, and shall be renewed whenever the same shall become obliterated or defaced; and such Rules, Bye Laws, and Orders, when so painted and affixed, and so long only as they shall continue to be affixed, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to appeal in manner herein-after mentioned.

Evidence in Cases of Prosecution for Offences against Bye Laws, &c.

LVI. And be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws the Production of a written or printed Paper purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws; and it shall be sufficient to prove that a painted Board, in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner aforesaid; and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such painted Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Harbour, or the Piers, Quays, and Wharfs thereto belonging, in manner aforesaid.

No Person holding Office, &c. to act or vote.

LVII. Provided always, and be it further enacted, That no Person holding any Office under or any Contract with the said Company, or concerned or interested, either directly or indirectly, in such Contract, otherwise than as a Member of the said Company, shall be capable of acting or voting during the Time of his Continuance in such Office, or holding or being concerned or interested in such Contract.

Company at Meetings may audit and settle Accounts.

LVIII. And be it further enacted, That the said Company at every such Meeting shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed, on account of the said Port and Harbour and other Works, by the Treasurer, Receivers, or Collectors of the Tolls and Duties and other Officers appointed, or by any Person employed by or concerned for or under them,

them, in and about the said Port and Harbour and other Works thereto belonging.

Meetings to consist of Persons holding at least Fifty Shares.

LIX. And be it further enacted, That if at any Meeting held under this Act, whether Special, General, or otherwise, there shall not be Five Persons present who together shall be possessed of or entitled to hold at least Fifty Shares in the said Undertaking, either as Principals or Proxies, no Proceedings shall take place at such Meeting, but in such Case the said Meeting shall stand adjourned to that Day Fortnight, and so on until a Number of Proprietors entitled to or holding a sufficient Number of Shares as Principals or Proxies in the said Undertaking shall attend.

Special Meetings may be called.

LX. And be it further enacted, That if it shall at any Time be thought expedient to call a Special Meeting of the said Company it shall be lawful for any Number of the said Proprietors not less than Three, who together shall be possessed of or entitled to Fifty Shares at the least in the said Undertaking, to cause Twenty-one Days Notice at the least to be given in some One Newspaper printed or usually circulated in the said County of *Devon*, and also to give to each Proprietor entitled thereto as aforesaid, and in manner aforesaid, or leave at or send by Post to his usual Place of Abode as aforesaid, a Notice in Writing signed by any such Three Proprietors, or by the Clerk of the said Company for the Time being, or in such other Manner as the said Company shall at any Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be held; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed in the Execution of the Power by this Act given to the said Company with respect to the Matters which shall be specified in such Notice; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special Meeting, shall be as valid with respect to the Matter specified in such Notice as if the same had been done at a Meeting at the Time by this Act appointed for holding the same, but no Business shall be done at any Special Meeting other than the Business for which it shall have been called.

For choosing Directors.

LXI. And be it further enacted, That the said Company of Proproprietors, at their First General Meeting to be held as in this Act is mentioned, or at some Adjournment from such First General Meeting, shall elect Thirteen of the said Proprietors, each of whom at the Time of such Election shall be possessed in his own Right of Four or more Shares in the said Undertaking, to be Directors to manage the Affairs of the said Company, and of the Thirteen Directors so elected Four shall be competent to act; and the several Persons so to be elected the first Directors, being neither disqualified nor resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *August* in the Year of our Lord One thousand eight hundred and forty, and until others shall be elected in their Stead in pursuance of this Act; and the said Company at any

any General Meeting shall have Power to fix what Remuneration shall from Time to Time be allowed to the Directors of the said Company.

Directors to go out by Rotation.

LXII. And be it further enacted, That at every succeeding General Meeting to be held in the Month of *August* in each Year, or at some Adjournment thereof respectively, Five of the Directors who shall have been so elected as aforesaid (to be determined by Ballot amongst themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors and respectively possessed in their own Right of Four or more Shares in the said Undertaking shall be elected by the said Company to be Directors in their Place and Stead, and such Persons shall continue in their Offices for the Space of Twelve Calendar Months, to be computed from the Day of Election, or until others shall be duly elected in their or any of their Places.

Directors going out of Office eligible to be re-elected.

LXIII. Provided always, and be it further enacted, That at every annual Election of Directors any of the former Directors shall be eligible to be re-elected to the Office again immediately or at any Time afterwards, notwithstanding his Term of Service shall have expired, or notwithstanding his having forfeited his Office by reason of Disqualification, in case he shall have again become duly qualified.

Directors not to participate in Contracts for Work done for the Company.

LXIV. Provided also, and be it further enacted, That if any Person who shall be elected a Director shall take or shall contract to take, or shall participate in any Manner in any Work to be done for the said Company, or in any Profit to be obtained by any such Work, every such Person so offending shall forfeit and pay to the said Company the Sum of One hundred Pounds, and shall thereupon cease to be a Director, and shall be disqualified from being a Director, and thereupon another Proprietor shall be elected in the Stead of such Person so ceasing and being disqualified as aforesaid to be a Director.

For filling up Vacancies in the Direction.

LXV. And be it further enacted, That every Vacancy in the Direction by Resignation or Disqualification shall be filled up at a Special Meeting of the said Company to be held for that Purpose within Forty Days next after such Vacancy shall happen or be known, (Twenty-one Days previous Notice being given by the Clerk to the said Company in manner next herein-after mentioned,) and the Person who shall be chosen to fill such Vacancy (being duly qualified) shall continue in Office upon the same Terms and for the same Period only as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must according to the Provisions of this Act have gone out of Office.

First Meeting of Directors.

LXVI. And be it further enacted, That the said Directors shall or may hold their First Meeting within Twenty-one Days after their Appointment, at such Time and Place at *Paington* as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place within the said Parish of *Paington* as they shall think fit; and the said Directors shall at each Meeting appoint one of

the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Directors present, (the Number present not being less than Five, and each Director having but One Vote,) and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive or casting Vote; and if on the Day appointed for any Meeting of the said Directors Four Directors qualified to vote shall not attend, then, and in every such Case the Meeting shall be adjourned till such Time as the Director or Directors then present, or if none be present as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Two or more Directors may, at any Time when they shall think fit, call a Meeting of the Directors by Notice in Writing signed by such Two or more Directors or by the Clerk to the said Company, to be sent by the Post or otherwise to the Residence or Address of every Director.

Powers and Duties of Directors.

LXVII. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Parish of *Paington* of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued and received, laid out, and disposed of for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, and Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company, (except such Officers, Agents, or Servant as are to be appointed by the Proprietors as in this Act mentioned,) or in paying or rewarding any such Officers, Agents, or Servants, (so to be appointed by the said Directors,) with Salaries, Gratuities, or other Recompence, as to the said Directors shall seem proper, and in ordering, directing, and employing the Works and Workmen, and in making, enforcing, rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same, subject to such Rules, Orders, Bye Laws, and Regulations as shall at any Time be duly made by the said Company, in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted; and the said Directors may require such Security to be given to the said Company from any Officer or other Person so appointed by the said Directors, for the faithful Execution of his Office, as they may think proper or reasonable.

Directors to keep Minutes of their Proceedings.

LXVIII. And be it further enacted, That the Directors to be appointed in pursuance of this Act shall keep or cause to be kept a regular Minute or Entry of their Proceedings, and from Time to Time shall make Reports to and be subject to the Examination and Control of the General and Special Meetings of the said Proprietors, and

and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors not to be personally liable.

LXIX. And be it further enacted, That none of the Directors for the Time being shall become personally answerable for the Performance of any Agreement into which he shall or may have entered as one of such Directors on behalf of the said Company; but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Directors shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract and Agreement, or for Damages occasioned by any Breach or Nonperformance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Directors, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Company empowered to appoint Officers.

LXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General or Special Meeting, and they are hereby authorized, from Time to Time, to nominate and appoint a Harbour Master, Treasurer, and a Receiver or Collector of the Tolls or Duties hereby imposed, and also a Clerk to the said Company, and such other Officers as they shall think proper, and to take such Security from such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Proprietors shall think proper, and from Time to Time to remove any such Harbour Master, Treasurer, Receiver, Collector, Clerk, or other Officer, or any of them; and such Clerk shall attend the Meetings of the said Company and of the said Directors, and shall, in proper Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Shares in the said Undertaking, and of all Acts, Proceedings, and Transactions of the said Company and of the said Directors; and in case any such Treasurer, Receiver, Collector, or Clerk shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Proprietors at their said General or Special Meetings to appoint any other fit Person to execute such Office in the Place of such Person who shall so die, be removed from, or quit the Service of the said Company.

Clerk and Treasurer not to be the same Person.

LXXI. And be it further enacted, That it shall not be lawful for the said Proprietors to appoint any Person who may be appointed the Clerk to the said Company, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of

of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company; and if any Person shall accept the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to account.

LXXII. And be it further enacted, That every Treasurer, Clerk, Collector, and other Officer or Person to be appointed by virtue of this Act shall, under his respective Hand, and at such Time or Times and in such Manner as the said Directors shall direct, deliver to the said Directors, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Person received by virtue of or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and every such Officer or Person shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Directors shall appoint to receive the same; and if any such Treasurer, Clerk, or Collector, Officer, or other Person shall refuse or wilfully neglect to make and render such Accounts, or to produce and deliver up the Vouchers in his Possession or Power relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to produce to the said Directors, or to such Person as they shall appoint, within Seven Days after being thereunto required by the said Directors by Notice in Writing under the Hands of any Two or more of them, given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Directors or such other Person as aforesaid respecting the same, then and in every such Case, upon Complaint being made by the said Directors, or by any Person whom they the said Directors shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and

required to issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before such Justice; and upon the said Officer or Person appearing, or having been so summoned and not appearing without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the Justice to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer or Person had refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings in his Possession or Power relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to produce or give Satisfaction respecting the same as aforesaid, or to give up the same on the Expiration of his Office, then and in every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Directors for such Money and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Directors are hereby empowered to make and receive); and until he shall have produced such Books, Papers, or Writings, or have given Satisfaction in respect thereof, or delivered up the same at the Expiration of his Office to the said Directors, or to such other Person or Persons as aforesaid; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for Want of sufficient Distress by virtue of this Act for any longer Space of Time than Six Calendar Months.

No Prosecution or Commitment of any Officer to acquit his Sureties.

LXXIII. And be it further enacted, That no Prosecution or Commitment under the Provisions of this Act of any Treasurer, Clerk, Collector, or other Officer or Person to be appointed under the Powers of this Act, shall acquit or discharge any Security or Securities that shall or may have been taken by or given to the said Company or Directors for the due and faithful Execution of his Office or the Payment of the Monies received or to be received by him.

Accounts to be entered in a Book.

LXXIV. And be it further enacted, That the said Company shall enter or cause to be entered in a Book or Books to be provided for that Purpose, and to be kept by the Clerk or other Officer of the said Company, a full and true Account of all Monies received, and also of all Monies disbursed and Payments made by them, and of the several

several Articles, Matters, and Things for which such Monies shall have been disbursed and paid, and also a full and true Account and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and every such Book, and all other Books, Papers, and Writings belonging to the said Company, shall at all seasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom, without Fee or Reward; and if any such Clerk or other Officer shall refuse to permit or shall not permit any Proprietor to inspect and peruse such Book at all seasonable Times, or take Copies thereof or Extracts from the same, every such Clerk or other Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to take Tonnage Rates.

LXXV. And be it further enacted, That from and after the Time that the said Harbour at *Paington* and the intended Works therein shall have been so far formed and completed so as to afford a sufficient Shelter and Security for Ships or Vessels, and that any Ship or Vessel may be enabled to load and unload Goods and Effects within the same, (which Facts shall be found to the Satisfaction of the Justices of the Peace assembled at the Quarter Sessions to be holden for the said County of *Devon*, or the major Part of them, and be published in the *London Gazette* and in some Newspaper circulated in the said County of *Devon*,) it shall be lawful for the said Company, or such Person or Persons as they shall appoint, and they are hereby authorized and empowered, from Time to Time and at all Times, to ask, demand, take, receive, collect, recover, and levy, for the Use of the said Company, upon all and every of the Ships, Vessels, and Boats, of whatever Description, which shall come into or use the said Harbour for the Purpose of loading and unloading Goods or Effects within the Limits of this Act, and for entering within the Pier of the said Harbour for Shelter, any Sums not exceeding the several Rates and Duties specified in the Schedules (A.), (B.), (C.), and (D.) hereunto annexed, and also of and from every Person who shall enter or go upon the said Pier for the Purpose of Exercise only, or for the Purpose of embarking from or disembarking upon the same Pier in or from any Yacht or other Vessel used for Pleasure only, for every such Entrance any Sum not exceeding the Sum or Toll specified in the said Schedule (B).

Vessels not to be again subject to the Rates within Twenty-four Hours.

LXXVI. Provided always, and be it further enacted, That if any Merchant Ship or any Coasting Vessel for which the said Rates or Duties shall have been paid shall depart from or leave the said Harbour, and shall within the Space of Twenty-four Hours next after such Departure, 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 be again liable to the Payment of the said Harbour Rates or Duties in consequence of so putting back or returning into the said Harbour; any thing in this Act contained to the contrary notwithstanding.

LXXVII. Pro-

Lords of the Treasury may reduce the Rates on Foreign Vessels.

LXXVII. Provided also, and be it further enacted, That it shall be lawful for the Lords of the Treasury, or any Two of them, by their Order in Writing, to reduce the Rates and Duties hereby directed to be levied upon Foreign Ships to such Sum as they shall think fit, so as the same be not less than hereby directed to be levied upon *British* Vessels.

Rates on Goods.

LXXVIII. 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, or being at anchor within the Limits of this Act, there shall be paid to the said Company, on all Goods, Wares, Merchandize, or other Commodities or Things which shall be landed or shipped within the Limits of this Act, or be there exported or imported in such Ships, Vessels, or Boats, the several Rates or Duties specified in Schedule (D.) hereunto annexed.

Rates may be fixed upon Commodities not specified.

LXXIX. And be it further enacted, That it shall be lawful for the said Company to fix such reasonable Rates or Duties upon Commodities not specified in the said Schedule (D.) as they shall think fit, provided such Rates shall not exceed One Tenth Part of the Freight of such Commodities.

Exemption for Vessels, &c. in Her Majesty's Service.

LXXX. 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 about 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, or Excise, or of Her Majesty's Postmaster General.

Method of ascertaining Tonnage.

LXXXI. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act of Parliament, and liable to the Payment of the Tolls or Duties by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any Ship or Vessel is hereby required to produce such Certificate of Register at the Time of Payment of the said Rates or Duties to the Person duly authorized to collect and receive the same; and in case of any Dispute about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

The Collector of Customs may refuse to give a Cocquet until the Rates are paid.

LXXXII. And for the more effectual securing the Payment of the said Rates, Tolls, and Duties, be it further enacted, That it shall be lawful for the Collector or Comptroller and every other Officer whatsoever of Her Majesty's Customs, with the Consent of the Commissioners, to refuse to give or make out any Cocquet or other Discharge, or take any Report, Outwards or Inwards, for any Ship, Vessel, or

or Boat using the said Harbour, until the Rates or Duties by this Act made payable, according to the true Intent and Meaning thereof, shall be paid unto the Collector or other Person from Time to Time appointed to receive the same; and such Collector or Comptroller or other Officer of Her Majesty's Customs shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from Her Majesty's Commissioners of Customs relating thereto.

Company may reduce the Rates.

LXXXIII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and as often as they shall think fit, to lessen and reduce the Rates and Duties granted by this Act, or any Part thereof, and again to raise and advance the said Rates and Duties respectively, so as not at any Time to exceed the Amount herein-before authorized to be collected and paid.

Rates not to be reduced partially.

LXXXIV. Provided also, and be it further enacted, That the said Company shall not partially raise or lower the said Rates or Duties, but the said Rates or Duties shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Table of Rates to be affixed and continued.

LXXXV. And be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and continued, and renewed as often as the same shall be obliterated or defaced, in some conspicuous Part of the said Port and Harbour, in large and legible Characters, an Account or List of the Rates or Duties which the said Company shall from Time to Time direct and appoint to be taken; and in case any Collector of the Rates or Duties aforesaid shall, after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum of Money therein specified and ascertained, such Collector or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Rates to be paid in such Manner as the Company shall direct.

LXXXVI. And be it further enacted, That all the Rates and Duties authorized by this Act to be received, collected, and taken shall be paid to such Person, at such Place at or near the said Harbour, in such Manner and under such Regulations as the said Company shall by Notice to be annexed to the List of Rates and Duties by this Act imposed from Time to Time direct or appoint; and in case any Owner or Master or any other Person having the Rule or Command of any Ship or other Vessel coming into or going from the said Harbour, or any Factor, Consignor, or Consignee of any Goods, Wares, or Merchandize, or any Person liable to pay such Rates or Duties, shall neglect or refuse to pay the same or any Part thereof, on Demand, to the Person appointed to receive such Rates or Duties, then and in such Case it shall and may be lawful for any Person apointed by the said Company to receive the same to go on board such Ship, Boat, or other Vessel, to demand, collect, or receive the said Rates or Duties, and on Nonpayment thereof to take, seize, and distrain every such Ship, Boat, or other Vessel, and the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and

all or any Part of the Goods, Wares, or Merchandize in respect whereof such Rates or Duties shall be payable, either on board such Ship, Boat, or other Vessel or on Land, and the same to detain until the respective Rates or Duties shall be paid and satisfied; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Five Days after any Distress or Distresses so made or taken, exclusive of the Day of taking the same, then it shall be lawful for the said Company, or any Person appointed as aforesaid, to cause the same to be appraised and sold as the Law directs in Cases of Distress for Rent, and out of the Produce of the Sale thereof to satisfy themselves and himself, as well for and in respect of the Rates or Duties so neglected or delayed to be paid, as also for and in respect of their or his reasonable Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any such there be) to the Owner, Master, or Commander, or Person having the Rule or Command of such Ship, Boat, or Vessel, upon Demand; and it shall be lawful for the said Company, in case of Nonpayment of the Rates and Duties as aforesaid, instead of recovering the same in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or for so much thereof as shall not be so recovered, by Action of Debt or Trespass on the Case in any of Her Majesty's Courts of Record at *Westminster*.

For Recovery of the Rates.

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

Penalty on Persons evading Payment.

LXXXVIII. And be it further enacted, That if any Person in respect of or by whom the Rates or Duty herein-before authorized to be taken for every such Entrance upon the said Pier as aforesaid shall be due or payable shall refuse or evade Payment thereof, every such Person shall forfeit and pay for every such Refusal or Evasion any Sum not exceeding Twenty Shillings to the said Company of Proprietors, which Forfeiture may be recovered from such Person by the same Method and in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act, with the like Costs.

No Vessel to land her Cargo except at such Places as shall be appointed by the Company.

LXXXIX. And be it further enacted, That no Ship, Lighter, Barge, or other Vessel shall land or ship her Cargo or any Part thereof by the Sides or along the Banks on either Side of the said Pier or Harbour, except at such Quays, Wharfs, and Landing Places as shall be made and assigned by the said Company for the loading and discharging, or landing and shipping of such Cargoes, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds, and upon pain of forfeiting to the Queen's most Excellent Majesty, Her Heirs and Successors, such of the Goods or Merchandize so landed or shipped as shall be liable to the Payment of any Duty to Her Majesty on such landing or shipping, which Goods or Merchandize may be seized accordingly by any Officer of Her Majesty's Customs or Excise, and disposed of according to Law.

For settling Disputes concerning Rates or Duties.

XC. And be it further enacted, That if any Disputes shall arise concerning the Amount of the Rates or Duties due or Charges occasioned by any Distress, 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 Rates or Duties due, and the Charge of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by a Justice of the Peace for said County, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates or Duties due; and it shall be lawful for such Justice to assess and award such 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 Parties liable to pay the same, by Warrant under the Hand and Seal of such Justice; and which Warrant may be in the Form or to the Effect following; (that is to say,)

Form of Warrant of Distress.

'To the Constable [*or other Officer of* .]

'WHEREAS, in pursuance of an Act passed in the First Year of
'the Reign of Queen *Victoria*, intituled [*here set forth the Title*
'*of this Act*], I *A. B.*, one of Her Majesty's Justices of the Peace for
'the said County, on the Complaint of *C. D.*, have ascertained and
'determined that certain Tolls or Duties payable by *E. F.* of
'to the said *C. D.*, by virtue of the said Act, amount to the Sum of
'which the said *C. D.* is by the said Act empowered
'to raise by Distress in manner therein mentioned; and I have also
'assessed and awarded the Sum of as the Costs
'relative thereto to be paid by the said to the said
': These are therefore in Her Majesty's Name to
'command you, in case of Nonpayment thereof on Demand, to levy
'the said Sum of by Distress of the Goods and
'Chattels of the said and if within the Space of
'Days next after such Distress by you taken the said
'Sum of with the reasonable Charges of taking and
'keeping the same, shall not be paid, that then you do sell the Goods
'and Chattels by you distrained, and out of the Money arising by
'such Sale that you do pay the said Sum of to the
'said

'said returning the Overplus, on Demand, to the said
'the reasonable Charges of taking, keeping, and selling
'the said Distress being first deducted. Given under my Hand and
'Seal the Day of *A. B.*'

Rates may be leased.

XCI. And be it further enacted, That it shall be lawful for the said Company to let to farm the Rates or Duties hereby made payable, or any Part thereof, unto any Person, for any Term or Time which they shall think proper, not exceeding Three Years, and the Lessee thereof, and also such Person as such Lessee shall appoint to collect and receive the Rates and Duties so let, shall during the Continuance of any such Lease be deemed Collectors thereof, and shall have the same Power and Authority for collecting and recovering the same as if he had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Rates and Duties or any Part thereof be given by the Clerk to the said Company, by Advertisement published in some Newspaper usually circulated in the said County, at least Ten Days prior to any Meeting at which the said Tolls or Duties or any Part thereof are proposed to be let.

For Recovery of the Rents from a Lessee.

XCII. And be it further enacted, That in case all or any of the Rates or Duties arising by virtue of this Act, shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent agreed to be paid by such Lessee or Farmer, or any Part thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting such Rates or Duties, or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County, upon Application made by One or more of the said Proprietors, or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to remove such Lessee, Farmer, or other Person from the Collection of such Rates or Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, into possession; and thereupon it shall be lawful for the said Company, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company in every such Case again to demise or let to farm the said Rates or Duties to any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

XCIII. And

For preventing Damage to the Works.

XCIII. And whereas Damage may frequently be done to the Piers, Quays, Bridges, Walls, Cranes, Hoisting Machines, and other Works belonging to the said Harbour or to the said Company, by Ships and other Vessels navigating therein, owing to the Wilfulness or Negligence of the Master or other Person having or taking the Command or the Care or Charge of such Ships and Vessels; be it therefore enacted, That every Master or other Person having the Command, Care, or Charge of any Ship, Boat, or Vessel, Raft or Float of Timber, by whose wilful Neglect or Mismanagement thereof any Damage shall be done or happen to any of the Piers, Quays, Walls, Basins, Wharfs, Gates, Bridges, or any Cranes, Hoisting Machines, or other Works and Machinery belonging to the said Company, shall pay for or make good all such Damage; and all such Damage, in case the Amount thereof so claimed shall not exceed the Sum of Twenty Pounds, shall be recovered before any Two Justices of the Peace for the County of *Devon*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ship, Boat, or other Vessel, Raft or Float, doing such wilful or negligent Damage as aforesaid, and to hear and determine the same, and ascertain such Damage; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices or any other Justices of the Peace for the said County, and they are hereby authorized, 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 other Vessel, Raft or Float, doing such Damage as aforesaid, 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 or Distresses so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same which may be sufficient in Value, 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 entitled to the same, on Demand; and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in the Common Gaol or House of Correction of the said County of *Devon*, there to remain for any Time not exceeding Six Calendar Months, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the Treasurer of the said Company, to be applied for the Purposes of this Act.

Owners liable for Damages done by their Vessels or Crew.

XCIV. And be it further enacted, That the Master and Owner of every Ship, Boat, or Vessel using the said Port and Harbour shall be and he is hereby made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his Ship, Boat, or Vessel, or by any of the Seamen or Boatmen or other Persons belonging to or employed in or about the same respectively, to the Breakwaters, Piers, Jetties, and other Works or Conveniences made by virtue of this Act, by any Means whatsoever, or to the Owners or Proprietors

of any Building or other Erection on the Lands adjoining or lying near the same, or any other Trespass whatsover; and such Owner of such Ship, Boat, or Vessel shall for every such Damage, upon Conviction of such Person before One Justice of the Peace, either by Confession of the Party offending or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), pay to the Person injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also that over and above such Damages forfeit and pay all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner of any such Ship, Boat, or Vessel, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and Costs and Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner of such Ship, Boat, or Vessel may be sued and prosecuted for the same in any of Her Majesty's Courts of Record; and if a Verdict shall be given against him, either on Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover Damages thereby sustained, with full Costs of Suit.

Owners may recover such Damages from their Servants.

XCV. 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 or 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 in like Manner as any Penalty can or may by virtue of this Act be recovered.

For preventing Obstructions, &c. in the Harbour.

XCVI. And be it further enacted, That if any Person shall suffer the Cargo or Loading of any Ship, Boat, or Vessel using the said Port and Harbour to be over the Sides thereof, or shall overload any Ship, Boat, or Vessel, or shall leave or place or suffer any Ship, Boat, or Vessel to be left or remain in any Part of the said Port and Harbour so as to obstruct 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, or Vessels respectively, or shall float any Timber within the said Port and Harbour (except with the Permission of the Harbour Master), or shall throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into the said Port and Harbour (except in such Place as shall be set out and fixed by the said Harbour Master), or shall wilfully prevent, obstruct, or hinder any Person acting in execution of this Act, every Owner, Master, or other Person having the Care or Command of such Ship, Boat, or Vessel so offending in any of the Matters aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Harbour Master to direct the placing and Removal of Vessels.

XCVII. And be it further enacted, That it shall be lawful for any Person appointed in pursuance of this Act to act as Harbour Master within the said Port and Harbour of *Paington* to direct any Person having the Command of any Vessel entering into or being within the said Port and Harbour to moor, anchor, and place the same in such Situation with the said Port and Harbour as the said Harbour Master shall think fit; and in case the Master of such Vessel shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, and place the same as the said Harbour Master shall direct, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and it shall be lawful for the said Harbour Master, and such other Persons as he shall call to his Assistance, to remove or cause to be removed the said Vessel in such Manner as he shall deem necessary or proper, and such Master shall pay all the Charges and Expences attending the removing such Vessel, after such Direction, Refusal, or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person shall prevent or impede the Removal of any such Vessel, such Person shall forfeit and pay any Sum not exceeding Ten Pounds.

Company may provide Steam Tugs.

XCVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide One or more Steam Vessels, commonly called Steam Tugs, for the Purpose of towing and assisting Ships and Vessels entering into or using the said Port and Harbour, and of conveying Persons on board such Ships or Vessels, and to receive, demand, and recover such Sums of Money for the Use of such Steam Vessels as shall from Time to Time be fixed by the said Company, in addition to the other Rates or Duties by this Act authorized to be taken, and to be recovered in the same Manner as the other Rates and Tolls by this Act imposed.

Company empowered to purchase an additional Quantity of Land for Wharfs, &c.

XCIX. And whereas it may tend to the Public Advantage and Accommodation if the said Company be empowered to purchase, in addition to the Land hereby authorized to be purchased, used, or taken, any Quantity of Land not exceeding Ten Statute Acres for depositing Ballast, and for making, erecting, forming, and providing any Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract with any Persons or Corporations for the Purchase of any Parcel of Land (not exceeding in the whole Ten Statute Acres,) in such Place as shall be deemed eligible or convenient for depositing Ballast, and for making, erecting, forming, and providing any Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, or for any other Purpose whatsoever connected with the said Port, Harbour, and other Works which the said Company shall judge requisite and necessary, and to levy, for the Use and Occupation of such Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, such Dues, Rents, or Sums of Money as are specified in the Rates of Wharfage in the Schedule (E.) to this Act annexed; and for any Article, Property, Goods, or Things as are not specified in the said Rates of Wharfage

such Dues, Rents, or Sums of Money as may from Time to Time be agreed upon between the Persons using and occupying the same and the said Company, or such Dues, Rents, and Sums of Money as shall be a reasonable Charge by or Remuneration to the said Company, according to the usual Rate of Wharfage Charges; and it shall be lawful for all Corporations and Persons whomsoever to sell and grant or convey to the said Company any Parcel of Land whatsoever for the Purposes aforesaid, or any of them, in the same Manner as is herein-before directed concerning Lands to be taken or used for the Purpose of making and constructing the said Harbour and other Works: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or use for any such Purposes any Lands without the Consent in Writing of the Owners or Occupiers of such Lands, or to oblige the Owners thereof to sell to the said Company any Lands or Buildings for such Purposes.

Company empowered to sell such additional Ten Acres, and to purchase additional Lands, and sell again, but not to hold more than Ten Acres at any one Time.

C. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands as they are by this Act empowered to purchase, and shall have actually purchased, for the Purposes of depositing Ballast, and for making, erecting, forming, and providing Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences as aforesaid, or such Parts of such Lands as the said Company shall think fit, in such Manner and to such Persons as the said Company shall think proper, and by Deed under their Common Seal to convey such Lands to the Purchasers thereof; and again from Time to Time to contract for and to purchase any other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, and to repurchase the same Lands, or any Part therof, and so from Time to Time as the said Company shall deem proper, so that the total Number or Quantity of Acres to be held by the said Company for any of such Purposes shall not exceed at any one Time the Number or Quantity of Ten Statute Acres for those Purposes expressly specified or allowed in or by this Act.

Company not to purchase more than Ten Acres from incapacitated Persons.

CI. Provided always, and be it further enacted, That in case the said Company shall purchase the said Ten Statute Acres of or from any Corporation, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of what shall have been so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Lands, in lieu of the Lands so sold as last aforesaid, of or from the same, or of or from any other Corporation, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit

Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the said Company to purchase of or from the same or any other Corporations, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, to sell to the said Company any other Lands, Tenements, or Hereditaments, in lieu or instead of such Ten Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Penalty on Servants of the Company giving undue Preference.

CII. And be it further enacted, That if any Wharfinger or any Servant belonging to the said Company shall give any undue Preference or shew any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Yards, or Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Indictments, Informations, &c. how to be preferred or instituted.

CIII. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever, to be preferred, instituted, or carried on against any Person for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing, or carrying away, any Goods, Chattels, or Property of or belonging to the said Company, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Company, or for and on behalf of any other Person or Corporation having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company or their Officers or Servants, or any Goods, Chattels, or Property in or on the said Harbour or Pier, or any of the Warehouses or Premises belonging to the said Company; and in all other Indictments, Informations, or legal Proceedings whatsoever of or concerning such Goods, Chattels, or Property respectively, it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Company, and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously taken, stolen, embezzled, removed, or carried away (as the Case may be) from the said Company; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding, to prove that at the Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or when other the Matter or Thing complained of in such Indictment, Information, or other legal Proceeding took place, such Goods, Chattels, and Property were in or on the said Harbour or Pier, or some of the Warehouses or Premises belonging to the said Company, or in the Custody or Possession of some Officer or Servant of the said Company for and on behalf of the said Company, or for and on behalf of some Person or Corporation having deposited the same with the said Company, without any other Proof of Property.

CIV. And

CIV. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or any Dispute respecting the same, shall be ascertained and determined by Two or more Justices of the Peace for the County or Place wherein such Damages or Charges shall be incurred; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Forfeitures or Penalties.

Damages and Charges, in case of Dispute, to be settled by Two Justices, who may levy the same by Distress.

CV. And be it further enacted, That when and so often as any Money shall be ordered by any Justice of the Peace to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury, of any Nature or Kind soever, done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Parties entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, under a Warrant to be issued for that Purpose by such Justice (which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money); and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company.

Money ordered by any Justice to be paid by the Company, how to be recovered.

CVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order to be made in pursuance thereof, (the Manner of levying and recovering whereof is not otherwise herein particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the County or Place in which the Offence shall be committed, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs of any such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus

Recovery and Application of Penalties.

Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, one Moiety to the Informer, and the other Moiety to the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case such last-mentioned Moiety shall be paid to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time not being more than Three Days from the taking of such Security,) and which Security any of the said Justices are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender, or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justices and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid or satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be otherwise discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

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

to

to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

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

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

Information and Conviction.

CIX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or in any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'} BE it remembered, That on the Day of to wit. } *A. B.* of informeth me *C. D.*, One of Her 'Majesty's Justices of the Peace for the County of '[*as the Case may be*], that *E. F.* of [*here describe the 'Offence, and the Time and Place when and where committed*], contrary 'to an Act passed in the Year of the Reign of Queen '*Victoria*, intituled [*here insert the Title of this Act*], which hath 'imposed a Forfeiture of for the said Offence. Taken 'the Day of before me *C. D.*'

Form of Conviction.

'} BE it remembered, That on the Day of 'to wit. } in the Year of our Lord *E. F.* is con- 'victed before me *C. D.*, One of Her Majesty's Justices of the Peace 'for the County of [*here describe the Offence, and the 'Time and Place when and where committed*], contrary to an Act 'passed in the Year of the Reign of Queen *Victoria*, 'intituled [*here insert the Title of this Act*]. Given under my Hand 'and Seal the Day and Year first above written."

Distress not unlawful for Want of Form.

CX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of

CXI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want

Form, nor removed into the Superior Courts.

Want of Form, or be removed by Certiorari or by any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

CXII. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Bye Law, Rule, or Order of the said Company hereby directed to be affixed and published, or any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company, and also the said Company, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be,) and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned, in such Penalty as to such Justice shall seem right, to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they shall think reasonable.

Justices to appoint Special Constables.

CXIII. And be it further enacted, That it shall be lawful for any Two Justices of the Peace acting within their Jurisdiction, and they are hereby required, to appoint from Time to Time such fit and proper Persons as they shall think proper to be Special Constables within the said Harbour and other Works, and every or any Part thereof; and every Person so appointed shall make a solemn Declaration, to be administered by any One Justice of the Peace, duly to execute the Office of a Constable for the said Premises; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts within the Limits of the said Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges, for the apprehending of Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the

Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for any Two Justices to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease; and every Person so appointed by such Justices as aforesaid shall, during such Time as he shall act as Constable for the Purposes aforesaid, receive from the said Company such Salary as the said Justices shall appoint, and such Salary shall be payable at such Times and in such Manner as the said Justices shall appoint, and shall be recoverable in the same Manner as Damages to a small Amount are by this Act directed to be recovered.

General Power to Justices to administer Oaths.

CXIV. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance 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 (in case of a Quaker) to receive the Affirmation of any Person before he shall be examined by or before such Justice.

Prescribing Form of Declaration in lieu of Oath.

CXV. And be it further enacted, That in every Case in which by this Act a Declaration is required to be made the same shall be in the Form (or as near thereto as the Circumstances of the Case will admit) prescribed in the Schedule to the herein-before mentioned Act of the Fifth and Sixth Year of His late Majesty King *William* the Fourth for the Suppression of voluntary and extra-judicial Oaths and Affidavits; and that all Declarations required by this Act to be made shall be made in the Form before referred to, and shall be as valid and effectual as an Oath or Affirmation; and if any Declaration so made shall be false, untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

For compelling Witnesses to attend before the Justices.

CXVI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, or any Matter which is by this Act referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for the Loss of Time, Costs, and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker on solemn Affirmation) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to the Company to grant Releases to Witnesses.

CXVII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the Directors of the said Company, for or on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any such Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

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

CXVIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or Writ, or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Clerk of the said Company, or leaving the same at the Office of the said Company, or delivering the same to some Inmate at such Office, or in case the same shall not be found or known then personal Service thereof upon any Agent of or Officer employed by the said Company, or upon any Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

CXIX. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon any Corporation or Person whomsoever, under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Clerk for the Time being of the said Company, without being required to be under the Common Seal of the said Company, and may be personally delivered to such Person or left with some Inmate of his Place of Abode in *England*, or, in case the Party to be served shall be a Corporation, be delivered to the Clerk or other proper Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his Place of Abode, which shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases where any other Mode of Service is by this Act particularly directed.

CXX. And

How Debts may be proved in Cases of Bankruptcy.

CXX. And be it further enacted, That in case any Fiat in Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, it shall be lawful for any Person who shall from Time to Time in that Behalf be appointed, by Writing under the Hands of any Three or more of the Directors of the said Company for the Time being, to appear and he is hereby authorized to appear and act on behalf of the said Company in respect of any such Claim, Debt, or Demand, before the Commissioners under any such Fiat in Bankruptcy, either personally or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Person so to be appointed shall in all such Cases be admitted, and allowed to make Proof or tender a Claim under any such Commission on behalf of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person, being a Creditor of such Bankrupt in his own Right, would have in respect of the Debt proved by him under such Fiat.

Plaintiff not to recover after Tender of sufficient Amends.

CXXI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such 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 think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Directors not personally liable for Acts legally done as Directors.

CXXII. And be it further enacted, That no Director of the said Company hereby appointed or hereafter to be appointed under the Authority of this Act shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity, or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors or any of them shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained,

detained, or taken in Execution; but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Intrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

For the Indemnity of the Directors.

CXXIII. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and, if necessary, by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purpose of such Indemnity and Reimbursement.

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

CXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to exhibit or alter any Light or Beacon for the Guidance of Ships and Vessels resorting to or using the said Port or Harbour, without having from Time to Time 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, and the Character of any such Beacon, and the Mode of exhibiting the same respectively.

Saving the Rights of the Trinity House.

CXXV. Provided also, and be it further enacted, That nothing herein contained shall extend or be contrued to extend to prejudice or derogate from any of the Rights or Privileges of the Corporation of *Trinity House* of *Deptford Strond*.

Saving the Rights of the Lords of the Manor of Paington.

CXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to restrain, hinder, or prevent the Lord or Lady, Lords or Ladies of the Manor of *Paington*, or any of them, their Heirs or Assigns, from exercising any manorial or other Rights vested in them or any of them, or to which they or any of them are entitled, in such Manner, to all Intents and Purposes, as if this Act had not been passed, so as not to prevent, hinder, or obstruct the carrying of the several Powers and Authorities given by this Act into execution.

Saving the Rights of the Duchy of Cornwall.

CXXVII. Provided always, and be it further enacted, That neither this Act nor any thing herein contained shall extend or be deemed or construed to extend, by Implication or otherwise, to affect, alter, take away, destroy, lessen, or prejudice the Rights or Interests of Her Majesty, Her Heirs and Successors, in right or in respect of the said Duchy of *Cornwall*, or Her, His, or Their Lessee or Lessees, in or to the several Dues, Duties, Customs, and Payments heretofore and

now due and payable at *Paington* aforesaid, and the other Ports, Precincts, and Liberties of and within the said Water and Water Bailiwick, 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, but that all such Dues, Duties, Customs, and Payments shall be received, due, and payable, and all such Rights 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.

Act not to authorize Her Majesty to levy Anchorage Toll in Torbay.

CXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or taken to extend to authorize or empower Her Majesty, Her Heirs or Successors, (in right or in respect of Her said Duchy), or other the Personage for the Time being entitled to the Revenues of the said Duchy, or Her, His, or Their Lessees or Lessee as aforesaid, to demand, collect, or levy from any Ship or Vessel whatsoever anchoring in *Torbay* aforesaid, or within the said Harbour, any Toll, Due, or Duty in the Name or Nature of Anchorage Toll, or to demand, collect, or levy any Tolls, Dues, or Duties whatsoever at *Paington* aforesaid other than those now payable or paid to Her said Majesty, Her Heirs and Successors, in right of Her said Duchy, or to Her, His, or Their Lessees of the Water Bailiwick of *Dart* otherwise *Dartmouth* aforesaid.

Saving the Rights of the Crown.

CXXIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or in any Manner affect any Lands, Tenements, Estates, or Property, or any Privilege or Prerogative of or belonging to Her Majesty, Her Heirs or Successors, in right of Her Crown.

Public Act.

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

The SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

HARBOUR RATES and DUTIES on Tonnage of Vessels frequenting the Port in Trade.

Tonnage on Vessels, independent of Cargo.

	Per Ton.		
	£	s.	d.
Foreign, to unload or load within the Limits, to pay -	0	1	0
British, from Foreign, to unload or load, ditto - -	0	0	6
British Coastwise Traders, ditto - - - -	0	0	4
Colliers, ditto - - - - - -	0	0	4
Colliers loaded with Limestone, Lime, Sand, Manure, Ballast, or any Description of Compost for Land within the Limits, to pay - - - -	0	0	4
And for every other Vessel loaded with the above, ditto	0	0	4
For every Vessel entering within the Pier of the Harbour by Stress of Weather or for Shelter, and not unloading - - - - - -	0	0	2

SCHEDULE (B.)

	Per Annum.		
	£	s.	d.
For every Fishing Boat or Vessel kept or laid up in or under the Shelter of the Harbour, not exceeding 3 Tons - - - - - -	0	5	0
Above 3 Tons and not exceeding 6 Tons -	0	7	6
For every Pleasure Boat or Vessel under 10 Tons -	1	0	0
Above 10 Tons and not exceeding 20 Tons -	2	0	0
Above 20 Tons and not exceeding 60 Tons -	3	0	0
Above 60 Tons - - - - -	4	0	0
For every Passenger coming to or going from the said Harbour - - - - - -	0	1	0
For every Person embarking - - - - -	0	0	2
For every Person who enters the Pier, except those who embark, 1*d.* each Time, or 2*d.* the whole Day.			

SCHEDULE (C.)

	£	s.	d.
For every open Boat coming within the said Pier, not to pay more than Twice in One Day . . -	0	1	0
For every other Fishing Boat or Vessel, for each Time it shall go out of the said Harbour, having loaded or unloaded therein or within the Limits thereof, of less Burden than 2 Tons and not exceeding 3 Tons -	0	0	6
Above 3 Tons and not exceeding 6 Tons -	0	1	0
Above 6 Tons and not exceeding 10 Tons -	0	1	6
Above 10 Tons and not exceeding 20 Tons -	0	2	0
Above 20 Tons and not exceeding 30 Tons -	0	3	0
Above 30 Tons and not exceeding 40 Tons -	0	3	6
Above 40 Tons - . - -	0	4	0
For every Fishing Pleasure Boat or Vessel coming into the said Harbour, not loading or unloading therein, and lying longer than 12 Hours, unless prevented from departing by Wind or Weather, per Ton per Day - - - - - -	0	0	2

SCHEDULE (D.)

TABLE of RATES and DUTIES of Harbour to be paid on all Goods landed or shipped, as Quay Dues.

	£	s.	d.
Alum, per Cwt. - - - - -	0	0	1
Apples, per Bushel - - - - -	0	0	0½
Ashes of all Sorts, per Ton - - - -	0	1	0
Anchors, per Ton - - - - -	0	1	0
Barley, per Quarter - - - -	0	0	4
Bricks, per Ton of 500 - - - - -	0	1	0
Ballast shipped from the Quay, per Ton - -	0	0	4
Beer, Ale, or Porter, per Barrel - - -	0	0	6
And so in proportion for a greater or a less Quantity.			
Beans, per Quarter - - - -	0	0	4
Bottles, per Gross - - : -	0	0	6
Bales or Packages, per Ton Measurement - -	0	1	6
Brooms, per Dozen - - - -	0	0	0½
Bullocks or Oxen, per Head - - -	0	1	0
Bones, per Ton - - - - -	0	1	0
Basket Rods, per Score Bundles - - -	0	0	6
Barrel Staves (double), per 120 - - -	0	0	9
Ditto (single) ditto - - -	0	0	5
Battens, per 120, and so in proportion - -	0	1	6
Baskets, per Dozen - - - -	0	0	1
Chests or Trunks, each - - -	0	0	6
Calves, per Head - - - - -	0	0	4
Chairs, per Chair - - - - -	0	0	1
Cheese, per Cwt. - - - - -	0	0	3
Cider, per Pipe - - - - -	0	1	6

	£	s.	d.
Cider, per Hogshead	0	0	9
Candles, per Cwt.	0	0	2
Coals or Culm, per Ton	0	1	0
Coopers Flags or Rushes, per Bundle	0	0	0½
Casks packed, per Ton Measurement	0	1	6
Casks empty —			
Pipes, per Pipe	0	0	2
Hogsheads, per Hogshead	0	0	1
Half Hogsheads, per Half Hogshead	0	0	0½
Carriages, per Wheel	0	1	6
Cork, per Cwt.	0	0	3
Cabbage Plants, per 1,000	0	0	1
Corpse, each	0	2	6
Copper, per Cwt.	0	0	1
Ditto, per Ton	0	1	0
Chain Cable, per Ton	0	3	0
Deals, per 120 of 12 Feet, and in that Proportion	0	3	0
Deal Ends, ditto ditto	0	1	6
Dogs, per Head	0	0	3
Earthenware Chimney Tops, each	0	0	1
Earthenware and Glass, per Crate	0	1	0
Eggs, per 1,000	0	0	6
Feathers, per Cwt.	0	2	6
Flour, per Sack	0	0	3
Ditto, per Barrel	0	0	2
Fish, per Ton	0	1	0
Ditto (cured), per Ton	0	1	0
Flax, per Cwt.	0	0	1½
Furniture (Household), 40 Feet to the Ton per Measurement, per Ton	0	1	6
Glass per Crate of 12 Tables, and in that Proportion	0	0	6
Glue, per Cwt.	0	0	2
Groceries, or other dry Goods not herein-before enumerated, per Cwt.	0	0	2
Hats in Case, per Ton Measurement	0	1	6
Hemps, per Cwt.	0	0	1
Herrings, per Barrel	0	0	2
Hoops, per Bundle of 2 Dozen	0	0	0½
Hops, per Cwt.	0	0	6
Hides (raw), per Ton	0	1	6
Ditto (cured), ditto	0	2	0
Horses, per Head	0	2	6
Handspikes, per 100	0	0	6
Iron Ore, per Ton	0	0	3
Iron Metal, per Ton	0	1	0
Jars (Stone), per Dozen	0	0	3
Kitchen Ranges, each	0	1	0
Laths, per 1,000	0	0	1
Lathwood, per Fathom	0	1	0
Lead, per Ton	0	1	0
Leather, per Ton	0	2	0
Lemons, per Chest	0	0	4

	£	s.	d.
Lemons, per Box	0	0	2
Lime, per Ton	0	0	4
Lamb, for every	0	0	0½
Marble (Foreign), per Ton of 12 Feet	0	1	0
Malt, per Quarter	0	0	6
Mules or Asses, each	0	1	0
Nails, per Cwt.	0	0	2
Nuts, per Bushel	0	0	2
Oats, per Quarter	0	0	3
Oranges, per Chest	0	0	4
Ditto, per Box	0	0	2
Oak Timber for Ship building, per Ton	0	1	0
Oakum, per Ton	0	2	0
Oil, per Tun	0	2	0
Oil (Salad), in Chest	0	0	6
Ores and Minerals, except Iron Ore, per Ton	0	1	0
Paper, per Bundle of 4 Reams	0	0	1
Painters Colours, per Cwt.	0	0	2
Potatoes, per Bag of 140 lbs.	0	0	1
Pigs, per Head	0	0	2
Plaster of Paris, per Ton	0	1	0
Pipe Staves (double), per 120	0	1	0
Ditto (single), Ditto	0	0	8
Pipe Clay	0	0	4
Pitch or Resin, per Ton	0	1	0
Rags, ditto	0	1	0
Sheep, per Head	0	0	1
Salt, per Ton	0	1	0
Seeds, per Bushel	0	0	2
Slates (Rag) prepared, per 100 Feet	0	0	4
Ditto, cut and prepared, per 1,000 Tale	0	0	6
Ditto, common, Ditto	0	0	3
Stone (Portland), 16 Feet to the Ton, per Ton	0	1	0
Ditto (Paving), Swanage or other, per 100 Feet superficial	0	1	0
Ditto (Blue), ditto	0	0	2
Soap, per Cwt.	0	0	2
Sugar, ditto	0	0	2
Spirits and Wine, per Pipe, Butt, or Puncheon	0	4	0
Shot, per Cwt.	0	0	1
Timber, per Load	0	1	0
Trawl Beams, each	0	0	2
Tea, per Chest	0	0	6
Ditto, per Half ditto	0	0	3
Ditto, per Quarter ditto	0	0	2
Tallow, per Ton	0	1	0
Tin, per Box	0	0	2
Tobacco, per Cwt.	0	0	2
Trees (Fruit), each	0	0	2
Tar, per Barrel	0	0	2
Wool, per Bag	0	1	0
Wheat and Peas, per Quarter	0	0	6

	£	s.	d.
For all other Goods, Wares, and Merchandize not hereinbefore particularly specified, shipped or landed on or within the said Pier or Harbour or its Limits, by the Ton Weight or Measure, according to the Nature of such Articles, the Sum of - -	0	1	0

In the Case of any of the foregoing Goods, Wares, and Merchandize being landed or discharged from any Ship or Vessel putting into the said Harbour in Distress, and being obliged to discharge her Cargo to repair Damages, the same shall only be liable to the said Tolls on landing if re-shipped by the same Owner on board the same or any other Vessel.

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