ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 88.

An Act for repairing, enlarging, and improving the Pier and Quay within the Port or Harbour of *Torquay* in the County of *Devon*.

[24th *June* 1803.]

WHEREAS the Quay or Pier, ſituate on the South Eaſt Side of the Harbour of *Torquay* in the Pariſh and Manor of *Tormoham* otherwiſe *Tormoon*, adjoining to *Torbay* in the County of *Devon*, is become ruinous, and inſufficient for the Accommodation and Protection of Ships and Veſſels belonging and reſorting to the ſaid Harbour: And whereas Sir *Lawrence Palk* Baronet, Lord of the ſaid Manor of *Tormoham* otherwiſe *Tormoon*, is willing and deſirous, at his own Expence, to rebuild, repair, enlarge, and improve the ſaid Quay or Pier, and alſo ſuch Part of the ſaid Harbour as lies on the South Eaſt Side of a direct Line from a certain Stone Poſt on *Torquay* Bridge, to other Stone Poſts and a Ring on the Beach at *Torquay*, and from thence to or near to the Centre of the Clift called *Foxhole Point*, in the Pariſh of *Paington* in the ſaid County, and otherwiſe to alter and improve ſuch Part of the ſaid Harbour as aforeſaid: And whereas the Rates or cuſtomary Dues, now payable by the Owners and Maſters of Ships and Veſſels coming into and uſing ſuch Part of the ſaid Harbour as aforeſaid, are not properly aſcertained, and there are not any or ſufficient Powers to enforce the Payment thereof, and the ſame are inadequate to the Maintenance and Support of the ſaid Harbour: And whereas it is expedient for the Purpoſes aforeſaid, and for erecting and building all requiſite Warehouſes and other Conveniencies for the

Shipping belonging to and using such Part of the said Harbour as aforesaid, and the Trade and Commerce thereof, that the Rates or customary Dues now payable there should be abolished, and that some new or additional Rates or Dues should be granted and made payable instead thereof: And whereas from the Increase of the Trade and Commerce of the said Harbour, the same hath become very crowded, and it would be a great Accommodation, Benefit, and Advantage to the same, that not only such Part of the said Harbour as aforesaid should be widened and improved, and the Moorings, Stations, and Situations of Ships and Vessels therein should be properly regulated, but that the Quay or Pier thereof should be enlarged and rebuilt as aforesaid, and that Regulations should be made respecting the same: And whereas the Expence of improving the said Harbour, and enlarging and rebuilding the said Pier and Quay, has been estimated at the Sum of Four thousand Pounds; and it is expedient that the said Harbour should be improved, and the said Pier or Quay enlarged or rebuilt within a limited Time, and for that Purpose, that such Sum of Money should be so laid out and expended thereon within a Time to be specified: 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 said Sir *Lawrence Palk*, his Heirs and Assigns shall be, and is and are hereby authorized and empowered to put this Act into Execution; and that from and after the passing of this Act, it shall be lawful for the said Sir *Lawrence Palk*, his Heirs or Assigns, and he and they is and are hereby authorized and empowered from Time to Time, by Contract or otherwise, to cause the present Pier or Quay within such Part of the said Harbour as aforesaid to be repaired or enlarged and rebuilt, or a new Pier or Piers, Quay or Quays, to be built within such Part of the said Harbour, upon his or their Lands, at or near, adjoining to or between certain Rocks, called *The Mare Rock* and *Beacon Point*, and on the Inside of the said Point, in such Place, and of such Construction and Dimensions, and in such Manner, as he or they shall think proper; and also to alter and improve so much or such Part of the said Harbour as aforesaid, and to erect, make, and build such Wharfs, Warehouses, Docks, Basons, and other Buildings and Conveniencies, and to cause to be made or done such other Works, Matters, and Things, upon his or their Lands, as he or they shall judge necessary and expedient for the Purposes aforesaid; and also, by Writing under his or their Hand or Hands, or under the Hand or Hands of his or their Steward or Stewards of the said Manor for the Time being, to appoint such Harbour Masters, Quay Masters, and Water Bailiffs, of and for so much and such Part of the said Harbour as aforesaid, and also to remove or displace any such Officer or Officers, and appoint others in his or their Stead, as he or they shall judge necessary and expedient for effecting the Purposes of this Act.

The Lord of the Manor of *Tormoham* authorized to improve or rebuild the present Pier, and improve the Accommodations of the Harbour there.

II. And be it further enacted, That the said Sir *Lawrence Palk*, his Heirs and Assigns, shall and he and they is and are hereby required within Four Years after the passing of this Act, to lay out and expend, or cause to be laid out and expended the Sum of Four thousand Pounds, in the repairing, enlarging, or rebuilding the said present Pier or Quay, or a new Pier or Quay in Manner aforesaid; and in the altering and improving so much of the said Harbour as aforesaid, and erecting, making, and building

Obliging Sir *Lawrence Palk* to repair, within a limited Time, the said Harbour.

building such Wharfs, Docks, Warehouses, and other Buildings and Works, Matters and Things aforesaid as may be necessary and expedient for carrying into Execution the Purposes aforesaid, and shall make out or cause to be made out an Account thereof in Writing under his or their Hand or Hands, and verify or cause to be verified the Expenditure of such Sum of Money as aforesaid, in such Manner as aforesaid, before some Justice of the Peace acting in and for the said County of *Devon*, which Oath any such Justice is hereby authorized to administer, and to certify on such Account that the same has been so verified on Oath, and such Account and Certificate as aforesaid shall at the next General Quarter Sessions of the Peace holden in and for the said County, after the Expiration of Four Years after the passing of this Act, be delivered to the Clerk of the Peace, or his Deputy, at such Quarter Sessions, who shall file the same.

Ascertaining the Boundaries of Sir *Lawrence Palk*'s Part of the Harbour.

III. And be it further enacted, That the Extent and Boundary of such Part of the said Harbour as aforesaid, to which this Act particularly refers, shall be deemed, considered, and taken, and is hereby declared to be from a Rock or Place called *The Beacon Point*, within the said Manor of *Tormohain*, in a direct North West Line to the Line above described, which extends from *Torquay* Bridge to or near to the Centre of the said Clift called *Foxhole Point*, and no farther; and that the Provisions of this Act shall not extend or be construed to extend to any other Part of the said Harbour, or on the Outside of or beyond such Line or Division as aforesaid.

For punishing Persons injuring the Pier, or disobeying the Regulations of the Harbour.

IV. And, for preventing any Injury being done to the said Piers, Quays, or other Works, or to the Ships or other Vessels within such Part of the said Harbour as aforesaid; be it further enacted, That the said Sir *Lawrence Palk*, his Heirs or Assigns, or any Officer or Officers to be appointed by him or them by virtue of this Act, shall and may, and he and they is and are hereby authorized and empowered, from Time to Time, to order and require all Persons having the Command, Rule, or Direction of, or any Concern with any Ship or other Vessel entering into or being within such Part of the said Harbour as aforesaid, to station, place, anchor, and moor such Ship or other Vessel in such Place or Places within such Part of the said Harbour as aforesaid, and in such Manner as the said Sir *Lawrence Palk*, his Heirs or Assigns, or such Officer or Officers, shall from Time to Time order and direct, so that no undue Preference shall be given to any Person in the mooring or removing of any Ship or other Vessel, and that no Ship or Vessel shall be moored or removed contrary to the Orders and Directions of any such Person or Persons as aforesaid.

For punishing Persons injuring the Harbour.

V. And be it further enacted, That if any Person shall, from and after the passing of this Act, empty or throw any Stones, Ballast, Earth, Rubbish, or any other Thing into such Part of the said Harbour as aforesaid to the Prejudice thereof, or contrary to the Direction or Consent of the Quay Master, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and that if any Person shall take away Ballast or Stones from such Part of the said Harbour as aforesaid, without the Consent of the said Sir *Lawrence Palk*, his Heirs or Assigns,

Assigns, or his or their Steward, such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

New Harbour Rates to be taken.

VI. And, in order to defray the Expence of enlarging or new building the said Pier or Quay, and of doing and performing the several other Works aforesaid, and of maintaining and supporting the same; be it further enacted, That instead of all other Rates, Duties, and Tolls which have heretofore been demanded, taken, and received within, or for or in respect of such Part of the said Harbour as aforesaid, and which are hereby declared to be from henceforth abolished, it shall be lawful for the said Sir *Lawrence Palk*, his Heirs or Assigns, or any Officer or Officers to be appointed by him or them under this Act, to ask, demand, take, and receive from Time to Time for all Ships, Boats, and other Vessels, of whatsoever Description, which shall from henceforth come into or otherwise make use of such Part of the said Harbour as aforesaid, or shall lie at Anchor within the same, and for all Goods, Wares, Merchandize, and other Things landed or shipped within or from such Part of the said Harbour as aforesaid, and for the Passengers in every such Ship or other Vessel as aforesaid, the several Rates, Duties, and Tolls mentioned and specified in the Schedule hereunto annexed, or such other Rates, Duties, and Tolls as shall be from Time to Time appointed to be paid in Manner herein-after mentioned by the said Sir *Lawrence Palk*, his Heirs or Assigns, or his or their Steward for the Time being.

Method of ascertaining the Account of Rates to be paid.

VII. And, for the better ascertaining of the Tolls, Rates, or Duties by this Act made payable on any Ship or Vessel according to the Tonnage thereof, be it further enacted, That in case any Officer or Officers to be appointed by virtue of this Act, and the Owner, Master, or other Person having Charge or Command of, or any Concern with any Ship or other Vessel in respect whereof, or of the Cargo whereof any of the said Tolls, Duties, or Rates are made payable, cannot agree as to the Amount of the Tonnage thereof, it shall be lawful for such Officer or Officers at any seasonable Time to enter into or upon such Ship or other Vessel, and view and measure the same or the Cargo thereof in such Manner as he or they shall think proper; and if any Master or any other Person belonging to or having any Concern with, or the Charge or Command of such Ship or other Vessel, or if any other Person or Persons whomsoever shall obstruct, delay, or hinder the viewing or measuring any such Ship or other Vessel, or the Cargo thereof as aforesaid, the Master or Owners, or such other Person or Persons, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than Forty Shillings to the said Sir *Lawrence Palk*, his Heirs or Assigns: Provided always, that the Number of Tons of every Ship or other Vessel, or the Cargo thereof, so to be viewed and measured as aforesaid, shall be ascertained according to the Establishment for ascertaining the Tonnage of Ships in the Port of *Dartmouth*, or according to the Register of such Ship, Boat, or other Vessel, at the Option of the said Sir *Lawrence Palk*, his Heirs or Assigns, or his or their Steward or Agent for the Time being: Provided always, that nothing in this Act contained shall extend to charge any Ship or Vessel of War belonging to or employed in the Service of His Majesty, His Heirs or Successors, with the Payment of any of the said Tolls, Rates, or Duties; and that at all Times hereafter, when and as soon as Water

Ships of War to be entitled to Water without paying for the same.

shall

ſhall be brought and conveyed into the ſaid Pier for the Uſe of Mercantile or other Veſſels by the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, it ſhall be lawful for all Ships of War belonging to His Majeſty, His Heirs or Succeſſors, to take and make uſe of the ſame Water within the ſaid Pier, the ſame being the Property of and in Poſſeſſion of the ſaid Sir *Lawrence Palk*, or his Heirs, for the Supply of ſuch Ships of War at all ſeaſonable Times, without paying to the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, any Money for ſuch Water, other than for ſuch Injury or Damage as ſhall or may be done thereby, or by any Perſon or Perſons belonging to or employed by any ſuch Ship or Ships of War.

For Recovery of the Rates.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, or any ſuch Officer or Officers as aforeſaid, either to go on board any Ship, Boat, or other Veſſel coming into or making uſe of ſuch Part of the ſaid Harbour as aforeſaid, and in reſpect of which or of the Cargo thereof, or of the Paſſengers therein, or by the Maſter or Owner whereof any of the ſaid Tolls, Rates, or Duties hereby created are made payable, and to demand, collect, and receive the ſaid Tolls, Rates, or Duties, or otherwiſe to demand the ſame publickly on the ſaid Quay or Pier; and in caſe of Nonpayment thereof upon Demand made, either on board ſuch Ship, Boat, or other Veſſel, or on the ſaid Quay or Pier, to ſeize, take, and diſtrain any ſuch Ship or other Veſſel, and all the Tackle, Apparel, and Furniture thereunto belonging, and the Cargo thereof, or that ſhall have been landed therefrom, or be meant and intended to be ſhipped on board thereof, and which ſhall be lodged on the ſaid Quay, Pier, or Beach for that Purpoſe, or any Part thereof reſpectively, and the ſame to detain and keep until he or they ſhall be fully ſatisfied and paid the ſaid Tolls, Rates, or Duties; and in caſe of Neglect or Delay in the Payment of any of the ſaid Tolls, Rates, or Duties for Three Days after any ſuch Seizure or Diſtreſs made, that the Perſon or Perſons ſo ſeizing and diſtraining may cauſe ſuch Ship, Boat, or other Veſſel, or other Goods and Things ſo diſtrained, to be ſold for the Payment of the Tolls, Rates, or Duties ſo neglected or delayed to be paid as aforeſaid, and for which ſuch Seizure or Diſtreſs or Diſtreſſes ſhall be ſo made as aforeſaid, together with the Coſts and Charges of taking, keeping, and ſelling ſuch Diſtreſs and Diſtreſſes reſpectively, rendering to the Maſter or other Perſon having the Rule or Command of, or being concerned with ſuch Ship, Boat, or other Veſſel, or being the Owner or Proprietor or in Poſſeſſion of any ſuch Veſſel, Goods, or other Things, the Overplus (if any) on Demand, after deducting the Charges of ſuch Seizure, Diſtreſs, and Sale as aforeſaid.

Maſters of Veſſels and other Perſons to be entitled to recover Rates by them paid.

IX. And be it further enacted, That if the Maſter or any other Perſon of or belonging to any Ship, Boat, or other Veſſel coming into or making uſe of ſuch Part of the ſaid Harbour as aforeſaid, ſhall pay to ſuch Officer or Officers to be appointed as aforeſaid, any Toll, Rate, or Duty herein made payable by any other Perſon or Perſons in reſpect of the Cargo of any ſuch Ship, Boat, or other Veſſel, or of any Paſſenger or Paſſengers, and which ſuch Maſter is hereby required, directed, and authorized to pay for and on Behalf of ſuch Perſon or Perſons as aforeſaid, or if any of the ſaid Tolls, Rates, or Duties, ſhall by virtue of this Act be levied upon the Goods, Chattels, or Property of any Perſon or Perſons other than ſuch as is or are herein before directed or made liable to pay the ſame,

then and in every such Case the Master or other Person so paying such Tolls, Rates, or Duties, or the Person or Persons upon whose Goods, Chattels, or other Property any such Tolls, Rates, or Duties shall be so levied, shall and may recover the Sums so paid or levied respectively from the Person or Persons liable to pay the same, together with all Costs and Expences attending the Recovery thereof, either in the like Manner as any Penalty is hereby authorized or directed to be recovered, or otherwise by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Time for recovering Goods landed on Quays.

X. And be it further enacted, That all Goods, Wares, and Merchandize that shall be landed on any Pier, Quay, or Wharf within such Part of the said Harbour as aforesaid, shall be removed and taken therefrom respectively within the Space of Twenty-four Hours, to be computed from the Time of such Landing; and if any Goods, Wares, or Merchandize so landed, shall remain longer upon such Pier, Quay, or Wharf than the Space of Twenty-four Hours, that then and in every or any of such Cases, the respective Owners or Persons having Charge of such Goods, Wares, or Merchandize, shall pay the Quay Master or other Officer of such Pier, Quay, or Wharf, for the Time being, for the Use of the said Sir *Lawrence Palk*, his Heirs and Assigns, over and above the several Rates and Sums of Money specified in the Schedule hereunto annexed, the Sum of One Shilling *per* Ton for every Ton, and in the same Proportion for less than a Ton of such Goods, Wares, or Merchandize so remaining on the Pier, Quay, or Wharf for any longer Time than Twenty-four Hours as aforesaid, and likewise the further Sum of One Shilling *per* Ton, and in the same Proportion for less than a Ton of any such Goods, Wares, or Merchandize, for every succeeding Twenty-four Hours that such Goods, Wares, or Merchandize shall so remain upon the said Pier, Quay, or Wharf, to be recovered in the same Manner as the other Tolls, Rates, or Duties hereby made payable are to be recovered; and in case any of the Articles landed on any such Pier, Quay, or Wharf, or lying on Deck within such Part of the said Harbour as aforesaid, shall be Gunpowder, Tar, Pitch, Hemp, Flax, Wood, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or any other combustible Goods or Things, then such combustible Goods or Things shall be removed and taken away as aforesaid within the Space of Twelve Hours, to be computed from the Time that such Ship or Vessel shall come within such Part of the said Harbour as aforesaid; and in Default thereof every such Ship or Vessel shall pay unto the Quay Master or other Officer of such Pier, Quay, or Wharf, for the Use of the said Sir *Lawrence Palk*, his Heirs or Assigns, Ten Shillings *per* Ton (over and above the several Rates, Tolls, or Duties specified in the Schedule hereunto annexed), and also the further Sum of Ten Shillings for every succeeding Twelve Hours that the same shall so remain, and so in Proportion for less than a Ton, the same to be paid by the respective Owners or Persons having Charge of such combustible Goods or Things, and to be recovered in the same Manner as the other Tolls, Rates, or Duties hereby made payable are to be recovered; and if such combustible Goods or Things cannot be removed as aforesaid by Day Light, then and in every such Case the Owner or Owners, or Person or Persons having Charge of such Goods and Things, shall be obliged to set and maintain, at his or their own Expence, a sufficient Number of careful sober Persons to guard and watch over the same such and so many Hours according to the Season of the Year, as such Quay Master or other

Officer

Officer ſhall order and direct; and in caſe the Owner or Owners, or Perſon or Perſons having Charge of ſuch Goods and Things, or the Maſter or Maſters of any Ship or other Veſſel ſhall make Default herein, every ſuch Owner or Owners, Maſter or Maſters, or other Perſon or Perſons, ſhall forfeit and pay for every Offence, Neglect, or Refuſal any Sum not exceeding Ten Pounds.

Maſters of Veſſels made liable for Damage done by their Servants.

XI. And be it further enacted, That the Maſter and Owner of, and the Perſon or Perſons having the Care or Charge of every Ship, Boat, or other Veſſel lying or being within ſuch Part of the ſaid Harbour as aforeſaid, ſhall be, and he and they is and are hereby made liable and anſwerable to the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, for the Amount or Value of all Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, Watermen, and Labourers, or others working in or about, or belonging to their reſpective Ships, Boats, or other Veſſels, to any of the Docks, Quays, Wharfs, Piers, or other Works that now are or hereafter ſhall be conſtructed or made within or near adjoining to ſuch Part of the ſaid Harbour as aforeſaid, the ſame to be paid to ſuch of the Quay Maſters or other Officers aforeſaid as ſhall demand the ſame, or to the ſaid Steward for the Time being, for the Uſe of the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns.

Harbour Rates may be reduced and raiſed again, ſo as not to exceed the Rates by this Act granted.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, or his or their Steward, to alter and leſſen the Duties, Tolls, and Rates by this Act granted, or ſuch of them, or ſuch Part thereof, and for ſuch Time and Times as he or they ſhall think expedient and proper, and ſo from Time to Time to advance and leſſen the ſame as often as he or they ſhall think fit, ſo as that no ſuch Advance ſhall exceed the Tolls, Rates, and Duties ſpecified herein, or in the Schedule hereto annexed; and every ſuch Officer or Officers as aforeſaid, ſhall have the like Power of levying and recovering the ſaid Tolls, Duties, and Rates ſo altered and changed, or any of them, or any Part thereof, as is herein-before given for levying and recovering the Tolls, Duties, and Rates granted by this Act.

Puniſhment of Perſons wilfully damaging the Works of the Harbour.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly demoliſh or break down, deſtroy, or ſet on Fire any Pier, Quay, Wharf, Store Houſe, or any other Building or Work to be conſtructed, erected, or made, altered or repaired under the Authority of this Act, every Perſon or Perſons ſo offending ſhall be ſubject and liable to the like Puniſhment and Penalties as in Caſes of Felony, and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall and may, and they have hereby Power and Authority to cauſe ſuch Perſon and Perſons to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment, ſuch Court may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny.

Certain Rights preſerved.

XIV. Provided always nevertheleſs, and it is hereby declared, That nothing in this Act contained ſhall extend or be conſtrued to extend to give to the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns, or the Lord or Lords of the ſaid Manor, any Liberty, Privilege, Benefit, Power, or Authority whatſoever in, over, or concerning ſuch Part of the ſaid Harbour

as

as lies on the North-west Side of the Line herein-before first described, or to abridge, lessen, or in any wise affect the Liberties, Privileges, Rights, or Interests of or belonging to *George Cary* of *Tor Abbey*, Esquire, or appertaining to his Messuages, Lands, Tenements, Hereditaments, Property, or Estate in the Parish of *Tormoham* aforesaid, nor to lessen, abridge, or destroy any of the Powers, Privileges, Rights, Interests, Liberties, Royalties, or Advantages belonging or appertaining to the said Sir *Lawrence Palk*, as Lord of the Manor of *Tormoham* aforesaid, or of the Person or Persons who shall be hereafter Lord or Lords of the said Manor for the Time being.

Bye Laws may be made for better putting the Act in Execution.

XV. And, for the better and more effectually carrying the several Objects of this Act into Execution, be it therefore further enacted, That it shall be lawful for the said Sir *Lawrence Palk*, his Heirs and Assigns, at any Time or Times hereafter, to make, ordain, and establish such reasonable Orders, Rules, and Bye Laws, for better regulating such Part of the said Harbour as aforesaid, and the said Piers, Quays, Wharfs, or other Works, and also in relation to all Erections, Buildings, Works, Matters, and Things which shall or may be established or made, erected or built, made or done by virtue or in pursuance of this Act, or used for the carrying into Execution the Purposes thereof; and also for the better regulating all Officers to be appointed or employed by virtue of this Act, and all other Persons having any Concern with the said Harbour; and also for better regulating, governing, and managing all or any of the Carts, Drays, Wheel or other Carriages, and of Horses or other Beasts of Draught or Burthen used and employed for the carrying and removing of the Goods, Wares, and Merchandizes meant and intended to be exported out of or imported into such Part of the said Harbour as aforesaid, or into, out of, or from any Boat or Vessel coming within or using the same, or the said Piers, Quays, Wharfs, Buildings, or Premises appertaining thereto, or for the carrying or removing Wood and all other Materials to be used or employed in or about the building or repairing of any Ship or other Vessel which shall or may be built or repaired within such Part of the said Harbour as aforesaid, or upon the Lands, Grounds, or Estate of the said Sir *Lawrence Palk*, his Heirs or Assigns near adjoining thereto, or in or about the building or repairing any of the Works to be built, erected, or made, or repaired in pursuance of this Act, or any other Improvement to be made in pursuance thereof; and likewise for better regulating, governing, managing, or ordering of all and every, or any other Person or Persons who shall or may be employed as the Driver or Drivers of any Cart, Dray, Wheel or other Carriage, or of any Horse or other Beast of Draught or Burthen which shall be used or employed as before mentioned; and further, for better governing and regulating all Persons to be employed in or about the loading, unloading, carrying, or conveying all or any Goods, Wares, or Merchandize to or from any Ship or Vessel lying and being within such Part of the said Harbour as aforesaid, or which shall have been landed from or intended to be shipped on board of any such Ship, Boat, or other Vessel as last aforesaid, or that shall be employed in or about all or any of the Works aforesaid; and for the better regulating and governing such Part of the said Harbour as aforesaid in all Respects whatsoever, as in the Judgement of the said Sir *Lawrence Palk*, his Heirs or Assigns, or his or their Steward for the Time being, shall seem fit, just, and reasonable; and also from

from Time to Time, as Occaſion may be, to repeal, and to amend or alter ſuch Rules, Orders, Regulations, and Bye Laws as to him or them ſhall ſeem meet and requiſite, ſo that no ſuch Rule, Order, Bye Laws, or Regulations ſhall be in any Way repugnant to the Laws of that Part of the United Kingdom called *England*; and alſo to fix and appoint reaſonable pecuniary Penalties, not exceeding the Sum of Forty Shillings, for each Non-obſervance or Non-performance, or other Breach of all or any ſuch Rules, Regulations, Orders, or Bye Laws, or any of them, to be recovered as herein directed, which Rules, Regulations, Orders, and Bye Laws the ſaid Sir *Lawrence Palk*, his Heirs and Aſſigns, and his or their Steward for the Time being, ſhall from Time to Time cauſe to be printed and to be diſtributed within the ſaid Manor of *Tormoham* otherwiſe *Tormoon*, and likewiſe to be hung up in ſome conſpicuous Place within the ſaid Manor.

Bye Laws not to have Effect until allowed by Judges of Aſſizes, or Magiſtrates in Quarter Seſſions.

XVI. Provided always, and be it further enacted, That no Rule, Order, or Bye Law which ſhall be made as aforeſaid, purſuant to the Powers hereby given for that Purpoſe, ſhall be put in Execution, or have any Force, Operation, or Effect, until the ſame reſpectively ſhall have been produced at the Aſſizes, or General Quarter Seſſions of the Peace held for the ſaid County of *Devon*, and have been approved by a Judge or Judges of ſuch Aſſizes, or the Juſtices of ſuch Quarter Seſſions, or the major Part of them for the Time being, by Writing under his or their Hand or Hands, nor until the ſame ſhall have been publiſhed, and poſted or hung up in ſome publick Place in the ſaid Manor for the Space of Ten Days.

Mode of Recovery of Penalties and Forfeitures.

XVII. And be it further enacted, That all Penalties and Forfeitures for Offences againſt this Act, or againſt any Rule, Bye Law, or Order to be made as aforeſaid (the Manner of levying and recovering whereof is not hereby otherwiſe directed), ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace of the ſaid County of *Devon*, either by Confeſſion of the Party offending, or by the Oath of any Officer or Officers to be appointed by virtue of this Act, or of any Inhabitant of the ſaid Manor, or other credible Witneſs (which Oath any ſuch Juſtice of the Peace is hereby required and empowered to adminiſter), be recovered and levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice; and the Overplus, after ſuch Penalties and Forfeitures, and after the Charges of ſuch Proſecution ſhall be paid and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the Money ariſing by ſuch Penalties and Forfeitures ſhall be paid and applied in Manner following; that is to ſay, One Half thereof to the Perſon or Perſons who ſhall inform or ſue for the ſame, and the other Half thereof to be paid to the ſaid Sir *Lawrence Palk*, his Heirs or Aſſigns; and in caſe ſufficient Diſtreſs ſhall not be found, or any ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol of the ſaid County, there to remain, without Bail or Mainprize, for ſuch Time as ſuch Juſtice ſhall direct, not exceeding Two Calendar Months, unleſs

such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

XVIII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the said Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn in the following Form, or to the like Effect:

Form of Conviction.

'*Devon.* } BE it remembered, That on the Day of in the Year of our Lord is convicted before of His Majesty's Justices of the Peace for the County of *Devon*, by virtue of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third [*here set forth the Title of this Act, specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be:*] Given under our Hands and Seals, or my Hand and Seal, the Day and Year first aforesaid.'

Appeal.

XIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices at any General Quarter Sessions of the Peace to be holden for the said County, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Twenty Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, unto the said Sir *Lawrence Palk*, his Heirs or Assigns, or his or their Steward for the Time being, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the said Justices at such Sessions; and the Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal, and award such Costs to the Party appealing or appealed against as they shall think proper; and the Dtermination of the Justices at such Quarter Sessions shall be final, binding, and conclusive to all Parties.

Distress not to be unlawful for want of Form.

XX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity afterwards done by the Party distraining, but the Person or Persons thereby aggrieved may recover Satisfaction for the Special Damage only in an Action on the Case; and that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful

Proceeding

Proceeding before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he or they shall see fit, whereupon such Proceedings, or Order and Judgement shall be had and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and also that no Order made touching any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed for Want of Form, or removed or removeable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; and that no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until after the Expiration of Thirty Days Notice, which shall be thereof given in Writing to the said Sir *Lawrence Palk*, his Heirs or Assigns, or his or their Steward for the Time being, or after a sufficient Tender of Amends shall be made to the Party or Parties aggrieved, or after Six Calendar Months next after any Fact committed for which such Action or Suit shall be brought; and every such Action or Suit shall be brought, laid, and tried in the County of *Devon*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or such Action or Suit shall be commenced after the Time before limited for bringing the same, or without Notice given, or after a sufficient Tender of Amends as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or suffer a Discontinuance in such Action or Suit after the Defendant's Appearance, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

General Saving.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privilege, or Authority of the King's most Excellent Majesty, His Heirs and Successors, or the Duke of *Cornwall*, his Heirs, Successors, Lessees, or Tenants, or the said *George Cary*, or Sir *Lawrence Palk*, their respective Heirs or Assigns, or any Bodies Politick and Corporate, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except those meant and intended to be barred and regulated by this Act): Provided also, that this saving Clause shall not be construed to detract from or weaken the aforesaid Proviso, excluding such Part of the said Harbour aforesaid as lies on the North-west Side of the Line aforesaid from the Operation of this Act.

Fishing Boats belonging to *Torbay* not liable to the Rates, unless, &c.

XXII. Provided always, and be it further enacted, That the Fishing Boats belonging to *Torbay*, employed in the Fishing Trade on the Coast, and the Boats or Vessels trading to or from any Part of the Manor of *Cockington*, which shall anchor or lie within the Boundary or Extent of such

ſuch Part of the ſaid Harbour as aforeſaid, but on the Outſide of the ſaid intended Pier or Quay, ſhall not be made liable to or be chargeable with the Payment of any of the Tolls or Duties which are made payable by this Act, unleſs ſuch Boats or Veſſels ſhall land Part of their Cargo within the Boundary or Extent of ſuch Part of the ſaid Harbour, or ſhall come within the ſaid intended Pier or Quay, and in caſe they ſhall land any Part of their Cargo within the Boundary or Extent of ſuch Part of the ſaid Harbour, they ſhall on Account thereof be liable to the Payment of the ſaid Tolls or Duties, only as far as reſpects ſuch Part of their Cargo as they ſhall ſo land within the ſame, and in Proportion thereto.

Publick Act.

XXIII And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

The

The SCHEDULE referred to by this ACT;

Aſcertaining the TOLLS, RATES, and DUTIES to be paid within the Limits of ſuch Part of the ſaid Harbour of *Torquay* as lies on the South-eaſt Side of the Line aforeſaid, and within the ſaid Manor of *Tormoham*, as preſcribed by this Act.

	£.	s.	d.
For every Ship, Brig, Coaſting or Fiſhing Sloop, Yacht, or other Veſſel belonging to ſuch Part of the ſaid Harbour as aforeſaid, the yearly Sum of Eight-pence *per* Ton, agreeable to the Meaſure thereof - - - - -	0	0	8
For every Ship, Boat, or other Veſſel that ſhall be laid up unemployed within ſuch Part of the ſaid Harbour as aforeſaid, for any Time exceeding Two Months, the Sum of Two-pence *per* Ton for every Month ſhe ſhall be laid up after the firſt Two Months - - - - -	0	0	2
For every Boy, or Man not exceeding the Age of Sixty Years, who ſhall be employed in any Ship, Boat, or other Veſſel, belonging to ſuch Part of the ſaid Harbour as aforeſaid, the yearly Sum of Two Shillings and Sixpence -	0	2	6
For every Ship, Boat, or other Veſſel that ſhall be laid up in Ordinary for the Winter within ſuch Part of the ſaid Harbour as aforeſaid, the Sum of Eight-pence *per* Ton, according to the Meaſure thereof - - - - -	0	0	8
For every Boat or other Veſſel diſcharging or taking in Part of her Cargo within ſuch Part of the ſaid Harbour as aforeſaid, or that ſhall be put into ſuch Part of the ſaid Harbour, Sixpence *per* Ton, according to the Burthen of ſuch Ship, Boat, or other Veſſel, beſides the other Duties made payable by this Act - - - - -	0	0	6
For every Sailor's Cheſt landed within or ſhipped from ſuch Part of the ſaid Harbour as aforeſaid, Sixpence - -	0	0	6
For every Ton of Goods, Articles, or Things (except Coals, Culm, and Fiſh caught on the Coaſt), which ſhall be brought into or carried out of ſuch Part of the ſaid Harbour as aforeſaid by any Ship, Boat, or other Veſſel, reckoning for Houſehold Furniture Forty Feet to a Ton, the Sum of Two Shillings - - - - - -	0	2	0
For every Yawl or ſmall Trawl Boat belonging to ſuch Part of the ſaid Harbour, yearly - - -	0	7	0
For every Four-oared Boat belonging to ſuch Part of the ſaid Harbour, yearly - - - -	0	1	6
For every Ship or other Veſſel diſcharging or taking in Ballaſt within ſuch Part of the ſaid Harbour as aforeſaid, *per* Ton, according to the Burthen of ſuch Veſſel - -	0	0	6

	£.	s.	d.
For every Boat or other Veſſel employed in the Fiſhery on the Coaſt, not exceeding Five Tons Burthen, yearly, which ſhall come within or make uſe of ſuch Part of the ſaid Harbour as aforeſaid - - - - - -	0	7	6
And if more than Five Tons, yearly - - - -	0	15	0
For every open Boat coming within ſuch Part of the ſaid Harbour as aforeſaid, to land or ſhip off any Goods, each Time; but not to pay more than Twice in One Day -	0	1	0
For every Coaſting Sloop, or other Ship or Veſſel putting into ſuch Part of the ſaid Harbour as aforeſaid, each Time Two-pence *per* Ton - - - - - -	0	0	2
For every Quarter of Coals landed within or ſhipped from ſuch Part of the ſaid Harbour as aforeſaid, Sixpence -	0	0	6
And for every Twenty-four Hours the ſame ſhall be left on the ſaid Pier, Quay, or Beach, and at that Rate *per* Quarter, an additional Sum of Three-pence - -	0	0	3
For every Quarter of Culm landed within or ſhipped from ſuch Part of the ſaid Harbour as aforeſaid, Four-pence -	0	0	4
And for every Forty-eight Hours the ſame ſhall remain on the ſaid Pier, Quay, or Beach, and at that Rate *per* Ton, an additional Sum of Four-pence - - -	0	0	4
For every Hundred Pounds Weight of Cheeſe Sixpence, and in the ſame Proportion for any leſs Quantity - -	0	0	6
For every One thouſand of Slate landed within or ſhipped from ſuch Part of the ſaid Harbour as aforeſaid, Four-pence	0	0	4
For every Ton of Bricks, reckoning Five hundred to a Ton - - - - - - -	0	1	6
For every Crate of Earthen Ware - - -	0	0	6
For all Paſſengers coming or going to or from ſuch Part of the ſaid Harbour as aforeſaid, at the Rate of Sixpence in the Pound, on the Amount of the Fare of ſuch Paſſenger, the ſame to be paid by the Maſter of the Veſſel -	0	0	6
For every Bundle of Butt Hoops containing Two Dozen, and in that Proportion - - - - -	0	0	2
For every ſuch Bundle of other Hoops, of a leſs Size, and in that Proportion - - - - -	0	0	1½
For every empty Hogſhead which ſhall be landed or ſhipped from ſuch Part of the ſaid Harbour as aforeſaid, the Sum of	0	0	1
For every Load of Timber, reckoning Fifty Feet to the Load, the Sum of - - - - - -	0	1	0
For every Thouſand Feet of Board or Plank, the Sum of	0	2	6
For every Hundred Feet of Swannage or other Stone which ſhall be landed or ſhipped as aforeſaid, the Sum of - -	0	1	0
For all Goods, Wares, and Merchandize, Articles and Effects whatſoever that ſhall be exported from or imported within ſuch Part of the ſaid Harbour as aforeſaid, by the Ton Weight or Meaſure, according to the Nature of ſuch Articles, ſubject nevertheleſs to the Regulations and Proviſions of this Act, the Sum of - - -	0	1	6

All

All the before mentioned Tolls, Dues, or Rates to be paid Double by all Perſons whomſoever, not being Subjects of His Majeſty, His Heirs or Succeſſors.

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