ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xlii.

An Act for improving, maintaining, and regulating the Harbour of *Teignmouth* and the Navigation of the River *Teign* in the County of *Devon*.

[19th *May* 1836.]

WHEREAS the Navigation from the *Stover* Canal, through a Stream called *Whitlake*, and the River *Teign*, to the Influx of the said River with the Sea, is much impeded and obstructed by Shoals, which prevent the free Passage of Vessels to and from the Harbour of *Teignmouth*, except in Times of Flood or the High Water of Spring Tides: And whereas the Right Honourable *Hugh Charles* Lord *Clifford* is or claims to be Lord of the Manors of *West Teignmouth* and *Ringmore*, and as such is entitled to demand and receive a Sum of Sixpence for any strange Vessel that shall anchor in any Part of the said Harbour belonging to him; and the Devisees in Trust under the Will of the late Earl of *Devon* are or claim to be Lords of the Manors of *Kenton* and *East Teignmouth*, and as such are entitled to demand and receive a Sum of Sixpence for any strange Vessel that shall anchor in any Part of the said Harbour belonging to them; and which said Harbour of *Teignmouth* is situate within the said Manors of *West Teignmouth* and *Kenton* and *East Teignmouth*, and in the Parishes of *West Teignmouth* and *East Teignmouth*, or in the Manor of *Ringmore* and Parish of *Saint Nicholas*, or partly in each of such Parishes and Manors: And whereas it would be of great Advantage to the Merchants, Traders, Owners, and Masters of Vessels using the said Harbour of

Teignmouth, or navigating the said River *Teign*, and to the Inhabitants of the surrounding Country, if the said Harbour and Navigation were improved, and proper Regulations made for the Repairs, Improvement, Maintenance, and Government of the said Harbour and Navigation, and of all Persons and Vessels employed in, about, or using the same; but as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lords of the said Manors of *West Teignmouth* and *Kenton* and *East Teignmouth* respectively for the Time being, the Owner of the said Canal called the *Stover* Canal for the Time being, *Henry Knight* and *William Blount*, together with Sir *Walter Palk Carew* Baronet, *John Comyns* Clerk, *Nicholas Watts* Clerk, *Thomas Whipham* Clerk, *Ayshford Wise*, *George Templer*, *Samuel Whiteway* the younger, *Thomas Pinsent* of *Greenhill*, *William Vallance*, *Nicholas Baker*, *Samuel Branscombe* the younger, *John Vicary*, *John Milward* the younger, *Gustavus Clarke*, *William Langmead*, *William Mackworth Praed*, *John Sweetland*, *William Cartwright*, *Elias Pitts Brewer*, *Thomas Clapp*, *Warwick Hele Tonkin*, *John Rendell*, *William Wilking*, *Andrew Howard*, *William Boden*, *Thomas Fox*, *John Carroll Hele*, *Richard Tapper Parsons* the younger, *George Savage Curtis*, *Richard Eaton*, *John Chappell Tozer*, *Jacob Bickford Bartlett*, *William Rufus Jordan*, *Edward Croydon*, and *John Strachan*, shall be and they are hereby appointed the Commissioners for carrying this Act into execution.

Commissioners appointed.

Power to appoint additional Commissioners.

II. And be it further enacted, That it shall be lawful for the said Commissioners at their First or Second Meeting to be holden in pursuance of this Act to elect, nominate, and appoint any Number of fit and proper Persons (not exceeding Two in the whole) being duly qualified to be Commissioners for the Purposes of this Act, in addition to the Commissioners hereby nominated and appointed, and such Commissioners so elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly named and appointed.

For appointing new Commissioners.

III. And in order to secure due Attention to the Improvement of the Harbour of the said River *Teign* the said Twenty-one last-named Commissioners have, in pursuance of an Agreement entered into by the several Parties interested in the procuring and passing of this Act, been selected from among the Owners or Occupiers of Lands and Tenements within the Parishes of *East Teignmouth*, *West Teignmouth*, and *Saint Nicholas*, and the remaining Fourteen Commissioners (exclusive of the said Lords of the said Manors, the Owner of the said Canal called the *Stover* Canal, the said *Henry Knight*, the said *William Blount*, and the Two Commissioners to be appointed in pursuance of the Power herein-before contained,) have been selected from the Owners or Occupiers of Lands and Tenements lying contiguous or near to the Banks of the said River *Teign*, and interested in the Improvement of the Navigation of the same; and it is expedient that the said Proportion of Twenty-one Commissioners and Fourteen Commissioners should be preserved; be it enacted, That in the event of any of the said Twenty-one last-named Commissioners declining to accept or exercise the Duties of the said Office of Commissioner, or in the event

of the Office of any One of the said Twenty-one last-named Commissioners becoming vacant by the Death or Absence from *England* for Five Years without Interruption of any of the said Twenty-one last-named Commissioners, it shall be lawful to and for such of the said Twenty-one as shall be surviving or continuing Commissioners to nominate, elect, and appoint such other Person or Persons as they shall think fit to be a Commissioner or Commissioners in the Room or Stead of any such Commissioner or Commissioners so declining or becoming incompetent to act, and so from Time to Time as often as any Vacancy shall occur in the Number of the said Twenty-one last-named Commissioners; and in like Manner such of the said Fourteen Commissioners as shall be surviving or continuing Commissioners, in case of any Vacancy in the said Number of Fourteen, shall from Time to Time nominate, elect, and appoint such other Person or Persons as they shall think proper in the Room or Stead of any of the said Fourteen Commissioners so declining or becoming incompetent to act; and every such Commissioner or Commissioners who shall be so nominated, elected, and appointed shall have the like Power and Authority in the Execution of this Act as if he or they had been hereby nominated and appointed for that Purpose.

Qualification of Commissioners.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be, in his own Right or in the Right of his Wife, or in both Rights, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Thirty Pounds above Reprisals, or possessed of a Personal Estate of One thousand five hundred Pounds; and if any Person not being so qualified shall presume to act in the Execution of this Act, then and in such Case every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information.

Commissioners to make a Declaration.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering and receiving the Declaration herein-after mentioned) until he shall have made and subscribed before any Five or more of the said Commissioners, at a public Meeting to be holden by virtue of this Act, a Declaration in the Words or to the Effect following; (that is to say,)

Declaration.

'I *A.B.* do solemnly and sincerely declare, That I am *bonâ fide* in my 'own Right [*or* in the Right of my Wife, *or* conjointly in the Right 'of myself and Wife, *as the Case may be*] in the actual Possession of [*or* 'in the Receipt and Enjoyment of] the Rents and Profits of Freehold '[*or* Copyhold or Customary] Lands, Tenements, or Hereditaments for 'a Life or Lives [*or* in which I am *or* One of us is entitled to some 'Estate of Inheritance] of the clear yearly Value of Thirty Pounds above 'Reprizes [*or* am possessed of Personal Estate to the Value of One 'thousand five hundred Pounds]; and that I will faithfully and impar-'tially, according to the best of my Judgment, execute and perform the 'Powers and Authorities reposed in me as a Commissioner by virtue of an 'Act passed in the Sixth Year of the Reign of His Majesty King *William*

'the

' the Fourth, intituled [*here set forth the Title of this Act*]; and I make ' this solemn Declaration conscientiously believing the same to be true.'

And any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Commissioners not to act as such if holding any Office of Profit.

VI. Provided always, and be it further enacted, That no Commissioner shall be capable of acting or voting as such during the Time he shall hold any Office of Profit under the said Commissioners, or in any Case wherein he shall be personally interested, except Mortgagees or Holders of Securities; and at all Meetings to be holden in pursuance of this Act the Commissioners shall defray their own Expences, except for the Hire or Use of the Room or Place in which they shall hold their Meetings.

Meetings of Commissioners.

VII. And be it further enacted, That the said Commissioners shall hold their First Meeting upon the Sixth *Tuesday* next after the passing of this Act at the Court-house or some convenient Place in the Town of *Teignmouth*, of which Seven Days Notice at least shall be given in One of the *Devonshire* Newspapers, such Meeting to take place between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall afterwards meet from Time to Time where the said Commissioners shall think fit on giving Ten Days Notice of such Meeting in Writing signed by the Clerk of the said Commissioners, and sent by the Post to each of the Commissioners, unless in Cases of Adjournment, when no Notice shall be required; and at all Meetings there shall be present at least Five Commissioners, and the Powers and Authorities granted by this Act shall from Time to Time be exercised by such Five Commissioners present, or by the major Part of the Commissioners present at any Meeting; and at every Meeting One of the Commissioners to be appointed by the Majority of the Commissioners present shall be Chairman, and in case of an equal Number of Votes on any Question, including that of the Chairman, such Chairman shall have a second or casting Vote; and it shall be in the Power of the said Commissioners, or any Three or more of them, from Time to Time and at any Time to require a Special Meeting of the Commissioners as they shall see Cause by Requisition in Writing to the Clerk, who within Two Days after receiving the same shall be and he is hereby required to call a Meeting of Commissioners in manner before mentioned: Provided always, that the said Commissioners shall not have Power, at any Meeting of Commissioners under this Act, to displace or elect any Clerk, Treasurer, Engineer, Harbour Master, or Superintendent of Works, or to fix any Rates, Duties, or Tolls, or to borrow Money, or to pledge the Security of the Rates and Duties by this Act authorized to be levied, unless the Requisition or Notice of such Meeting shall, in addition to the Time and Place of Meeting, specify also the particular Object or Purpose thereof.

Appointment of Officers;

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to appoint a Clerk, Treasurer, Collector, Harbour Master, and other Officer or Officers for managing their Business and Affairs under the Authority of this Act, and from Time to Time to remove such Clerk, Treasurer, or other Officers, or any of them, and to appoint others in their Stead, and to settle such reasonable Fees and Salaries for them as to the said Commissioners shall appear to be just and proper;

proper; and the said Clerk, Treasurer, or other Officers shall keep fair and regular Books of the Proceedings of the said Commissioners, and proper Accounts in relation to the Rates, Duties, and Tolls hereby granted, and the Application thereof, which Books and Accounts shall be open at all reasonable Times to every Person having Interest therein who shall demand Inspection thereof, and in general shall observe and follow such Rules, Orders, and Directions as the said Commissioners may from Time to Time or at any Time direct and appoint; and the said Treasurer, Collector, and other Officers to be appointed as aforesaid shall give such good and sufficient Security to the said Commissioners for all and every Sums of Money to be received by them, and for the just and faithful Execution of their respective Offices, as to the said Commissioners shall appear reasonable and proper.

who shall keep Books and Accounts;

and give Security.

IX. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk, or other Person in the Service or Employ of such Clerk, or the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed the Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall accept both 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 such Clerk or of his Partner, shall accept the Office of 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 in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Clerk or Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Commissioners other than that of Clerk or 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 His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Plaint, Bill, or Information.

Clerk and Treasurer to be different Persons.

X. And be it further enacted, That the Treasurer to the said Commissioners for the Time being shall and may and he is hereby authorized and required, out of the Monies which shall be collected and obtained and paid to his Account by virtue of this Act, to pay all such Sum or Sums of Money (the Payment thereof to be ordered at a Meeting of the Commissioners in the Execution of this Act only) which the said Commissioners shall draw on him for or order him to pay by Writing under the Hands of any Five or more of them; and the said Treasurer is hereby required to keep regular and fair Entries in a Book or Books to be for that Purpose provided, of all and singular his Receipts and Payments made on account of or in pursuance of this Act, in such Form and Manner as the said Commissioners shall require and direct, and shall from Time to Time produce the said Books, Accounts, and Vouchers thereto, to be audited by the said Commissioners at some Meeting to be holden in pursuance of this Act for such Purpose.

Treasurer authorized to pay Monies.

Plan and Book of Reference to remain with the Clerk of the Peace.

XI. And be it further enacted, That the Map or Plan describing the said Harbour, River *Teign* and Navigation, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of the Lands and Hereditaments in, through, or over which the same pass, which has been deposited at the Office of the Clerk of the Peace for the said County of *Devon*, shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at any reasonable Time have Liberty to inspect and peruse the same, and take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every One hundred Words of such Copies or Extracts.

Omission of the Names of Owners not to delay the Works.

XII. Provided always, and be it further enacted, That the said Commissioners may make the said Improvements in, through, or upon the Lands, Tenements, Hereditaments, or Fisheries set out or described in the said Map or Plan as aforesaid, although the Name or Names of the Owner or Owners or Occupier or Occupiers of the Premises may happen to be omitted or erroneously stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Devon*, and be certified by Writing under their Hands, that such Omission or Error proceeded from Mistake.

Subscribers to pay their Subscriptions.

XIII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for or towards such Improvement, and for the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times and in such Parts or Proportions as is or are expressed in the Writing subscribed by them or on their Behalf, as the said Commissioners shall order and direct, and the same shall be paid to such Person or Persons as the said Commissioners shall by any Writing under their Hands authorize to receive the same, and the whole probable Expence of the Works intended to be done in pursuance of this Act shall be subscribed in like Manner before the Powers and Authorities in this Act contained shall be put in force; and if any Person or Persons shall neglect or refuse to pay their respective Subscriptions or any Part thereof as aforesaid, it shall be lawful for the said Commissioners or their Clerk for the Time being to sue for and recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information; and all such Monies shall be vested in the said Commissioners, and applied as herein-after mentioned.

Works to be done by the Commissioners.

XIV. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered, by themselves, their Deputies, Servants, Agents, and others, to cut, deepen, scour, cleanse, extend, widen, improve, and make more navigable the said River and Navigation from the said *Stover* Canal to the Sea, and to remove, scour, cleanse, and deepen, as well the Bar at the Influx of the said River with the Sea, as to cleanse, dredge, scour, and improve the said Harbour and Navigation, so that the Bed or Channel of the said River *Teign* shall be at least as deep as the Sill of the Lock of the said *Stover* Canal in every Part thereof, and to widen and make the same to such Depth as may be

found expedient for enabling Vessels resorting to the said Harbour of *Teignmouth* to pass and repass to and from the Sea, or Barges, Boats, and Lighters to pass and repass to and from the said *Stover* Canal with Safety and Facility, and also to make, build, and erect any Piers, Walls, or Embankments which may be necessary for securing or preserving the said Works, or the Navigation of the said River *Teign*, or the Entrance thereof, from the Sea: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable the said Commissioners to make, build, or erect any Piers, Walls, or Embankments in, along, or by the Sides or Banks of the said River *Teign*, from the Point of its Influx into the Sea to *Risdons Point* on the one Side and *Ringmore Point* on the other Side of the said River, without the Consent in Writing of the Owner or Owners of the Land adjoining or lying by the Side of the said River between the said Points first had and obtained, nor to lay, place, or deposit any Mud, Soil, Sand, Rubbish, Stones, Gravel, or Rock in any Part of the said River between High-water Mark on the one Side and High-water Mark on the other Side within the aforesaid Limits, nor on the Banks or Sides of the said River within the same Limits, without the like Consent in Writing of the said Owner or Owners first had and obtained: Provided also, that nothing in this Act shall extend or be construed to extend to enable the said Commissioners to vary, alter, or divert the present Course or Channel of the said River *Teign* beyond the High-water Mark thereof at Spring Tides, or to lay, place, or deposit any Mud, Soil, Sand, Rubbish, Gravel, or Rock upon any of the Banks or Sides of the said River beyond such High-water Mark, or to take or cut through any Land, nor exceed Twenty Feet from the Banks of the said River, without the Licence and Consent of the Owners of the Lands adjoining: Provided also, that the said Commissioners shall and they are hereby empowered and required from Time to Time and at all Times hereafter, when thereunto requested by Notice in Writing from the Lord of the Manor of *Kingsteignton* for the Time being, or his Steward or Agent for the Time being, (and which Notice shall be served on the Clerk of the said Commissioners, or left at his usual Place of Abode or Business,) to cause the Channel called *Hackney Channel* adjoining the Banks of the said River to be dredged, cleansed, and scoured, and the Course thereof by such dredging, cleansing, scouring, or improving to be at all Times kept open and made navigable to or near the Point marked with the letter I. on the Red Line of the said Map or Plan so deposited at the Office of the Clerk of the Peace for the said County of *Devon*, so that the last-mentioned Channel and the Bed of its Course to the said Point may be always kept and maintained to at least the same Depth and Width and to the same Level in every respect as the Channel which is marked with a Red Line on the said Map or Plan, any thing in this Act contained to the contrary thereof in anywise notwithstanding; and which said Channel called *Hackney Channel*, and its Course to the said Point marked with the Letter I. is more particularly delineated by a Blue Line on the said Map or Plan.

Commissioners empowered to determine the Harbour of Teignmouth, and make Bye Laws.

XV. And be it further enacted, That the said Commissioners shall have full Power and Authority and they are hereby required to determine and declare the Boundaries of the said Harbour of *Teignmouth*, and to put down some clear Mark or Token by which the Boundaries of the said Harbour can be recognized and known, and particularly to determine and declare in such Manner the Boundaries of the said Parishes of *West Teignmouth*

mouth and *East Teignmouth*, and the Boundaries of the said Manors of *West Teignmouth*, *Kenton*, and *East Teignmouth*, and the Boundaries of the said Parish of *Saint Nicholas* and Manor of *Ringmore*, as connected with the said Harbour; and also to put down or order to be put down in the said Harbour such Buoys or Beacons as to the said Commissioners shall seem fit; and also to make such Bye Laws, Orders, and Regulations as to the said Commissioners shall seem proper, as well for the good Government of the said Harbour and the Officers connected therewith, as for the Navigation of the said River *Teign*, and for regulating and conducting Ships, Boats, Barges, Lighters, and other Vessels in, through, out of, and in the said Harbour and the said Navigation; and for the better Regulation of the Fisheries of the said River, and the Preservation of the Oyster Beds, Salmon, and other Fish, and the Fisheries thereof; and generally for the Control, Order, Management, and Disposition of all Matters and Affairs connected with the Execution of the Powers by this Act granted, and from Time to Time to alter, amend, and repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to fix and declare such reasonable Fines and Penalties upon all Persons offending against the same, not exceeding the Sum of Twenty Pounds for any Offence, such Fines and Penalties to be levied and recovered as other Penalties may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing and printed and published, shall be affixed in a conspicuous Part of the said Town of *Teignmouth*, and painted on a Board or Boards in White Letters on a Black Ground or Black Letters on a White Ground, One Inch at least in Length and of a Breadth in proportion; and also shall affix and publish in like Manner a Table or List of the Rates, Duties, and Tolls to be collected and made payable by virtue of this Act, and which Board or Boards shall be so continued in such conspicuous Place, and shall be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and a Copy of such Bye Laws, Orders, and Rules shall be delivered to any Person or Persons requiring the same on Payment of the Sum of Two Shillings and Sixpence; and such Bye Laws, Rules, and Orders shall be binding upon and be observed by all Persons, and shall be sufficient in any Court of Law or Equity or other Judicature to justify all Persons who shall act under the same; provided that such Bye Laws, Orders, and Rules shall not be repugnant to any of 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 so far as any Bye Law, Order, and Rule, or Repeal of any Bye Law, Order, and Rule, may affect the Rights of the Lords of the said Manors of *West Teignmouth* and *Ringmore*, *East Teignmouth* and *Kenton*, or either of them, the same shall not be binding either at Law or in Equity unless made with the Consent of the Lord or Lords of the Manor whose Rights may be so affected, such Consent to be signified in Writing under the Hand of such Lord or Lords, or under the Hand of the Agent or Agents of such Lord or Lords: Provided also, that no Bye Law, Order, and Rule as aforesaid shall be binding either at Law or in Equity, nor the Alteration or Repeal of any Bye Law, Order, or Rule be effectual for any Purpose whatsoever, unless such Bye Law, Order, and Rule shall be made, or the Alteration or Repeal of such Bye Law, Order, and Rule be determined on, at a Meeting to be specially called for that Purpose in pursuance of a Requisition or Notice in Writing, to be signed by any Three or more of the said Commissioners, to the Clerk, and unless such Notice

or

or Requisition shall, in addition to the Place of Meeting, specify the Bye Law, Order, or Rule sought to be made, altered, or repealed; and the Clerk shall, within Three Days after receiving such Notice or Requisition, and he is hereby required, to call a Meeting of the said Commissioners, as by this Act required, to take into consideration the Contents of such Notice or Requisition; but nevertheless no Bye Law, Order, or Rule sought to be made shall be binding, nor the Alteration or Repeal of any Bye Law, Order, or Rule be effectual, either at Law or in Equity, unless made, altered, or repealed at a Meeting where the Majority in favour of such Bye Law, Order, or Rule being made, altered, or repealed shall consist of not less than Ten Commissioners at the least.

Commissioners may purchase Lands, &c.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners to contract and agree with any Person or Persons, Body or Bodies Corporate or Collegiate, as shall be or be deemed to be Owner or Owners, Proprietor or Proprietors of any Lands, Quays, Buildings, Tenements, and Hereditaments which the said Commissioners shall judge necessary for the improving the said Harbour and Navigation, or for opening any Road or Communication to the said Harbour or Navigation, for the absolute Purchase of all such Lands, Quays, Buildings, Tenements, and Hereditaments, or any of them.

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

XVII. And be it further enacted, That it shall be lawful for all Bodies Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to and for all Tenants for Life, or for Years determinable on any Life or Lives, and Tenants in Fee Tail, General or Special, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issues unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in any Lands, Houses, Projections, Islands, Quays, Wharfs, Encroachments, Lands, Buildings, Tenements, or Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes thereof, to contract for, sell, and convey the same and every Part thereof to the said Commissioners; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit of; (that is to say,)

Form of Conveyance.

‘ I of in consideration of the Sum of to me paid by the Commissioners appointed ‘ by virtue of an Act passed in the Sixth Year of the Reign of King ‘ *William* the Fourth, intituled [*here set forth the Title of this Act*], do ‘ hereby grant and release to the said Commissioners all [*describing the Pre-* ‘ *mises to be conveyed*], together with all Ways, Rights, and Appurtenances ‘ thereunto belonging, and all my Estate, Right, Title, and Interest in and ‘ to the same, and every Part thereof, to hold to the said Commissioners ‘ and their Successors for ever, according to the true Intent and Meaning

‘ of the said Act. In witness whereof I have hereunto set my Hand and
‘ Seal this Day of in the Year of our Lord
‘ One thousand eight hundred and .’

Commissioners empowered to sell Lands not wanted.

XVIII. And whereas the said Commissioners may be seised of Land, Buildings, Tenements, or Hereditaments which may not be wanted or necessary for effectuating the Purposes of this Act; be it therefore enacted, That it shall and may be lawful for the said Commissioners and they are hereby required, at any Time within Three Years after they shall be so seised, to sell and dispose of such Land, Buildings, Tenements, or Hereditaments, together or in Parcels, either by public Sale or private Contract (as they shall find most expedient), to such Person or Persons as shall be willing to contract for the Purchase of the same.

Owners of Lands adjoining to have the first Offer.

XIX. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell and dispose of any Land, Buildings, Tenements, or Hereditaments not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Owner of any adjoining Land; and if such Owner shall refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, a Declaration shall be made and subscribed before a Justice of the Peace for the said County of *Devon*, who is hereby empowered and required to take the same, by some Person or Persons in noways interested in the said Land, Buildings, Tenements, or Hereditaments, stating that such Offer was made by and on behalf of the said Commissioners, and that such Offer was refused or was not agreed to by the Person or Persons to whom the same was made, which shall be sufficient Evidence and Proof in all Courts whatsoever that such Offer was made and refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Land, Buildings, Tenements, or Hereditaments, but shall differ or not agree with the said Commissioners on account of the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner hereafter mentioned; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed for ascertaining the Satisfaction for Damages; and the Money which shall arise by the Sale or Sales which may be made by the said Commissioners of such Land, Buildings, Tenements, or Hereditaments as aforesaid shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication of such Money; and the Conveyances of such Land, Buildings, Tenements, or Hereditaments shall be made to the Purchaser or Purchasers thereof in such Form and Manner as herein mentioned with respect to the Conveyances to be made of the Land wanted for the Purposes of this Act, or as near thereto as Circumstances will permit, and such Conveyances so to be made by the said Commissioners shall respectively be under the Hands and Seals of any Three or more of such Commissioners.

Power to levy Rates and Duties on Vessels and Goods.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, their Officers or Servants, and all such Person or Persons who are, shall, or may be commissioned, employed, or empowered by them, and they are hereby authorized and empowered, to demand

and receive upon every Ship, Boat, or other Vessel coming to the said Harbour of *Teignmouth* from Sea, any Sums not exceeding the several Rates and Duties contained in the Schedule (A.) hereunto annexed, and also to demand and receive from the Master of any Ship, Boat, or other Vessel containing any Goods, Wares, Merchandize, and Commodities whatsoever which shall be imported or exported to or from the said Harbour of *Teignmouth*, any Sums not exceeding the several Rates and Duties which are specified and contained in the Schedule (B.) hereunto annexed, and also to demand and receive from the Owner, or the Master or Person, Masters or Persons, in charge of any Barge, Lighter, or other Vessel which shall navigate the said River *Teign* or any Part thereof between the said Harbour of *Teignmouth* and the said *Stover* Canal, for every Ton of Goods, Wares, Merchandize, or Commodities whatsoever, a Toll not exceeding Two-pence *per* Ton, such respective Rates, Duties, and Tolls being over, besides, and in addition to all other Customs, Tolls, Rates, and Duties which the said Lord of the Manors of *West Teignmouth* and *Ringmore*, and the said Lord or Lords of the Manors of *Kenton* and *East Teignmouth* for the Time being, or any other Person or Persons, is or are at present entitled to demand, collect, levy, recover, receive, and take from and upon any Vessel or Vessels frequenting the said Harbour of *Teignmouth*, under the Name of Customs, Anchorage, Town Dues, or under whatsoever Denomination the same may be levied or received; provided that nothing in this Act contained shall authorize the said Commissioners to levy any Rate, Duty, or Toll on any Boats, Yachts, or Vessels used for Purposes of Pleasure, and belonging to the said Harbour, or belonging to any Person or Persons resident or sojourning in the Parishes of *West Teignmouth* and *East Teignmouth* aforesaid, or either of them, or in the Parish of *Saint Nicholas* aforesaid, or on Passage Boats for Passengers only with their ordinary Luggage, or on Boats in the Fishing Trade which carry fresh Fish only into the said Harbour, or up or down the said River, nor upon any open Boats carrying Stone into the said Harbour for the Purpose of building or any other Use, nor upon any Boat or Barge conveying Dung, Lime, or Manure for the Use of the respective Farms on the Banks of the said River.

Exemption of Pleasure Boats, &c.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge with the Payment of any of the Rates or Duties by this Act imposed and made payable any of His Majesty's Ships, Vessels, Boats, or other Craft, or any other Ship, Vessel, Boat, or Craft whatsoever or belonging to any of the Royal Family, in the Service of His Majesty's Customs or Exeise, or Navy or Victualling Departments, or in the Service of the Board of Ordnance or of His Majesty's Postmaster General, nor any Vessel which may be seized by the Officers of His Majesty's Revenues, nor any Goods, Wares, or Merchandize the Property of the Crown or under Seizure, nor any Articles shipped or landed for the Public Service, nor any Ship, Transport, or Packet employed in His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage belonging to them or any of them; but if any Person shall claim and take the Benefit of any Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Rates and Duties imposed by this Act.

Exemption for His Majesty's Vessels, &c.

XXII. Pro-

Power reserved to His Majesty and to the Lords of the Treasury to reduce Duties on Foreign Ships, &c.

XXII. Provided always, and be it further enacted, That it shall and may be lawful to and for His Majesty, in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times when He and they shall deem fit so to do, in and by His or their Order in Writing, to reduce the Duties hereby made payable on all or on so many of the Foreign Ships or Vessels, and on all or so many of the Goods or Merchandizes imported or exported in Foreign Bottoms, as He or they in their Judgment shall deem expedient, to the same and like Duties as are hereby made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by the same.

Expences of Act how to be paid.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required and empowered, to pay and apply the Monies which shall arise and be received by them from the Rates and Duties hereby made payable, and more particularly described and enumerated in the Schedule (A.) and the Schedule (B.) hereunto annexed, in the first place, in payment and discharge of all the Costs, Charges, and Expences of applying for and obtaining and passing this Act, or incidental thereto, together with lawful Interest for any Money advanced for such Purposes, and afterwards in the Improvement of the said Bar and Harbour of *Teignmouth*, and in payment and in discharge of the Fees of the Officers and Servants employed for the Affairs of the said Commissioners; and the said Commissioners are hereby required and empowered to pay and apply the Monies which shall arise and be received by them from the Tolls hereby made payable on the Goods, Wares, Merchandize, and Commodities which shall be conveyed up or down the Navigation of the said River *Teign* in payment and discharge of the Costs and Expences which may be incurred in the removing the Shoals and Obstructions in and in improving the Navigation of the said River, in manner herein-before mentioned.

Authorizing Commissioners to remunerate any Officer who may be appointed by the Lords Commissioners of His Majesty's Treasury.

XXIV. Provided also, and be it further enacted, That in case the Lords Commissioners of His Majesty's Treasury, or the Commissioners of His Majesty's Customs, shall appoint a proper Officer or Officers at the said Harbour of *Teignmouth*, and shall make such Regulations and Arrangements as shall render the said Harbour free of any other Port, and grant to the said Harbour the Privilege of bonding Goods and Merchandize, and such other Privileges as to the Commissioners in the Execution of this Act shall seem sufficient for the Trade and Commerce of the said Port and Harbour, then it shall be lawful for the Commissioners in the Execution of this Act to pay to the Lords Commissioners of His Majesty's Treasury, or to such Person or Persons as they shall appoint, such Sum or Sums of Money, out of and from the said Rates and Duties hereby made payable in the said Schedule (A.) and the said Schedule (B.) hereunto annexed, as the said Commissioners in the Execution of this Act shall deem advisable and think fit, for securing to the said Harbour the Privileges and Advantages aforesaid.

Rates, Duties, and Tolls may be varied.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, at any General or Special Meeting from Time to Time to be held by them, to reduce, vary, and lessen the Rates, Duties, and Tolls by this Act granted for such Time or Times as they shall think proper,

proper, and upon such Description of Ships, Lighters, or other Vessels as they shall think proper, and so from Time to Time, as often as they shall think fit, again to advance and raise the same or any of them to any Sum or Sums of Money not exceeding the Rates, Duties, and Tolls granted by this Act, so that such Alterations of the said Rates, Duties, and Tolls are altered in fair and equal Proportions according to the Intent and Object of this Act; and all such Rates, Duties, and Tolls so reduced and lessened, or advanced and raised again, shall be recovered, levied, applied, and disposed of in like Manner, and be subject and liable to the like Powers, Regulations, and Directions as are herein mentioned with respect to the Rates, Duties, and Tolls by this Act granted.

Commissioners may lease the Rates, Duties, and Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, at any of their General or Special Meetings to be held under and by virtue of this Act, by Writing under the Hands and Seals of any Three or more of them, to let to farm the Rates, Duties, and Tolls hereby made payable, or any Part or Parts thereof, to any Person or Persons, for any Time or Term they shall think proper, not exceeding Seven Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Duties, and Tolls so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates, Duties, and Tolls so let, and shall have the same Power and Authority for collecting and recovering the same as if the said Lessee or Lessees had been appointed for that Purpose by the said Commissioners.

Masters of Ships navigating to report his Cargo.

XXVII. And be it further enacted, That every Master or other Person or Persons having the Command or Charge of any Ship, Lighter, Barge, or other Vessel or Boat which shall arrive in or depart from the said Harbour with any Goods, Wares, Merchandize, or Effects, shall in every Case make his Report of such Ship, Lighter, Barge, or other Vessel, and of her Cargo, to the said Commissioners, their Lessee or Lessees, Collector or Collectors, or to such other Person or Persons as the said Commissioners shall appoint from Time to Time for that Purpose, within Four Hours next after her Arrival within the said Harbour, and previous to her discharging any Part of her Cargo, or previous to her Departure therefrom, as the Case may be; and in default thereof such Master or other Person or Persons as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners or Masters to produce the Register of Tonnage, in default of which Ships, &c. to be measured.

XXVIII. And be it further enacted, That in order to ascertain the Amount and Extent of the Sums payable for the Rates and Duties granted by this Act according to the Tonnage, and contained in the Schedule (A.) hereunto annexed, the Masters or Owners of all Ships, Boats, or other Vessels respectively entering or using or trading to or from the said Harbour of *Teignmouth*, and liable to the Payment of any Rates and Duties by this Act imposed, shall be and they are hereby respectively required to produce to the said Commissioners, their Lessees, Collector or Collectors, or other Officers appointed or authorized by them for the Time being to collect and receive the said Rates and Duties or any Part thereof, the Registers of their respective Ships or other Vessels or Boats,

in order to ascertain the Tonnage thereof, or otherwise such Masters or Owners respectively shall allow, permit, and suffer their respective Ships or other Vessels or Boats, to be measured by the said Commissioners, or by such Person or Persons as the said Commissioners shall from Time to Time nominate and appoint for that Purpose, and shall pay the Rates and Duties hereby granted according to such Register or Measurement, besides the Expences of the Measurement; and every Owner or Master who shall refuse to produce the Register of his Ship or other Vessel, or to allow such Ship or other Vessel to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds, over and above the Tonnage or other Duties with which such Ship or other Vessel may be chargeable by virtue of this Act, to be recovered in manner herein-after mentioned.

Masters of Vessels to produce the Bill of Lading.

XXIX. And be it further enacted, That the Master or other Person or Persons having the Command or Charge of every Ship, Lighter, Barge, Boat, or other Vessel which may enter or leave the said Harbour, or may be using the Navigation of the said River *Teign*, and be liable to the Payment of any of the Rates and Duties by this Act granted, shall produce his or their Bill of Lading, or give a just and true Account of the Lading of such Ship, Lighter, Barge, Boat, or other Vessel, to the said Commissioners, their Lessees, Collector or Collectors, or other Officers appointed or authorized by them for the Time being to collect and receive the said Rates and Duties, or any Part thereof; and every Master or other Person or Persons as aforesaid who shall refuse to produce his or their Bill of Lading, or give such Account, or shall give a false Account of the Lading of the Ship, Lighter, Barge, Boat, or other Vessel under his or their Command or Charge, when thereto required, shall for every such Offence forfeit and pay to the said Commissioners a Sum not exceeding Ten Pounds, over and above the Payment of the said Rates and Duties.

Penalty for attempting to evade Rates, Duties, and Tolls.

XXX. And be it further enacted, That if any Master, Owner, or other Person in charge of any Ship, Barge, Lighter, Boat, or other Vessel, or of any Goods, Wares, or other Commodities liable to the Payment of any Rates, Duties, and Tolls by this Act imposed, or if any Owner, Factor, Consignor or Consignee of any Goods, Wares, or other Commodities liable in or to the Payment of any such Rates, Duties, and Tolls, shall at any Time elude or evade the Payment of the said Rates, Duties, or Tolls by any Means whatever, every such Person shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Twenty Pounds, over and above the Payment of the said Rates, Duties, and Tolls.

For enforcing Payment of Rates and Duties.

XXXI. And be it further enacted, That in case of any Neglect or Refusal to pay the Rates and Duties by this Act granted it shall and may be lawful for the said Commissioners, their Lessees, Collector or Collectors, or other Officers so appointed or authorized as aforesaid, to detain any Ship, Barge, Lighter, or other Vessel coming into or making use of the said Harbour or Navigation in respect of which or of the Cargo thereof the Rates and Duties payable under this Act shall not have been paid, and all Goods, Wares, Merchandize, and Commodities in respect of which such Rates and Duties shall be payable, whether on board such Ship, Boat, or other Vessel, or on Land, until such Rates and Duties shall be fully paid; and if such Payment shall not be made within Three

Days from the Detention of such Ship, Barge, Lighter, Boat, or other Vessel, or Goods, Wares, Merchandize, or Commodities, it shall be lawful for the said Commissioners, their Lessees, Collector or Collectors, or other Officers as aforesaid, to cause any such Ship, Barge, Lighter, Boat, or other Vessel, or such Goods, Wares, Merchandize, or Commodities, or any Part or Parts thereof, to be appraised by Two or more sworn Appraisers or other sufficient Persons not interested therein, and forthwith to sell so much of the same as shall be deemed sufficient to discharge all such Rates and Duties, and all Expences incurred on account of or attending such Sale, or otherwise occasioned by the Nonpayment of such Rates and Duties; and in the event of there being any Overplus of the Money so raised the same shall be paid to the Person or Persons owning or having charge of the said Ship, Barge, Lighter, Boat, or other Vessel, and Goods, Wares, Merchandize, and Commodities, on Demand; and in case any Ship, Barge, Lighter, Boat, or other Vessel shall depart from the said Harbour before Payment has been made of the several Rates and Duties above mentioned, it is hereby further provided that the Owner or Owners and Master of every such Ship, Barge, Lighter, Boat, or other Vessel shall be respectively liable to a Penalty equal to Double the said Rates and Duties so remaining unpaid.

In case of Difference concerning the Weight or Quantity, Collector, &c. may weigh the Goods.

XXXII. And be it further enacted, That if any Difference shall arise between the said Commissioners, their Lessees, Collector or Collectors, or other Officers so authorized as aforesaid, and the Master or other Person having the Charge or Care of any Ship, Barge, Lighter, Boat, or other Vessel entering or leaving the said Harbour, or the Owner, Factor, Consignor, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for the said Commissioners, or any such Lessees, Collector or Collectors, or other Officers so authorized as aforesaid, to stop and detain any such Ship, Barge, Lighter, Boat, or other Vessel, and to measure or gauge such Ship, Barge, Lighter, Boat, or other Vessel, and to weigh, measure, and gauge all such Goods, Wares, and Merchandize, or other Matters or Things, as shall be therein embarked or contained; and in case the same shall, upon any such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Barge, Lighter, Boat, or other Vessel, then it shall and may be lawful to and for the said Commissioners, or for their Lessees, Collector or Collectors, or other Officers so authorized as aforesaid, and they and each of them are and is hereby authorized and empowered, to charge for such Goods and Things according to the Weight or Quantity thereof found upon such weighing, or declared by such weighing, measuring, and gauging as aforesaid; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the said Rates and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, and Merchandize, or other Matters or Things, shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Commissioners, their Lessees, Collector or Collectors, or other Officers so authorized as aforesaid, as

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the Case may be, shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention; and in default of Payment thereof the same shall be recovered by such Master or other Person, or by such Owner or Owners as aforesaid, from the said Commissioners, by an Order or Orders to be granted to the said Masters or Owners for that Purpose under the Hands of any Two or more Justices of the Peace for the said County of *Devon*, which Order or Orders such Justices are hereby authorized and required to grant under their Hands on Application made to them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, and which Costs and Damages the said Commissioners are hereby required to pay.

For settling Disputes concerning the Rates.

XXXIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Duties, or Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, until the Amount of the Rates, Duties, or Tolls due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County of *Devon*, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Duties, and Tolls due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in Case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same by Warrant under the Hand and Seal of such Justice.

Satisfaction to be made to Persons sustaining Damage.

XXXIV. And be it further enacted, That if any Person or Persons shall at any Time or Times sustain any Damage in his, her, or their Lands, Tenements, Fisheries, or other Hereditaments by the Execution of the Powers of this Act, or by any Neglect or Default of the said Commissioners, or of the Workmen employed by them in the specific Operations by this Act authorized, then and in such Case Satisfaction shall be made and given by the said Commissioners to the Proprietors, Occupiers, or other Persons interested in such Lands, Tenements, Fisheries, or other Hereditaments, for what Damage shall be done and occasioned in manner aforesaid, such Damages to be satisfied and paid from the Funds leviable, borrowed, or realized in virtue of the Powers contained in this Act.

Damages to be ascertained by a Jury.

XXXV. And be it further enacted, That if any such Person or Persons cannot agree with the said Commissioners respecting the Satisfaction and Damage which he, she, or they may sustain from Time to Time to his, her, or their Lands, Tenements, Fisheries, or other Hereditaments, by the Execution of the Powers of this Act, and shall give Notice in Writing to the Clerk of the said Commissioners, requiring a Jury to be summoned for the Purpose of determining such Satisfaction and Damages, and such Person or Persons giving such Notice shall be deemed Plaintiff or Plaintiffs, then and in every such Case the said Commissioners, or any Three or more of them, shall and they are hereby required and empowered, within Five

Five Days after the Receipt of such Notice by the Clerk to the said Commissioners, or after the Expiration of Five Days after the Delivery of such Notice by the said Clerk (as the Case may be), to issue a Warrant under their Hands and Seals directed to the Sheriff of the said County of *Devon*, commanding such Sheriff to impannel, summon, and return a Jury, and the said Sheriff is hereby required accordingly to impannel, summon, and return a Jury of Twelve honest, sufficient, and indifferent Men, qualified according to the Laws of the Realm for the Time being to be returned for the Trial of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby empowered and required, by a Summons or Notice to be signed by such Sheriff previous to or at the Time of any such Meeting or Meetings, to call before them all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching and concerning the Premises, and the said Sheriff may order and authorize the said Jury, or any Six or more of them, either before or after they are sworn, to view the Place or Places, Matter or Matters in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called on to give Evidence, the said Sheriff is hereby empowered and required to administer,) shall inquire, assess and ascertain what Damages have or may have been sustained by and what Satisfaction shall be made to such Proprietors, Occupiers, or other Person or Persons interested, for or on account of the Execution of the Powers of this Act; and after the said Jury shall have inquired of and ascertained and settled such Damages and Satisfaction the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Proprietors, Occupiers, or other the Person or Persons interested in the said Lands, Tenements, Fisheries, or other Hereditaments, according to such Verdict and Inquisition of the said Jury, and shall give Judgment for such Satisfaction and Damages assessed by such Jury; which said Verdict or Inquisition, Order or Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive against all and every Person and Persons claiming any Satisfaction or Damage from the said Commissioners by the Operations of this Act, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster* or any other Courts, notwithstanding any Law or Statute to the contrary thereof.

Penalty on Persons refusing to be Jurors or give Evidence.

XXXVI. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give his Verdict, or shall in any Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Rules and Regulations and to the same Pains and Penalties for such Default, as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear after having

having been tendered a reasonable Sum for his or their Costs, Charges, and Expences, or shall not allege sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined, or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before Two or more of His Majesty's Justices of the Peace for the County or Place in which the Matter or Question shall arise upon the Oath of Two or more credible Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, according to the Discretion of the said Justices; and in case any such Penalty shall not be forthwith paid it shall and may be levied by virtue of any Warrant under the Hand and Seal of the said Justices by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus (if any) after such Penalty and Charges of such Distress and Sale shall have been deducted; and every such Penalty which shall be paid by or recovered from any Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Expences of a Jury how to be paid.

XXXVII. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of Witnesses, and also the Bond to be given by the Parties requiring such Jury to be summoned as herein-after mentioned, shall be defrayed by the said Commissioners, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff or his Under Sheriff; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place wherein such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Commissioners, or in case the said Commissioners shall have required a Statement of the Manner in which any Amount of Money which shall have been demanded as a Satisfaction, Recompence, or Compensation has been computed and made up, and the Jury shall be of opinion that no sufficient Statement was delivered by the Claimant to enable the said Commissioners to make a proper Offer, One Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of

the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not hereinbefore provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Commissioners.

Verdicts of Juries to be recorded.

XXXVIII. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace or other Person or Persons having the Custody of the Records of the Quarter Sessions of the said County of *Devon*, and shall be deposited with and deemed to be the Records of such Quarter Sessions respectively to all Intents and Purposes, and the same or true Copies thereof shall be allowed in Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Application of Compensation if amounting to 200*l.*

XXXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, Fisheries, or other Hereditaments purchased, taken, or used by virtue of this Act for the Purposes thereof, or in satisfaction of any Loss or Damage done to any Lands, Tenements, Fisheries, or other Hereditaments by the Operations of this Act, which Lands, Tenements, Fisheries, or other Hereditaments shall belong to any Bodies Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, in strict or other Settlement, or to any other 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, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of an Act for improving, maintaining, and regulating the Harbour of *Teignmouth* and the Navigation of the River *Teign*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the 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, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction of the said Court, to the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, Fisheries, or other Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; and where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the

1 G. 4. c. 35.

Purchase

Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When under 200*l.*

XL. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of and in virtue of the Powers of this Act, or on account of any Damage or Satisfaction arising to any Lands, Tenements, Fisheries, or other Hereditaments belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Lands, Tenements, Fisheries, or other Hereditaments so purchased, taken, used, or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, as far as the Case may be applicable.

When not exceeding 20*l.*

XLI. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Fisheries, or other Hereditaments purchased, taken, or used for the Purposes of this Act as aforesaid, or damaged in carrying the same into effect, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians,

Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so respectively entitled.

In Cases of doubtful Title.

XLII. And be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of or in satisfaction for any Lands, Tenements, Fisheries, or other Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, Fisheries, or Hereditaments damaged or injured in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of the Lands, Tenements, Fisheries, or other Hereditaments at the Time of such Damage, and all Persons claiming under them or under the Possession of any such Body or Bodies, Person or Persons, shall be deemed and be taken to have been lawfully entitled to such Lands, Tenements, Fisheries, or other Hereditaments, 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 by 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 one, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, Fisheries, or other Hereditaments, or to some Estate or Interest therein.

Power to raise Funds by way of Mortgage.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow or take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Twelve thousand Pounds, upon the Credit or Mortgage of the Rates and Duties or of the Tolls by this Act granted, as to the said Commissioners shall seem desirable, and they are hereby fully authorized and empowered to grant, assign, and make over by way of Mortgage the said Rates and Duties, or the said Tolls or any Part thereof by this Act granted and made payable, as Security for the Sum or Sums of Money so to be borrowed, with Interest for the same, unto the Person or Persons who shall advance and lend such Sum or Sums of Money, or unto his or their Trustee or Trustees; all which Assignments and Mortgages shall specify whether the Sum or Sums secured by the same shall be borrowed on the Credit of the said Rates and Duties or of the said Tolls, and shall be in Form or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], we, the Commissioners acting in execution of the said Act, in consideration of the Sum of to us lent and advanced by do hereby bargain, sell, and assign unto the said his *or* her Executors, Administrators, and Assigns, [*insert the Rates and Duties or Tolls, as the Case may be,*] granted, arising, and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, to, or out of the same respectively, to hold unto the said his *or* her Executors, Adminis-

‘ Administrators, and Assigns, until the said Sum of
‘ together wih Interest for the same after the Rate of *per Centum*
‘ *per Annum*, shall be fully paid and satisfied. Given under our Hands
‘ and Seals this Day of .’

And all such Persons to whom such Mortgage or Mortgages shall be made shall be fully entitled to the Rates, Duties, Tolls, and Premises thereby assigned to them by such Deed and Mortgage.

Mortgages may be assigned.

XLIV. And be it further enacted, That all and every Person or Persons to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secued, shall and may from Time to Time assign, transfer, and make over his, her, or their Right, Title, and Interest therein unto any Person or Persons whomsoever which Transfer shall be made by a Deed in Writing in the Form or to the Effect following; (that is to say,)

‘ I *A.B.*, [*or* We *C.D.*], in consideration of the Sum of
‘ to me [*or* us] paid by *E.F.* of do hereby transfer
‘ the within Mortgage [*or* a certain Mortgage made to me *or* us] by the
‘ bearing Date the Day of
‘ and the Principal Sum of thereby secured, and the
‘ Interest now due and hereafter to grow due for the same, and all my
‘ [*or* our] Right and Property therein, unto the said *E. F.*, his Executors,
‘ Administrators, and Assigns. Witness my Hand and Seal this
‘ Day of .’

And every such Transfer shall within Ten Days from the Date thereof be produced to the Clerk of the said Commissioners, who shall thereupon cause an Entry or Memorial thereof to be made; and after such Entry shall be made, and not before, such Transfer shall entitle the Assignee or Assignees therein named to the full Benefit of the original Mortgage; and for the Entry of every such Security or Transfer the Clerk of the said Commissioners shall be paid by the Party to whom the same shall be made the Sum of Ten Shillings, and no more.

Commissioners may borrow of Commissioners of Public Works.
4 & 5 W. 4. c. 72.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners in the Execution of this Act to borrow of and from the Commissioners for carrying into execution an Act passed in the Fourth and Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and of the several Acts therein recited and referred to, such Sum or Sums of Money, not exceeding the Sum of Twelve thousand Pounds, as they may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of all and singular the Rates, Duties, and Tolls granted, arising, and made payable by virtue of this Act, and of all Property vested or to become vested in the said Commissioners on account thereof, in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Mortgages to Commissioners of

XLVI. Provided always, and be it further enacted, That any Mortgage or Assignment which shall be given or made by the said Commissioners

for this Act to the Commissioners for the Issue of Exchequer Bills shall have Priority over and shall precede all other Mortgages, Securities, Claims, and Demands whatsoever granted or payable under the Provisions of this Act; and that such Mortgage and Assignment shall be in all respects subject to the Provisions of the said Act of the Fourth and Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts,* and the Acts therein recited and referred to, with reference to Securities granted by the said Commissioners for the Issue of Exchequer Bills on Loans advanced by them.

Public Works to have Priority.

XLVII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to throw, empty, or lay down any Ballast, Dirt, Ashes, Rubbish, Clay, Shingle, Stones, or any other Thing into or in the Bed or Channel within High-water Mark of the said River *Teign*, or in any Water outside the said Harbour, unless at Low Water the same shall be at least Ten Fathoms in Depth, or in any respect to fill up or interrupt the Course of the Stream or Run of the Tide Water therein, so as in any way to prejudice or interrupt the free Navigation of the said River to, from, and in the said Harbour of *Teignmouth*, or to dig or take away any Ballast, Shingle, Stones, or other such Thing from the said River, without Leave in Writing first had and obtained from the said Commissioners, or any Three or more of them, under a Penalty not exceeding Ten Pounds for every such Offence, over and above the Expence of repairing the Damage that may be occasioned thereby.

Ballast and Rubbish not to be thrown into the River.

XLVIII. And be it further enacted, That if any Person or Persons shall after the passing of this Act maliciously or wantonly demolish, break down, or destroy any of the Piers, Jetties, Embankments, or other Work or Works erected or constructed or to be erected or constructed in virtue of the Powers contained in this Act, every such Person or Persons so offending shall be judged guilty of Misdemeanor, and the Court or Courts by or before whom such Person or Persons shall be indicted and tried shall be and they are hereby empowered to cause such Person or Persons, on being lawfully convicted thereof, to be imprisoned and kept to hard Labour for any Term not exceeding Two Years.

Persons destroying Works guilty of Misdemeanor.

XLIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any of the said Orders, Rules, or Bye Laws shall be painted, such Person or Persons shall upon Conviction for each such Offence forfeit and pay to the said Commissioners a Sum not exceeding Five Pounds for every such Offence, over and above the Expence of repairing the Damage that may be occasioned thereby.

Penalty for defacing Boards on which Bye Laws are painted

L. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof (the Manner of levying and recovering whereof is not herein particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or

Recovery and Application of Penalties.

or more Justice or Justices of the Peace for the said County of *Devon*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath or Affirmation of or concerning any Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the said Commissioners, to be applied for the Purposes of this Act; and it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice and Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties and all Costs and Charges attending such Proceeding as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds no Proceeding before Justices shall be had and taken for the Recovery thereof before a less Number than Two Justices.

Damages, &c. in case of Dispute, to be settled by Justices.

LI. And be it further enacted, That in all Cases in which any Damages or Charges are by this Act directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute or Difference respecting the same, shall be settled, ascertained, and determined by the Justice

Justice or Justices of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences; and such Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Goods and Chattels of the Offender or Offenders in manner directed by this Act for the levying of any Penalties or Forfeitures by this Act imposed.

Commissioners may sue and be sued in the Name of their Clerk.

LII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, or of any One of the said Commissioners; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk or of any of the said Commissioners; and no Action or Suit which may be commenced or prosecuted by or against the said Commissioners or any of them by virtue or on account of this Act, in their own Names or of any One of them, or in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioner or Commissioners or Clerk, or by any Act or Default of such Commissioner or Commissioners or Clerk done or suffered without the Order or Direction of the said Commissioners.

Justices may proceed by Summons to recover Penalties.

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

Proceedings not to be quashed for Want of Form.

LIV. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding touching or concerning the Conviction of any Offender or Offenders against this Act shall be quashed or vacated for Want of Form only, or be removed orremoveable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

For compelling the Attendance of Witnesses.

LV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact in any Complaint for any Offence against this Act, either on the Part of the Complainant or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be appointed for that Purpose, having been paid or tendered a reasonable Sum for his, her, or their Expences, without a sufficient Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker or Quakers,

on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in all such Cases every Person shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Testimony of Officers.

LVI. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes, Actions, or Complaints which shall be made and heard in any Matter relative to this Act by reason only or on account that such Person or Persons shall be an Officer or Officers appointed by the said Commissioners or their Lessees for the Time being.

Appeal to Quarter Sessions.

LVII. And be it further enacted, That if any Person or Persons shall think himself or themselves aggrieved by any Judgment or Determination or by any Matter or Thing done in pursuance of this Act, or by any Bye Law, Rule, or Order to be made as aforesaid, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General Quarter Sessions of the Peace to be holden for the said County of *Devon* within Three Calendar Months next after such Matter of Appeal shall have arisen, (but in case there should not be Time for the Person or Persons so considering himself or themselves aggrieved to give the Notice of Appeal herein-after required, so that the same Appeal can be tried at such first General Quarter Sessions as aforesaid, then such Person or Persons may appeal to the then next following Quarter Sessions of the Peace to be holden for the said County,) the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Person or Persons appealed against, or to the Clerk of the said Commissioners, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal, and to award such Costs to either of the Parties, or otherwise, as they shall deem proper; and all such Determinations of the said Justices shall be binding, final, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Limitation of Actions.

LVIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act after the Expiration of Six Calendar Months next after the Fact committed; and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of

his or their Suit or Suits after the Defendant or Defendants have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or Judgment be given against him, her, or them, upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants shall recover his, her, or their Costs, for which he, she, or they shall have such Remedy for the Recovery of the same as any other Defendant or Defendants hath or have in other Cases at Law.

Justices may act although Commissioners.

LIX. Provided always, and be it further enacted, That no Justice of the Peace or other Magistrate, although a Commissioner under this Act, shall be disqualified from acting as a Justice of the Peace or Magistrate in any thing arising out of this Act by reason of his being such Commissioner.

General Saving of the Rights of the Duchy of Cornwall.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interest, Privileges, or Authority of the King's most Excellent Majesty, His Heirs and Successors, in right or in respect of His Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of His Majesty, His Heirs and Successors, in right or in respect of His said Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being.

Saving the Rights of the Trinity Company, and of the Lords of the Manors.

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights and Privileges of the Corporation of *Trinity House* of *Deptford Strond*, nor to obstruct, prevent, or impede the Works of the *Teignmouth* and *Shaldon Bridge* Company, nor to diminish or prejudice the Rights, Privileges, and Immunities of the Lord of the said Manors of *West Teignmouth* and *Ringmore*, or the Lord or Lords of the said Manors of *Kenton* and *East Teignmouth*, or of the respective Lords of the several Manors of *Wolborough*, *Kingsteignton*, *Bishopsteignton*, *Coombeinteignhead*, and *Netherton*, or (if any) of the Mayor, Aldermen, and Burgesses of the City of *Exeter*.

Indemnification to Commissioners, &c.

LXII. And be it further enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement by this Act authorized to be entered into or made by or on behalf of the said Commissioners for any of the Purposes of or in execution of this Act, shall extend to charge or affect the Person or Persons of any of the said Commissioners, or their Clerks, Treasurers, or other Officers, or any of them (authorized by the said Commissioners to act in their Behalf), who shall have executed any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of any such Commissioner, Clerk, Treasurer, or Officer, or their or any of their Lands and Tenements, Goods and Chattels, with or on account of the Performance of all or any of the Covenants, Conditions, Matters, or Things in the same Deed, Mortgage, Contract, or Agreement contained or mentioned on the Part of any such Commissioner, Clerk, Treasurer, or other Officer; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity, or otherwise, against any such Commissioner, Clerk, Treasurer, or other Officer, or against their or any

of

of their Heirs, Executors, or Administrators, for or by reason of such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, and also the Damages or Charges and Expences which any such Commissioner, Clerk, Treasurer, or other Officer, shall bear, pay, or be put unto, or which shall be occasioned to him, them, or any of them, for or by reason of any such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, or by reason of any Action, Suit, Award, or other Proceeding to be brought, prosecuted, made, or had by or against him, them, or any of them thereupon, or on account of any Act done by him, them, or any of them under or by virtue of the Provisions of this Act, shall be paid out of the Monies to arise by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of their or his own wilful Neglect or Default, or have been brought or commenced or defended without the Order and Direction of the said Commissioners.

Powers of the Act to cease if not completed within Five Years.

LXIII. And be it further enacted, That in case the Commissioners in the Execution of this Act shall not have improved the Bar at the Entrance of the said Harbour, so as to render the Passage of Vessels in and out of the said Harbour more safe and certain, and have removed the Shoals in the said River *Teign* to the Depth before mentioned, within Five Years from the passing of this Act, then all the Powers and Authorities relating to such Works in this Act contained shall thenceforth cease and determine.

Public Act.

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

The

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Rates and Duties according to Tonnage.	Rates and Duties.
	s. *d.*
For every Ship, Barge, Lighter, or other Vessel, for every Time it comes into the Harbour of *Teignmouth*, and within the Limits to be set forth by the Commissioners from Sea:—	
If registered at any Port of the United Kingdom, per Ton Register - - - - - - - -	0 2
If not registered at any Port of the United Kingdom, per Ton Register - - - - - - - -	0 3
Every Vessel remaining at the Harbour more than Six Months, One Third more of the above Rates and Duties; so remaining One Year, Double the above Dues; and the above Rates for every Six Months it shall so remain beyond the Year.	

SCHEDULE (B.)

Ale, Beer, or Porter, per Kilderkin - - - -	0 2
per Barrel - - - -	0 4
per Hogshead - - - -	0 6
per Butt - - - - -	1 0
Alum, per Cwt. - - - - -	0 2
Anchors, per Cwt. - - - - -	0 2
Anvils, per Cwt. - - - - -	0 2
Apples and Pears, per Bushel - - - -	1 1
Ashes of all Sorts, per Cwt. - - - -	0 6
Bark (Oak), per Ton - - - - -	1 6
Bacon or Hams, per Cwt. - - - - -	0 2
Beef or Pork, per Tierce - - - -	0 4
per Barrel - - - - -	0 3
other lesser Package - - -	0 2
Barilla, per Ton - - - - - -	3 0
Bottles of all Sorts, per Gross, Twelve Dozen - - -	1 0
Brass, per Cwt. - - - - - -	0 2
Bricks, Bearers, or Tiles, per Thousand - - -	2 6
Brimstone, per Cwt. - - - -	0 2
Bristles, per Cwt. - - - - -	0 6
Brushes, Basket or Bundle - - - - -	0 4
Burr for Millstones, per Cwt. - - - - -	0 2
Bags and Bed Sackings, per Ton - - - -	2 0
Butter, per Tub, Firkin, or Half Firkin - - -	0 1
Bales and Trusses of Silk, Linen, or Woollen, per Foot -	0 $1\frac{1}{2}$
Bells, per Cwt. - - - - - -	0 $2^{\frac{1}{2}}$

SCHEDULE (B.)—*continued.*	Rates and Duties.	
	s.	*d.*
Cables and Cordage, tarred or not, per Ton	2	0
Candles, per Cwt.	0	2
Cannon, per Cwt.	0	2
Balls, per Cwt.	0	2
Casks, empty, viz.—		
Pipes, each	0	4
Hogsheads, each	0	2
Barrels, each	0	1
Other Casks, each	0	1
Chairs, per Dozen	1	3
Cheese, per Ton	2	0
Cider, per Hogshead	0	8
per Half Hogshead	0	4
Clay, per Ton	0	4
Coals and Culm, per Ton	0	4
Copper Sheathing, per Cwt.	0	3
Bolts, per Cwt.	0	2
Other, per Cwt.	0	3
Cages, per Dozen	1	0
Cement, per Barrel	0	6
Cork, per Cwt.	0	2
Corks, per Gross	0	1
Corn, viz.—		
Beans, Barley, Malt, Oats, Peas, Wheat, per Quarter	0	4
Coffee, per Cwt.	0	3
Cattle, viz.—		
Bulls, each	0	6
Cows, each	0	6
Calves, each	0	3
Horses, each	1	0
Oxen, each	0	3
Pigs, each	0	3
Sheep, each	0	3
Lambs, each	0	3
Dyewoods, per Cwt.	0	2
Dogs and other Animals, each	0	6
Drugs, per Cwt.	0	4
Earthenware, per Crate	0	6
per Half Crate	0	3
Eggs, per Thousand	0	6
Feathers, per Cwt.	0	4
Fish, salted, per Ton	1	6
Herrings or Pilchards, per Barrel	0	3
Anchovies, per Barrel	0	2
Salmon, per Kit	0	2
Flax, per Ton	2	0
Flour, per Sack	0	3
per Barrel	0	2

SCHEDULE (B.)—*continued.*		Rates and Duties.
		s. *d.*
Furniture in Case or Packages, per Foot		0 1
Flints, per Bag		0 1
Glass, per Case or Box		0 6
per Sides		0 6
per Crate		0 6
Glue, per Cwt.		0 2
Groceries:— Almonds, Cinnamon, Currants, Cloves, Figs, Mace, Nutmegs, Pepper, Pimento, Plums, Prunes, Raisins, Ginger, Dates, Licourice, Sugar Candy	For each Box, Basket, or other Package not exceeding Fifty-six Pounds.	0 2
	Ditto from Fifty-six Pounds to One Cwt.	0 3
	Above One Cwt., per Cwt.	0 2
Sugar refined, however packed, per Loaf		0 1
Raw, per Cwt.		0 2
Gunpowder, per Cwt.		0 8
Gun Stocks, per Hundred		1 0
Hair of all Sorts, per Cwt.		0 2
Package containing less than One Cwt.		0 2
Hardware, per Cwt.		0 2
Hats, per Box		0 9
Hemp, per Ton		2 0
Hides, each		0 2
Hoops, Wooden, per Bundle		0 1
Honey, per Barrel, Forty-two Gallons		1 0
Hops, per Bag		1 0
per Pocket		0 6
Horns, per Cwt.		0 2
Hampers, containing One Dozen		0 1
Two Dozen		0 2
Three Dozen		0 3
Four Dozen		0 4
Five Dozen		0 5
Six Dozen		0 6
Indigo, not exceeding One Cwt.		0 3
exceeding One Cwt., per Cwt.		0 2
Iron, Pig and Cast, per Cwt.		0 1
Bars, Pots, Hoops, Ware, per Cwt.		0 2
Ballast, per Ton		1 6
Junk, per Ton		1 6

SCHEDULE (B.)—*continued.*	Rates and Duties.
	s. *d.*
Laths, per Dozen Bundles	0 2
Lead, per Ton	1 6
Shot, per Cwt.	0 2
White and Paints	0 2
Black, per Cwt.	0 2
Leather and Leather Shreds, per Cwt.	0 2
Lemons and Oranges, per Chest	0 3
per Half Chest, Box, or other smaller Package	0 2
Marble, per Ton	3 0
Matting, per Roll	0 1
Millstones, per Cwt.	0 2
Molasses, per Cwt.	0 1
Mops, per Dozen	0 2
Mustard, per Firkin	0 2
per Barrel	0 3
Nails, per Cwt.	0 2
Nuts, per Sack	0 4
per Bag	0 2
Oakum and Tow, per Ton	1 6
Ochre, per Cwt.	0 1
Oil, viz.—	
Linseed, per Cwt.	0 2
Rape, per Cwt.	0 2
Sperm, per Cwt.	0 2
Sallad, per Chest or Box	0 6
Turpentine, Vitriol } per Corboy	0 2
Oil, not otherwise enumerated, per Cwt.	0 2
Oil Cake, per Cwt.	0 1
Onions, per Bushel	0 1
Ores and Minerals, per Ton	0 4
Paper, per Cwt.	0 2
Pelts, per Cwt.	0 2
Pewter, per Cwt.	0 2
Pipes (Tobacco), per Gross	0 1
Pitch and Tar, per Barrel	0 4
Plaster of Paris, per Cwt.	0 2
Potatoes, per Ton	1 3
Potash, per Ton	3 0
Quicksilver, per Case or Package	0 6
Rags, per Ton	1 3
Rice, per Cwt.	0 1
Rosin, per Cake or Barrel	0 2
Rushes, per Twelve Bundles	0 2
Sail Cloth, per Bolt	0 $0\frac{3}{4}$
Salt, per Ton	1 6
Saltpetre and other Salts, per Cwt.	0 2

SCHEDULE (B.)—*continued.*	Rates and Duties.
	s. *d.*
Seeds, viz.—	
Flax, Hemp, Clover, Grass, Vetches, Rape } per Last of Ten Quarters - - -	3 0
Flax, Foreign, per Barrel - - - -	0 2
Canary, per Cwt. - - - - -	0 2
All other Seeds, per Cwt. - - - -	0 2
Skins, per Cask - - - - - -	2 0
per Bale - - - -	1 6
Slates, Scantel, per Thousand - - - -	1 0
Common, ditto - - - - -	0 6
Rag, per Gross - - - -	0 6
Soap in Chests or Hogsheads, per Cwt. - - -	0 2
per Firkin, Sixty-four Pounds -	0 1½
Soda, per Ton - - - - - -	3 0
Spirits, viz.—	
Brandy, Gin, Rum and other Spirits } per Pipe or Puncheon - -	2 6
Starch, per Cwt. - - - -	0 2
Steel, per Cwt. - - - -	0 2
Stones, Grinding, per Cwt. - - - -	0 1
Stone, Dressed, Free or Paving, per Hundred Feet, Superficial Measure.	1 0
Rough, Freestone, Limestone, or other Stone, per Ton -	1 0
Snuff, per Bladder - - - - -	0 1
Tallow, per Ton - - - - -	2 0
Tea, per Chest - - - - -	0 6
per Half Ditto - - - - -	0 4
per Quarter Ditto - - - -	0 2
per Box - - - - - -	0 1
Tin, per Box - - - - -	0 2
Ware, per Cwt. - - - - -	0 2
Tobacco, per Cwt. - - - - -	0 3
Tongues, Dried, per Cwt. - - - -	0 2
Treenails or Hummels, per Thousand - - - -	0 6
Twine and Thread, per Ton - - - -	2 0
Vinegar, per Hogshead - - - -	1 0
per Half Ditto - - - -	0 6
Wax, per Cwt. - - - - -	0 6
Whalebone, per Bundle - - - -	0 2
Whiting, per Cwt. - - - - -	0 1
Wine, per Pipe - - - - - -	2 6
per Hogshead - - - - - -	1 3
Wood, Square, per Load - - - - -	1 6
Round, per Load - - - - -	2 0
Deals, Plank and Boards, Three Inches thick, for every Hundred running Feet.	1 0
And so in proportion for a less or greater Thickness.	

SCHEDULE B.—*continued.*	Rates and Duties.
	s. *d.*
Wood—*conttnued.*	
Lathwood, per Fathom - - - -	1 6
Lignum Vitæ, per Cwt. - - - -	0 2
Mahogany Balk, per Load - - -	2 0
Boards, Three Inches thick, for every Hundred running Feet	1 6
And so in proportion for a less or greater Thickness.	
Spars, each, Four Inches Diameter and under - -	0 1½
Ditto, each, above Four Inches and under Six Inches -	0 1½
Ditto, each, above Six Inches and under Eight Inches -	0 3
Ditto, each, above Eight Inches and under Twelve Inches -	0 8
Ditto, each, above Twelve Inches and under Fifteen Inches -	1 6
Wood Masts, each, Fifteen Inches Diameter, and under Eighteen Inches.	4 0
Ditto - each, above Eighteen Inches - -	6 0
Wood Staves, above Four Feet, for every Hundred and twenty -	0 2
Ditto - under Four Feet, for every Hundred and twenty -	0 1½
All other Staves, for every Hundred and twenty - -	0 1
Wool, per Ton - - - - - -	2 0
Yarn of all Sorts, per Ton - - - - -	2 0
All Trunks, Chests, Boxes, Bags, Bales, or other Packages, containing Goods above enumerated, not exceeding Twenty-eight Pounds	0 2
Ditto, exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds - - - - -	0 3
Ditto, exceeding Fifty-six Pounds and not exceeding One Hundred Weight - - - -	0 6
All Trunks, Chests, Boxes, Bags, Bales, or other Packages, containing weighable or other Goods not enumerated or particularly set forth in the above Schedule, not exceeding Twenty-eight Pounds	0 2
Ditto, exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds - - - -	0 3
Ditto, exceeding Fifty-six Pounds and not exceeding One Hundred Weight - - - -	0 6
Ditto, exceeding One Hundred Weight, per Cwt. -	0 2
For every Passenger coming to or going from the said Harbour -	1 0

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