



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 195.

An Act for constructing a Harbour at *Porthleven*,
in *Mount's Bay*, in the County of *Cornwall*.

[26th June 1811.]

WHEREAS by building a Pier and other necessary Works, a safe and commodious Harbour might be formed at or near *Porthleven*, in *Mount's Bay*, in the County of *Cornwall*, which would be of great Benefit and Convenience as well to the Inhabitants of the Neighbourhood, as also to Merchants concerned in trading Vessels going up and down the Channel, by affording Shelter and Protection to Vessels in strong Southerly and Westerly Winds, and thereby also be of great public Utility; but such beneficial Purposes cannot be carried into Execution 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 *James Buller*, *Thomas Tyrwhitt*, and *Waller Rodwell Wright*, Esquires, together with *John de Ponthieu*, *George Simson*, *Henry Swan*, *John Kingston*, *George Randall*, *Thomas Stevens* Doctor in Divinity, *Joseph Fortune*, Master of Arts, *Alexander Anderson*, *Peter Craufurd Bruce*, *Thomas Marsham*, *John Daubeny*, *William Pascoe*, *William Thomas*, *Oliver Mathews*, *Edward Atkins*, *William Rogers*, *Christian Rogers*, *Sampson Rogers*, *Thomas Wood James Peter Hammil junior*, *William Coulson*, *James Hickens*, *John Bennetts*, *John Silvester*, *William Roberts*, *Henry Roberts*, *Joseph Roberts junior*, *Mary Ann Roberts*, *Jane Lamport*, *John Palfreman*, *Henry Pen-*
[*Loc. & Per.*] 49 H *burthy*,

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burtby, Thomas Farquharson, John Body, Edmond Body, Joseph Roberts, and Henry Oswald Welsh, together with such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of One or more Share or Shares of or in the said Harbour, Pier, Quays, Wharfs, and other Works to be constructed and made by virtue of or under the Authority of this Act, and their several and respective Executors, Administrators, Assigns, and Successors, shall be and they are hereby united into and declared to be a Company for the constructing, erecting, building, making, doing, maintaining, repairing, and supporting a Harbour, Pier, Quays, Wharfs, and such other Works, Requisites, Matters, and Things as shall or may be necessary for the completing of the said Harbour, and the Accommodation of the Vessels lying therein, and for the other Purposes of this Act, according to the Directions and subject to the several Provisoos, Regulations, and Restrictions herein-after contained, and shall for those Purposes be one Body Politic and Corporate, by the Name and Style of "The *Porthleven* Harbour Company," and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm, and by that Name and Description may and shall have full Power and Capacity to purchase, take, have, hold, and enjoy any Messuages, Lands, Tenements, and Hereditaments whatsoever, to the Use of themselves and their Successors, notwithstanding the Statutes of Mortmain, or any of them.

Common
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Company
may build a
Pier.

II. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to make, construct, erect, build, do, maintain and support on the Sands and Rock near the Stade or beachy Ground at or near *Porthleven* aforesaid a Pier; and also to make, construct, build, maintain and support such Quays, Wharfs and other Works, Buildings, or Matters and Things as they shall deem necessary or expedient for the making an Harbour for the Reception, Accommodation and Security of Ships and Vessels and the Officers and Crews thereof, and for the more convenient lading and unlading of such Ships and Vessels; and also to erect and make, or cause to be erected and made, such Buildings and Warehouses for receiving of Goods and Merchandizes, and such Dwelling Houses and other Buildings, Accommodations, and Things, and in such Manner as the said Directors for the Time being, or the major Part of them present at any Meeting or Meetings as aforesaid shall deem necessary or expedient, subject to the Provisions and Directions in this Act contained.

To purchase
Lands, &c.

III. And be it further enacted, That the said Company of Proprietors shall have full Power and Authority to contract and agree with the Owner or Owners, Occupier or Occupiers of all such Lands, Grounds, or Hereditaments in or near the said Harbour, as they shall think necessary or proper to purchase and make use of in and about the Works of the said Harbour, or for the Purpose of enlarging and improving the same, not exceeding One hundred and thirty Feet from the Wall of the proposed Basin.

IV. And

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, who are or shall be seised, possessed or interested in their own Right, and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Grounds, and Hereditaments, to contract for, sell and convey the same and every Part thereof unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them shall respectively make by virtue or in pursuance of this Act; and all such Contracts, Sales, Conveyances and Assurances shall be made at the Expence of the said Company of Proprietors, and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

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

Contracts and Sales to be made at the Expence of the Company.

I Sum of _____ of _____ in Consideration of the _____ to be paid (or, in Consideration of _____ to me to be hereafter yielded and paid by Yearly or Half yearly Payment as may be agreed upon) by the Company of Proprietors of the *Porthleven* Harbour, do hereby grant and release to the said Company all (*describing the Premises to be conveyed*) and all my Right, Title and Interest to and in the same and every Part thereof, to hold to the said Company for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament passed for making and maintaining the said Harbour. In Witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ in the _____ Year of our Lord _____

Form of Conveyance to the Company.

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

V. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell or convey, demise or lease Lands and other Hereditaments, or any other Owner or Owners and the Occupier or Occupiers of any Lands or other Hereditaments in or upon which the said Harbour or other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Grounds and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed; and from and immediately after the Time of making and executing such Sale and Conveyance, Demise or Grant, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at Liberty to enter upon; and from thenceforth for ever to have, take, and enjoy the said

Satisfaction to be made.

If Parties cannot agree Price to be settled by a Jury.

said Lands, Grounds, and other Hereditaments for the Uses and Maintenance of the said Harbour; and in case the said Company of Proprietors and the said Parties interested in such Lands and Grounds or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

If Parties are dissatisfied, or refuse, or are unable to treat, &c. a Jury to be impanelled to decide the Matter.

VI. And, for settling all Differences which may arise between the said Company of Proprietors, and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, affected or prejudiced by reason of the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate or Collegiate, or any other Person or Persons so interested for and on his, her, or their Part or Parts, or for or on the Part of his, her or their *Cestuique* Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, or other Compensation as shall be offered by them the said Company of Proprietors, or their Agents by and on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being to the said Company of Proprietors, within Sixty Days next after such Offer shall have been made, and the Party and Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate or Collegiate, or any other Person or Persons seized or possessed of or interested in any such Lands, Mills, or other Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Company of Proprietors, or with any Person or Persons authorized by them for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Company, or the Person or Persons authorized by them, then and in every such Case the said Company of Proprietors shall, and they are hereby empowered and required from Time to Time, to issue a Warrant under their Common Seal to the Sheriff, or one of the Coroners of the County of *Cornwall*, if the said Sheriff should be a Party interested, commanding such Sheriff (and the said Sheriff or Coroner is hereby empowered and required) to impanel, summon, and return not less than Twelve, nor more than Twenty-four substantial and indifferent Persons qualified to serve on Juries; and the Persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justice of the Peace for the County wherein the Premises shall lie, or the Damage thereto be ascertained at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed and appointed, and to attend such Court or General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the said County, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace as before-mentioned,

or

or his Deputy, shall return other honest and indifferent Men of the Bye Standers, or of others who can be speedily procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters or Things in Controversy; and such Jury shall, upon their Oath (which Oaths as well as the Oaths to such Witnesses the said Justices are hereby empowered and required to administer), enquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands, Grounds, and other Hereditaments; and the said Justices shall give Judgment for such Purchase Money so assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and upon all Persons whomsoever; provided that Twenty-one Days Notice in Writing at the least of the Hour and Place at which such Jury are so required to be returned be given to the Bodies Politic, Corporate or Collegiate, or to the Person or Persons interested or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, or other Hereditaments, than shall have been previously offered by or on Behalf of the said Company of Proprietors before the summoning such Jury, or where by reason of Absence or other Impediment or Disability there shall not be found any Person or Persons at hand who may be legally capacitated to contract with and make Conveyances to the said Company of Proprietors as hereinbefore mentioned, then and in all such Cases all the reasonable Expences of causing such Value to be assessed and awarded as aforesaid, shall be settled by the said Justices and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that shall have been previously offered by or on Behalf of the said Company of Proprietors, or for a less Sum than shall have been so previously offered, or in case of such Refusal to treat with or make Conveyances to the said Company of Proprietors, by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally empowered to treat and convey as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Company of Proprietors,) the reasonable Costs and Expences of causing such Value to be assessed and awarded as aforesaid shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, or by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, and the Payment or Tender of the

Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and awarded as aforesaid.

Persons requesting Juries to enter into Bonds to prosecute.

VII. Provided always, and be it further enacted, That all and every Person or Persons making Complaint and requesting a Jury to be summoned shall (before the said Company of Proprietors shall issue their Warrant for that Purpose) enter into a Bond with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors in a Penalty of Five hundred Pounds, with Condition to prosecute his, her or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company of Proprietors, before the summoning and returning the said Jury or Juries for the Purchase of or as a Recompence for any Lands, Grounds or Hereditaments.

Compelling the Sheriff to summon a Jury.

VIII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined or to give Evidence, every Person so offending, having no reasonable Excuse, (to be allowed by the said Justices), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of any one of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty so recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Party who shall appear to the said Justice to be injured by the Default of such Person.

Punishing Persons guilty of Perjury.

IX. And be it further enacted, That all Persons who in any Examination to be taken upon Oath by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Power to enter and take Possession of Lands, &c. on Payment or tender of Purchase Money.

X. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined and adjusted by any Jury or Juries in Manner aforesaid, for the Purchase of any such Lands, or other Hereditaments, before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein,

or entitled to receive such Money, at any Time after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company; or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon the Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite) for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Grounds, or Hereditaments respectively, and then and thereupon the Lands, Grounds, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in, and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons, to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person; and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender or Investment as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the said Harbour without Leave of the respective Owners or Occupiers thereof.

XI. And be it further enacted, That every Tenant at Will or Lessee, for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors or to such Person or Persons as they shall appoint to take Possession of the same, upon having Three Calendar Months Notice to quit such Possession from the Clerk or Solicitor to the said Company of Proprietors, or from the Person or Persons so authorized by them to take such Possession; and such Person or Persons, in Possession, shall, at the End of the said Three Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenants holding or not, or so soon after as he, she or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company of Proprietors, or to such Person or Persons authorized by them to take Possession thereof, such Authority being signified under the Hands of the Committee or Court of Directors of the said Company of Proprietors, or any Three or more of them; and in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, all reasonable Satisfaction being first made or tendered, it shall and may be lawful for the Committee or Court of Directors, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Cornwall*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the same Premises accordingly, and to lay such Costs as shall accrue from the

Tenants at Will to deliver Possession at Three Months Notice.

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issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her or their Goods and Chattels.

Verdicts to be recorded.

XII. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the Clerk of the Peace, or his Deputy, present at the taking of such Verdicts, and pronouncing of such Judgment respectively), shall be kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the County of *Cornwall*, and shall be deemed to be Records of the said Quarter Sessions, to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words; and so in Proportion for any less Number of Words.

Houses or Buildings, Gardens, Parks, &c. not to be taken or injured.

XIII. Provided always and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company of Proprietors, or any other Person or Persons to take or cut down any Timber or other Trees whatsoever, nor take, use, injure, or damage any House or other Building or any Ground, which, on the First Day of *January* One thousand eight hundred and eleven, was the Site of any House or other Building, or a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House or Lawn or Pleasure Ground, inclosed or adjoining to a Dwelling House, or any Wharf or Wharfs, nor belonging to any Inhabitant or Inhabitants of *Portleven* aforesaid, or to his, her or their respective Tenants, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such Lands, Tenements, Hereditaments, and Premises belonging to the several Persons mentioned in the Schedule hereunto annexed, marked (E.)

Misnomer or wrong Description in the Schedule not to prevent the Execution of the Act.

XIV. Provided always, and be it further enacted, That if any of the Houses, Lands, Grounds, Gardens, Yards, Buildings, Erections, Wharfs, and Hereditaments, mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be omitted, misnamed, or inaccurately described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace for the County of *Cornwall*, such Omission, Misnomer, or inaccurate Description, shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued, in Manner herein-after mentioned, and conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named or described in the said Schedule.

Application of Compensation Money above 200l.

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed

Exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*; in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* 'The *Porthleven* Harbour Company,' together with the Name or Names of such Person or Persons, as any Three of the Directors of the said Company shall by Writing signed by them direct and appoint, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Pétition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the 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, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the 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 Messuages, Lands, Tenements, and 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 mean Time and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, 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 Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

XVI. Provided always, 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 aforesaid, and 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 Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy 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 High Court of Chancery, 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 Person or Persons making such Option,

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and

When less than 200l. and exceeding 20l.

and approved of by Three or more of the Court of Directors, (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 Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applied, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

When less than 20l.

XVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than 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, or Hereditaments so purchased, taken, or used for the Purposes of this Act; as the said Court of Directors, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy; then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery, on Petition.

XVIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Court of Directors, or any Three of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Court of Directors, or any Three or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act,

Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capitals of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act; the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves a competent Sum of Money for making and maintaining the said Harbour, Pier, and all the Ways, Roads, Quays, Wharfs, and all other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Sixty thousand Pounds, save and except as herein mentioned; and that the same shall be divided into Two several Rates of Shares; that is to say, Shares of Fifty Pounds each, and Shares of One hundred Pounds each; and that the said Shares shall be and are hereby vested in the several Persons so having subscribed, or hereafter subscribing, and their several and respective Executors, Administrators, Successors and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators and Assigns, who shall severally subscribe for One or more Share or Shares, and shall pay such Sum or Sums as shall be demanded on account thereof, according to the Provisions in that Behalf hereinafter contained, towards carrying on and completing the said Harbour, Pier, Quays, Wharfs and other Works, and other the Purposes of the said Undertaking, shall be intitled to receive the entire and nett Distri-

The Court may order reasonable Expences of Purchases to be paid by the Company.

Proprietors to raise Money for making the Harbour.

bution of an equal proportionable Part, according to the Money so by them respectively paid, out of the Profits and Advantages that shall and may arise and accrue by the Rates and Duties and other Sums of Money to be raised, recovered or received by the said Company of Proprietors by the Authority of this Act, after the several Disbursements herein-after respectively provided; and every Body Politic, Corporate and Collegiate, Person and Persons having such Property in the said Undertaking as aforesaid, shall respectively pay such proportionable Sums towards carrying on the same in Manner herein directed and appointed, as shall from Time to Time be duly required from him or them, so that the Sums upon each Share shall not exceed Fifty Pounds for each respective Share of the First Rate or Class, and One hundred Pounds for each respective Share of the Second Rate or Class as aforesaid.

Shares to be
Personal
Estate.

XXII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate and Collegiate, and all other Person and Persons, of and in the said Undertaking on the Joint Stock or Fund of the said Company, shall be and be deemed to be Personal Estate and transmissible as such, and not of the Nature of Real Property.

Power to
create Three
Hundred
new Shares
of 100l. each.

XXIII. And be it further enacted, That it shall and may be lawful to and for any Number, not being less than a Majority of the Proprietors of the Shares aforesaid, at any Special Meeting to be appointed and held in Manner herein-after mentioned, to authorize and empower the Directors, to be appointed in Manner herein-after mentioned, to create, sell, and dispose of any Number of new Shares of One hundred Pounds each, of and in the said Harbour, not exceeding Three hundred, to such Person or Persons, and in such Manner as they shall think proper; and the Purchaser or Purchasers of such new Share or Shares shall be, and shall be considered, deemed, and taken to be a Member or Members of the said Company of Proprietors in the same Manner as if he, she, or they had been a Proprietor or Proprietors of any of the Original Shares of and in the said Harbour.

Subscribers
possessing one
Share of 100l.
or Two
Shares of 50l.
shall have one
Vote at every
General
Meeting.

XXIV. And be it further enacted, That every Body Politic, Corporate or Collegiate, and every Person who shall by virtue of this Act have subscribed for One Share of One hundred Pounds or Two Shares of Fifty Pounds in the said Undertaking, his, her, or their respective Successors, Executors, Administrators and Assigns, shall have a Vote in the several Meetings of the said Proprietors to be holden for the Purposes of this Act; and if possessed of Five Shares of One hundred Pounds each, or Ten Shares of Fifty Pounds each, Two Votes; if Ten Shares of One hundred Pounds each, or Twenty Shares of Fifty Pounds each, Three Votes; and if Twenty Shares of One hundred Pounds or Forty Shares of Fifty Pounds each, Four Votes; and Thirty Shares of One hundred Pounds each, or Sixty Shares of Fifty Pounds each, and upwards, Five Votes; which Vote or Votes may be given by him, her, or them, or by his, her, or their Proxy or Proxies, constituted under the Seal of such Body Corporate, Politic or Collegiate, or the Hand of such Person or Persons, every such Proxy being a Proprietor in the said Undertaking, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes, as if such Principal had voted in Person, and every
Question,

Question, Matter or Thing that shall be proposed, discussed or considered, in any Meeting of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, which Appointment of Proxy shall be in the Form and to the Effect following; that is to say,

‘ I *A. B.* of *One of the Proprietors of the Porthleven* Form of con-
 ‘ Harbour, and possessed of *Share or Shares therein,* stituting
 ‘ do hereby nominate, constitute, and appoint *C. D.* of Proxies.
 ‘ to be my Proxy in my Name, and in my Absence to vote or give my
 ‘ Assent or Dissent to any Business, Matter or Thing, relating to the
 ‘ same Undertaking, that shall be mentioned or proposed to any
 ‘ Meeting of the said Company of Proprietors, in such Manner as he the
 ‘ said *C. D.* think proper, according to his Opinion and Judgement for
 ‘ the Benefit of the said Undertaking, or any Thing appertaining thereto.
 ‘ In Witness whereof, I have hereunto set my Hand the
 ‘ Day of

XXV. Provided always, and be it enacted, That the said Directors or any Three or more of them shall have Power from Time to Time to call for all Accounts of Monies laid out and disbursed for the Purposes of this Act by the Receivers and other Officers and Persons employed under the Authority of this Act, and to make such Call or Calls for Money from the said Subscribers, their Successors, Executors, Administrators and Assigns, according and in Proportion to the Amount of their respective Subscriptions, for the Purpose of defraying the Charges and Expences in, about, or relating to the procuring and passing of this Act, and in the next Place the Expences of carrying on the Works authorized or directed by this Act to be done, as by them or any Three or more of them shall from Time to Time be found wanting and necessary for those Purposes, so that no Call shall exceed the Sum of Ten Pounds for every One hundred Pounds on the Sum or Sums so subscribed, and so that no more than Six Calls be made in any one Year, and Thirty Days Notice at the least shall be given of all such Calls by Advertisement in the *London Gazette*, and in One or more Newspaper or Newspapers usually circulated in the said County of *Cornwall*, and in such other Manner as the said Directors may think proper; which Money so called for shall be paid to such Person or Persons, and in such Manner as the said Directors shall from Time to Time appoint or order, for the Use of the said Undertaking, and the Owner or Owners of such Stock shall pay his, her, or their Proportion or Proportions of the Monies so called for as aforesaid, at such Time and Place, and in such Manner as shall be appointed for that Purpose as aforesaid; and if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share or Parts or Shares of the said Monies to be called for as aforesaid at the Time and Place to be appointed by the said Directors, the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, shall forfeit the Sum of Ten Shillings for every Fifty Pounds of his, her, or their respective Subscription or Stock, or Part and Interest in the said Undertaking and Premises, and in every such Case the said Company shall and they are hereby empowered to sue for and to recover in any Court or Courts of Law or Equity, with Costs, every or any such Part or Parts thereof so neglected or refused to be paid; and in
 [Loc. & Per.] 49 L. case

in case such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share, or Parts or Shares, of the said Money to be called for as aforesaid, for the Space of Three Calendar Months next after the Time of any of the respective Times of Payment thereof appointed as aforesaid, then and in every such Case the same may be sued for and recovered by the said Company of Proprietors as last herein-before mentioned, or otherwise, at the Option of the said Directors, or of any Three or more of them, the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so neglecting to pay the same shall forfeit all his, her, or their respective Stock, or Parts and Interest in the said Undertaking and Premises, all which Forfeitures shall go to and for the Benefit of the rest of the said Proprietors, their Executors, Administrators, and Assigns, holding for the Time being Shares of the said Stock, in Proportion to their respective Shares and Interests.

No Advantage of Forfeiture to be taken till Notice thereof is given, and the same declared at a General Meeting.

XXVI. Provided always, and be it further enacted, That no Advantage shall be taken of any Forfeiture of any such Stock, or of any Part thereof, until Notice in Writing of such Forfeiture shall have been previously given or left by some Officer of the said Company to or with the Owner or Owners of such Stock, or left at his, her, or their usual or last known Place of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the said Company to be held within Six Calendar Months next after such Forfeiture shall happen to be made; but that the Subscriber or Subscribers having incurred such Forfeiture as aforesaid may, at any Time previous to such General Meeting, pay or cause to be paid for the Use of the said Company, and into the Hands of the Person appointed to receive the Monies due upon such Instalment, the further Sum of Ten Pounds *per Centum*, for every One hundred Pounds Stock, and so in Proportion for any lesser Sum, the Instalment on which has been so neglected to be paid, together with all the Monies which shall be then due upon such Instalment so neglected to be paid as aforesaid, in Consideration of which Payment such Forfeiture shall be annulled, as if such Instalment had been regularly paid at the Time appointed for the Payment thereof; and in case of such Forfeiture, the same shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting his, her, or their Stock, Part, and Interest as aforesaid, against all and every Action or Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to the Non-payment of the Sums so neglected to be paid as aforesaid.

No Transfer of Shares to be made until Instalments actually called for be paid.

XXVII. And be it further enacted, That after any Call of such Money shall have been made by the Directors as herein-before mentioned and provided, no Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Company upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust, for the Benefit of all the said Proprietors, unless he, she or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer or Secretary of the said Company of Proprietors, or to such Person or Persons as the said Directors shall from Time to Time appoint, the whole and entire Sum of Money which shall have been called for upon

Such Share or Shares so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Meeting in Manner herein-before directed, and that every such Transfer shall be null and void to all Intents and Purposes whatsoever.

XXVIII. And be it further enacted, That in case any Person or Persons subscribing or holding any Stock of the said Company of Proprietors shall die before any such Call or Calls shall have been made for the full Sum to be advanced on the Sum or Sums so subscribed for, or which he, she, or they shall have been possessed of or entitled to at the Time of his, her, or their Decease, without having made Provision by Will or otherwise in Writing, how the Money shall be paid upon the future Calls, then and in every such Case, the Executors or Administrators of every such Owner or Owners leaving Assets, shall be chargeable in respect of such Calls, as for the Debts of such Testator or Intestate; or in case the Executors or Administrators, or Person or Persons entitled to the Personal Estate of such Testator or Intestate, shall refuse or neglect, for the Space of Three Calendar Months, to answer such Calls and Payments, the said Directors, or any Three of them, shall be and are hereby authorized and required to admit any other Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to be a Proprietor or Proprietors of the Stock of such Owner or Owners so deceased, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors, Administrators, or Successors of such deceased Owner or Owners the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by Notice of any Call or Calls or otherwise, upon such Share or Shares of such Stock, or such other Sum or Sums of Money as the above can be sold for, first deducting the Penalties that may have been incurred as aforesaid.

Subscribers dying and their Executors not paying Installments;

Shares in such Cases to be sold, and produce paid to Executors, &c.

XXIX. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Company, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance of which Shares shall be in the Form and to the Effect following:

Shares how transferrable.

I *A. B.* of _____ in Consideration of _____ paid to
 me by *C. D.* of _____, do hereby bargain, sell, assign, and
 transfer to the said *C. D.* One Share [or, Two or more Shares, as the Case
 may be] of the Capital Stock of the *Porthleven* Harbour Company, being
 Number _____, to hold to the said *C. D.* his Executors, Adminis-
 trators and Assigns, subject to the same Rules, Orders, and Restrictions,
 and on the same Conditions that I held the same immediately before the
 Execution hereof; and I the said *C. D.* do hereby agree to take and
 accept the said Share or Shares of the said Capital Stock, subject to the
 same Rules, Orders, Restrictions and Conditions; as Witness our Hands
 and Seals the _____ Day of _____

And on every such Sale, the said Deed of Conveyance being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company shall have

have entered in a proper Book or Books for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid for each Share so transferred, and the said Clerk or Clerks is and are hereby required to make such Entry or Memorial accordingly, and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as Proprietor or Proprietors of the said Undertaking.

Shares not transferrable till Three Months from the passing of this Act.

XXX. And be it further enacted, That no Transfer, other than by Gift, Bequest, or Settlement on Marriage, or by Act of Law, shall be made of any of the said Stock, or Share of and in the said Joint Stock, for the Space of Three Months from the passing of this Act; and in case any Transfer or Transfers shall be made, except as aforesaid, the same shall be absolutely void to all Intents and Purposes whatsoever.

Affidavit of Register necessary to be transmitted to the Secretary.

XXXI. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong, be it further enacted, That before any Person or Persons claiming any Part or Share of the Profits of the said Undertaking in right of Marriage, shall be entitled to receive the same, an Affidavit containing the Copy of the Register of such Marriage, shall be made and sworn to by some credible Persons before a Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace of the District wherein the Party swearing the same shall be then residing, and the said Master Extraordinary in Chancery and Justice of the Peace are hereby authorized and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors for the Time being, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and before any Person or Persons claiming any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a course of Administration, shall be entitled to receive the same, the said Will or the Probate Copy thereof shall be produced and shown to the said Clerk or Clerks, or any Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, (or of the Letters of Administration in case the Proprietor shall have died intestate), shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be) before a Master Extraordinary in Chancery or One of His Majesty's Justices of the Peace for the District wherein the Party swearing the same shall be then residing, and shall be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned, for which respective Entries no more than Five Shillings shall be paid.

And also Copy of Will or Affidavits of the same, or of Letters of Administration.

XXXII. And

XXXII. And be it further enacted, That the said Company shall and they are hereby required, to cause the Names and proper Additions of the Persons who shall be entitled to the several Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk or Clerks to the said Company, and after such Entry made the said Company shall cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled to in the said Undertaking, every such Proprietor paying to the Clerk or Clerks to the said Company Three Shillings for every Share contained in such Certificate (exclusive of the Stamp Duty thereon), and such Certificate or Instrument shall be admitted in all Courts whatever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators and Assigns, to the Share or Shares therein specified.

Names of Proprietors to be entered in a Book;

and Certificate granted to each.

Certificates to be Evidence.

XXXIII. And whereas it is expedient that the Directors in the first Instance shall be appointed by this Act, be it therefore enacted, That a Board of Directors, consisting of Fourteen Persons, shall be constituted and appointed for managing the Affairs and Business of the said Company, Eleven of whom shall be respectively possessed of at least Ten Shares of One hundred Pounds each, in the said Capital Stock; and that *James Buller, Thomas Tyrwhitt, and Waller Rodwell Wright*, Esquires, together with *John De Ponthieu, George Simson, Henry Swann, John Kingston, George Randall*, Esquires, *Thomas Stephens* Doctor in Divinity, *Joseph Fortune* Master of Arts, *Alexander Anderson, Peter Crauford Bruce, Thomas Marsham, and John Daubeny*, Esquires, being Members of the said Company, who have already respectively subscribed for the Number of Shares to qualify themselves as aforesaid, shall be and they are hereby constituted and appointed Directors for ordering and superintending the Management of the Affairs of the said Company; and that they the said Directors shall and may meet at such Place or Places, and at such Time or Times as the major Part present at any of their Courts of Direction from Time to Time to be holden (the whole Number present not being less than Three), shall deem convenient for executing the Powers vested in them by this Act; and that they or any Three of them so assembled as aforesaid, shall be and constitute a Court of Direction for all the Purposes of this Act, unless in such special Cases wherein the Concurrence of a greater Number of them is hereby required, in which Cases a Court of Direction shall not consist of less than Seven Directors, and such Directors so appointed as aforesaid, shall continue in Office until others shall be chosen in their Stead, as hereinafter mentioned, or until such Person or Persons shall respectively die, or decline to act, or until any of the Persons who shall have been so chosen as Directors, from amongst the Members of the said Company, subscribing towards the said Stock, shall have disposed of, or become otherwise dispossessed of his, her or their Shares and Interest in the said Stock, so as to reduce the same to less than Ten Shares of One hundred Pounds each in the said Stock, and in the Room and Place of every such Director or Directors so as aforesaid appointed, who shall die, decline to act, or dispose of his or their Stock as aforesaid, there shall be appointed out of the Subscribers to the said Undertaking, by the Majority of the said Proprietors of the Joint Stock of

Nomination of Directors.

Their Meeting.

Director dying, &c. how Vacancy shall be supplied.

[Lac. & Per.]

49. M

the

the Company attending at a Special Meeting of the said Company to be called for that Purpose, of which the Directors for the Time being are hereby required to give Twenty-one Days Notice, as in the Manner directed with respect to the First Meeting of the said Company of Proprietors, One other Person or Persons to fill up the Vacancy of such Director or Directors; and the several new Director or Directors so as aforesaid to be elected and appointed, shall continue in Office for such Time or respective Times and no longer, as the Director or Directors in whose Stead he or they shall be so respectively elected or appointed, ought to have continued in Office if such Death or Deaths, Removal or Disqualification had not happened.

Directors to appoint Treasurer, and other Officers and Servants.

XXXIV. And be it further enacted, That it shall and may be lawful for the Directors of the said Company to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, Harbour Master, and such other Officers and Servants as they shall find necessary for the Purposes of this Act, and to appoint others in their Stead, as they shall die, resign, be removed, or become incapable of discharging the Duties of their Offices respectively, taking such Security or Securities for faithful Execution of their respective Offices, as the said Directors or the Majority of them shall from Time to Time think fit, and the said Directors shall, out of the Money to be raised by virtue of this Act, pay or allow unto such Person or Persons, such Salaries, Allowances or Remunerations, yearly or otherwise, for their Time and Trouble, as to them shall seem meet and reasonable; and that it shall be lawful from Time to Time for the Directors at any Meeting, at which Nine Directors at least shall be present, to remove or suspend any such Officers as aforesaid, for any reasonable and sufficient Cause.

Officers to account, deliver up Papers, and pay over Balances to Directors when required.

XXXV. And be it further enacted, That the said Treasurers, Harbour Master, Clerk, and all other Officers or Servants to be appointed by virtue of this Act shall, at such Time and as often as the said Directors shall order, render to them or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of the Execution of their respective Offices, and of all Matters and Things committed to their Charge by virtue of this Act, and also of the Monies which shall have been by them respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Directors, or to such Person or Persons as they shall appoint; and such Officers or Servants so accounting shall, if required by the said Directors, verify their Accounts respectively upon Oath, which any One of the said Directors is hereby empowered to administer; and if any such Officer or Servant shall refuse or neglect to render such Account, or to produce such Receipts or Vouchers, or to make such Payment as aforesaid, or shall not deliver to the said Directors or to such Person or Persons as they shall appoint, within Thirty Days after being thereunto required by the said Directors or by such Person or Persons so appointed, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act or of their respective Offices, or Duplicates thereof, or shall refuse to verify such Accounts upon Oath as aforesaid, then and in either of the Cases aforesaid the said Directors, or such Person or Persons as they shall appoint, may and they are hereby authorized and empowered to make

Complaint

Complaint thereof to any Justice of the Peace for the County or Place wherein such Officer or Servant so neglecting or refusing shall be or reside; and such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Servant; to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, which Oath such Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of or shall be due from any such Officer or Servant; such Justice may and is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied upon the Goods and Chattels of such Officer or Servant, and if sufficient Goods and Chattels to pay and satisfy the said Money and the Charges of levying the same, and of the Proceedings for the Recovery thereof, cannot be found, or if it shall appear to such Justice that such Officer or Servant hath refused or neglected to render and give such Accounts, or to verify the same as aforesaid, or to deliver up all such Books, Papers and Writings as aforesaid or Duplicates thereof, then and in any or either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction for the County, Town or Place where he shall be or reside, there to remain without Bail or Mainprize until he shall comply with aforesaid Direction, or make Satisfaction to the said Company; but no such Officer or Servant who shall be so committed for Want of sufficient Goods and Chattels as aforesaid only shall be detained in Prison by virtue of this Act for a longer Term than Six Calendar Months.

XXXVI. And be it further enacted, That the Directors herein-before appointed, together with those who shall be chosen in the Room of any such Director or Directors who shall die or decline to act, shall continue to be Directors and Managers for conducting and managing the Affairs and Business of the said Company, until the Works herein-after directed to be carried into Execution shall be formed made fit for the Reception of Shipping; and that at the Expiration of Two Years after the said Works shall be completed, Three at least of the said Directors shall, in Rotation, in the First Week in the Month of *May* in every succeeding Year, go out of Office; and the Directors who are to go out of Office shall be ascertained and known by drawing Lots for that Purpose at any Meeting of the said Directors, in such fair and proper Manner as the said Directors shall in their Discretion agree to and approve of; and the Vacancies occasioned by their going out of Office shall be filled up at the General Annual Meeting of the said Company, by the Majority of Votes of the said Proprietors or their Proxies so attending such Meeting: Provided always, and be it further enacted, That the Person or Persons who hath or have served the Office of Director shall and may, notwithstanding such Service, be eligible to be re-elected to the said Office.

Directors to continue in Office till the Works are completed, and afterwards.

Three to go out in Rotation.

Directors re-eligible.

XXXVII. And be it further enacted, That the said Directors, at their several Courts for executing this Act, shall elect a Chairman, by whom all Acts and Orders of the said Directors shall be signed in the Name and Style of the said Company, and who shall have the casting Vote upon any Question to be determined, in such and the same Manner as any

Chairman of Courts of Directors, how to be appointed, &c.

Chairman

Chairman herein mentioned to be appointed by the said Proprietors at any Annual or Special Meeting of the said Company.

Accounts to
be laid before
Directors;

and annually
submitted to
the Auditors.

XXXVIII. And be it further enacted, That all Accounts of Money laid out and disbursed on account of the said Harbour, Pier, Wharfs, and other Works thereunto belonging, shall, once in every Six Months, be laid before the Court of Directors of the said Company for their Inspection and Approbation; and that a Statement thereof shall annually be laid before the several Persons who shall be appointed to inspect, audit, and settle the same, in Manner herein mentioned.

Directors to
make Bye-
Laws, or any
Fifteen of
them, being
duly assembled
for that Pur-
pose, &c.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, or any Fifteen or more of them from Time to Time, to make, frame, ordain and establish, revoke, repeal, annul, or alter such Bye-Laws, Rules, Orders, and Regulations as they shall think fit, for the good Government of the said Company; and the Clerks, Treasurer, Collectors, Harbour Master, Officers, Assistants, Servants, and others appointed or employed under or by virtue of this Act, and for the better regulating the said Harbour and the mooring and the stationing of Vessels therein, and for the well-governing, ordering, and managing of the Officers and Crews of such Vessels, and the Boatmen, Servants, and others employed therein or belonging thereto, in all Matters and Things which shall concern the Interests of the said Company in the said Harbour, Pier, and their Appurtenances respectively, and for the Relief and Assistance of the Ships and Vessels resorting or seeking Shelter at or in the said Harbour, and also for the better regulating, governing, and managing the several Works, Matters, and Things by this Act authorized and directed to be made, done, and constructed, as well whilst the same are doing, as after they shall be finished; and for the more safe and convenient shipping, lading, discharging, carrying, conveying, laying and depositing of Goods, Wares, and Merchandizes upon, to or from the said Quays, Wharfs, or Landing Places belonging to the said Harbour, and for the better governing and regulating Porters, Carters, Carmen, and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to or from the said Quays, Wharfs, or Landing Places, and for managing the general Concerns of the said Company; which Bye-Laws, Rules, Orders, and Regulations shall be and remain in full Force until and unless the same shall be repealed, amended, or altered, from Time to Time, by the Proprietors and Members of the said Company, at any special Meeting to be holden for that Purpose, as herein-after directed, and to annex, impose, and appoint reasonable pecuniary Penalties or Forfeitures, not exceeding Five Pounds, for any one Offence, to be recovered in Manner herein-after mentioned, for the Non-observance, Non-performance, or other Breach of or Offence against any of such Bye-Laws, Rules, Orders, and Regulations; and also to make such other Bye-Laws, Rules, Orders, and Regulations as shall be thought necessary or expedient for effecting the Purposes of this Act and the due Execution thereof; and all such Bye-Laws, Rules, Orders, and Regulations, and all Alterations thereof, shall be reduced into Writing, under the Common Seal of the said Company, and signed by the Chairman, and shall be printed, and a Copy or Copies thereof in legible Characters, shall be affixed in some conspicuous Place or Building near unto or adjoining the said Pier, for the Inspection of all Persons interested

interested therein; and all such Bye-Laws, Rules, Orders, and Regulations, shall be binding upon, observed and obeyed by all Persons whomsoever using or in any Way concerned in the said Harbour, or any of the Works to be made, erected, or maintained by virtue of this Act, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under or in pursuance of the same, provided that such Bye-Laws, Rules, Orders, and Regulations be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Laws and Privileges of the Duchy of *Cornwall*, or the Stannaries of *Cornwall* and *Devon*, or to any of the Clauses, Provisions, and Directions in this Act contained; and all such Bye-Laws, Rules, Orders, and Regulations shall be subject to be varied, altered, or repealed by the Proprietors of the said Company, at any Special Meeting, and shall be subject to Appeal in Manner herein directed.

XL. And be it further enacted, That a General Meeting of the several Persons so as aforesaid subscribing towards carrying the said Works into Execution, shall be called within Thirty Days next after the passing of this Act, and that such Meeting shall be held at the City of *London* Tavern, in the City of *London*, of which Meeting and the Hour thereof, Fourteen Days Notice shall be given in the *London Gazette* and some one Newspaper usually circulated in the County of *Cornwall*, and that such Persons so assembled shall and may authorize the Directors named in this Act to proceed to put the same in Execution, and that all subsequent Meetings of the said Company shall be held at such Time and Place as shall from Time to Time be determined on at some preceding General Meeting, so that no such Meeting shall be held at less than Thirty Days from the Appointment thereof, and that Notice of such respective subsequent Meetings shall be duly inserted in the *London Gazette*, and in some one Newspaper usually circulated in the County of *Cornwall*, Fourteen Days at least, including both Days, before such intended Meetings respectively, and that all such Orders and Determinations of a General Meeting of the said Company as shall be authorized by this Act, which shall be made by the Majority of such Votes and Proxies of the Proprietors of Shares in the Joint Stock of the said Company, as shall be given at any such Meetings respectively to be holden by virtue of this Act, and not otherwise, shall be binding and conclusive on all the Members of the said Company.

First and other General Meetings of Proprietors.

XLI. And be it further enacted, That the Proprietors of the said Company at their first and every other subsequent annual Meeting, shall and are hereby required to name and appoint One Person to audit and settle the Accounts of the said Company, and that such Person so to be appointed shall be and is hereby declared to be Auditor, for the Purpose of inspecting and auditing the Accounts of the said Directors, and of the several Officers to be appointed under or by virtue of this Act; and that such Accounts so to be allowed, audited and settled by the said Auditor, shall be laid before the Directors of the said Company at least Fourteen Days previous to the annual Meeting of the said Company, and shall also be signed by them, and produced and stated at such annual Meeting, and a Copy thereof shall be, by the Secretary or Clerk of the said Company, transcribed into the Book of the said Company, to be open

Auditor to be appointed annually.

His Duty.

[Loc. & Per.]

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for

for the Inspection of any Person holding a Share in the said Company, at all reasonable Times.

Annual Meetings.

XLII. And be it further enacted, That One General Meeting of the said Company shall be held in the First Week of the Month of *May* in every Year, at the Place aforesaid, or at such other Place as may be appointed by the Court of Directors, and Notice of such General Meeting so to be held, shall be inserted at least Thirty Days before the Day appointed for such Meeting in the *London Gazette*, and in some one Newspaper usually circulated in the County of *Cornwall*.

Special Meeting.

XLIII. And be it further enacted, That if any Fifteen or more Members of the said Company of Proprietors who shall together be Possessors of Seven thousand Pounds of the said Stock or upwards, or any Five of the said Board of Directors, shall judge it necessary or expedient for carrying into Execution any of the Purposes of this Act, or for calling in question any Matter or Thing ordered by the Directors, to have an extraordinary General Meeting of the said Company called, and shall request the same to be called by Notice in Writing under their respective Hands, delivered to the Secretary, Clerk or Treasurer of the said Company for the Time being, specifying in every such Notice the Business intended to be proceeded on at such Meeting, then and in every such Case the said Directors or any Three or more of them shall and they are hereby authorized and required within Seven Days after the Delivery of such Notice to call such extraordinary Meeting, of which Extraordinary Meeting Notice shall be given in Manner herein-before directed respecting ordinary Meetings, to assemble at such Place as aforesaid, as they shall judge expedient, within Thirty Days from and after such Notice, and such Meeting shall be deemed a General Meeting of the said Company, and all Proceedings of such Meetings shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been done at Meetings called and holden in the Manner herein-before appointed.

Chairman of General Meetings.

XLIV. And be it further enacted, That the said Company of Proprietors, at the First or any annual Meeting, or at any Extraordinary Meeting of the said Company, shall and may proceed to the Election and Appointment of a Chairman, by whom all Acts and Orders of the said Meetings shall be signed in the Name and Style of the said Company, and such Chairman shall have the same Right of voting and of acting as a Proxy as any other Proprietor, and he shall also in case of an Equality of Votes upon any Question proposed or discussed have the casting or deciding Vote, although he shall have given One or more Votes before.

Company may borrow Money not exceeding 20,000l., &c.

XLV. And be it further enacted, That in case the said Company of Proprietors shall deem it expedient to borrow Money for the Purpose of enabling them to carry on the Works aforesaid, it shall and may be lawful to and for them, and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest on the Credit of the Rates and Duties of the said Harbour, any Sum or Sums of Money which they shall deem necessary for effectuating the Purposes of this Act, not exceeding Twenty thousand Pounds, and to demise, grant, bargain and

and sell the Property of the said Harbour, and the Capital Stock therein and the Tolls, Rents and Duties arising or to arise to the said Company of Proprietors by virtue of this Act, (the Costs and Charges of preparing such Demise or Demises, to be paid out of such Tolls, Rates and Duties), as a Security for any Sum or Sums of Money which shall be so borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same; which said Demise or Demises shall be made and granted under the Seal of the said Company, and in the Name and Style of the said Company, signed by the Chairman of the said Directors present at the Meeting at which the said Money shall be borrowed, and shall be in the Form or to the Effect following; (that is to say),

BY virtue of an Act of Parliament made in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, [here insert the Title of this Act], We, the Porthleven Harbour Company, incorporated by and under the said Act, in Consideration of the Sum of _____ advanced and paid to us by A. B. of _____ do hereby demise, grant, bargain, and sell unto the said A. B. his Executors, Administrators, and Assigns, the aforesaid Harbour and Buildings belonging thereunto, and all and singular the Rates, Rents and Duties payable to us by virtue of the said Act, and all our Right, Title and Interest of, in, and to the same, to be holden by the said A. B. his Executors, Administrators and Assigns, until the said Sum of _____ with the legal Interest thereof, shall be fully satisfied and paid. In Witness whereof we have to these Presents caused our Seal, Name, and Style to be put the _____ Day of _____ of _____

Form of Mortgage.

Which said Demise, in Form aforesaid, shall be as valid and effectual for securing the Repayment of the Money therein mentioned, as any Mortgage or Demise drawn in any other Manner, and shall be construed equitably by all Courts according to the Tenor thereof.

XLVI. And be it further enacted, That it shall and may be lawful to and for the Person or Persons to whom any such Demise or Demises shall be made as aforesaid, and his, her, or their Executors, Administrators or Assigns, to transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her or their Hands and Seals, which shall be in the Form and to the Effect following; (*videlicet*),

Mortgage transferrable.

I A. B. of _____ in Consideration of the Sum of _____ paid to me by C. D. of _____ do hereby assign and transfer the Demise made by _____ to me, bearing Date the _____ Day of _____ for securing the Sum of _____ and Interest, and I also assign and transfer all my Right and Property therein, and to the said Sum of _____ Pounds and Interest, to the said C. D. his Executors, Administrators, and Assigns. In Witness whereof, I have hereunto set my Hand and Seal, the _____ Day of _____

Form of Transfer.

XLVII. And be it further enacted, That such Demises and Transfers shall be entered, or a Memorial thereof made in the Book or Books of the said Company, by the Clerk or Clerks to the said Company of Proprietors, and he or they shall also indorse on such Demise and Transfers a Memorandum of _____

Mortgages and Transfers thereof to be duly entered in a Book.

of such Entry or Memorial on Payment of Ten Shillings, and until such Entry or Memorial be made of such Demises and Transfers, and such Indorsements made thereon, the same shall not be valid or effectual.

Interest how
to be provided
for and paid.

XLVIII. And be it further enacted, That the Interest of the Money which shall be raised or borrowed by virtue of this Act, shall be from Time to Time provided for, and paid to the Person or Persons entitled to receive the same, prior to the making of any Dividends to the said Proprietors.

Principal not
to be paid off
or called in
without Six
Months
Notice.

XLIX. And be it further enacted, That in case the said Company shall be at any Time desirous of paying off and discharging any Sum or Sums of Money borrowed as aforesaid, they shall and are hereby required and directed to cause Six Calendar Months Notice in Writing, signed by their Clerk or Clerks, of such their Intention to be given to the Person or Persons entitled to receive the same, or left at his, her, or their usual Place or Places of Abode, unless such Person or Persons shall consent to receive the same without such Notice, and every Mortgagee or Assignee, his, her or their Executors or Administrators, who shall require Payment of the Principal Sum or Sums of Money due to him, her, or them, shall give unto the Treasurer of the said Company, at any Annual or Special Meeting Six Calendar Months Notice of the Day on which the same shall be required to be paid.

When
30,000l. are
raised, the
Works may
be com-
menced.

L. And be it further enacted, That as soon as the Sum of Thirty thousand Pounds (being a Moiety of the Sum estimated to be necessary for erecting and forming the said Pier and Harbour) shall have been subscribed or raised for the Purposes of this Act, it shall and may be lawful for the said Company of Proprietors, to begin to construct and form the said Pier, Harbour, and other Works necessary for the Purpose of carrying this Act into Execution; and for the better ascertaining and determining the Time when such Works shall be commenced, the Clerk to the said Company shall, and he is hereby required to draw out and prepare a List or Schedule of the Names of the several Persons who shall subscribe from Time to Time any Money for carrying this Act into Execution, and of the several Sums agreed to be subscribed, placed opposite to the Names of the Persons subscribing the same, and such List or Schedule of such Subscribers shall be kept at the Office of the Clerk to the said Company of Proprietors, and shall be open to the Inspection of all Persons interested in the said Undertaking, at all seasonable Times, without Fee or Reward.

Application
of Subscrip-
tion.

LI. And be it further enacted, That the Money to be raised under and by virtue of this Act or a sufficient Part thereof, shall be laid out and applied in the first Place in Payment, Satisfaction and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and that all the Residue of such Money shall be applied and disposed of, for or towards the making, carrying on, completing and maintaining of the said Pier, Harbour, and other Works belonging thereto, and for other the Purposes of this Act.

How Ton-
nage Duties
shall be ascer-
tained.

LII. And be it further enacted, That the Master or other Person having having the Rule or Command of any Ship or other Vessel liable to the
Payment

Payment of any of the said Duties imposed by this Act, shall and he is hereby required to produce and show on Demand to the said Company, or to the Person or Persons appointed to collect the Rates and Duties aforesaid, the Custom House Register of the Burthen or Tonnage of such Ship or Vessel; and in case of Refusal, Failure or Delay in producing and showing the same, or in case there be no such Register, or in case the said Company, or such Person or Persons appointed to collect the Rates and Duties aforesaid, shall not be satisfied therewith, or shall entertain any Doubt of the correctness thereof in regard to the Tonnage of such Ship or Vessel, it shall and may be lawful for the said Company, or such other Person or Persons appointed to collect the Rates and Duties aforesaid, to enter, either alone or with any Person or Persons for their Assistance, into such Ship or Vessel, and admeasure the same in Manner following; that is to say, by taking the Length of the Keel of every such Ship or other Vessel, so much as she treads on the Ground, and the Breadth within Board by the Midship Beam from Plank to Plank, Half of which Breadth shall be accounted for the Depth; and the Length so taken being multiplied by the Breadth, and the Product thereof by the said accounted Depth, and the whole divided by Ninety-four, the Quotient shall give and be deemed to give the true Contents of the Tonnage, according to which Rule or Method all Ships and Vessels shall be measured, for computing, ascertaining, and collecting the said Rates and Duties of Tonnage, any Custom, Usage or Practice to the contrary notwithstanding.

LIII. And be it further enacted, That in case the Master or other Person having the Rule or Command of any Ship or other Vessel, liable to any of the Duties imposed by this Act, or any other Person whomsoever, shall obstruct or hinder the said Company, or the Person or Persons appointed to collect the Rates or Duties hereby made payable, or any other Person employed or appointed by the said Company to admeasure Ships or Vessels, in pursuance of this Act, to enter on board such Ship or Vessel, or to take the Admeasurement thereof, such Master or other Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Persons obstructing the measuring of Ships or Vessels.

LIV. And be it further enacted, That a Table of the several Rates or Fees to be taken for the Use of such Wharfs, Docks, or other Works shall be provided, and fixed up in some conspicuous Part of the said Harbour, in legible Characters and in all the usual Languages.

Rates shall be published.

LV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or such Person or Persons as they shall appoint, and they are hereby authorized and empowered from Time to Time, at all Times to ask, demand, take, receive, collect and recover, to and for the Use and Benefit of the said Company, of and from all and every the Masters, Commanders, or Owner or Owners of any Ship or Vessel, Bark or Boat, or Owner of any Part or Parts thereof, or other Person or Persons having the Rule or Command of any Ship or Vessel, Bark or Boat, belonging to or coming within the said Harbour, the several Rates or Duties mentioned and contained in the Schedule annexed marked (A.): Provided always, that no Toll imposed by this Act shall

Upon One Third of Estimate expended, Duties to commence.

[Loc. & Per.]

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apply

apply or be construed to apply to any Ship or Vessel, but to such as shall actually enter the said Harbour: Provided also, that if any Merchant Ship or Ships, or any coasting Vessel whatsoever, shall depart the said Harbour, having duly paid the said Duties herein-before imposed, and shall within the Space of One Week, by Accident, Stress of Weather, or otherwise, be obliged to put again into the said Harbour, that then, and in every such Case, such Ships or Vessels shall not be again liable to pay the said Harbour Dues, in consequence of their so returning to the said Harbour as aforesaid, any Thing contained to the contrary thereof any wise notwithstanding.

Fishing Boats
to pay certain
Rates.

LVI. And be it further enacted, That the several Fishing and other Boats and Vessels using the said Harbour, and kept and laid up at *Porthleven* aforesaid, shall pay the several Rates and Duties contained in the Schedule hereunto annexed, marked (B.); and that all other Fishing and other Boats and Vessels using the said Harbour, shall pay the several Rates and Duties contained in the Schedule hereunto annexed, marked (C.)

Duty on Ex-
ports and Im-
ports.

LVII. And be it further enacted, That there shall be paid to the said Company, or to such Person or Persons as they shall appoint to collect and receive the same, over and above the Rates herein-before authorized to be taken for all Goods, Wares, Merchandize and Commodities whatsoever, imported or exported to or from the said Harbour or Port, such Rates or Duties, as the said Company shall order and direct to be paid, not exceeding the Rates or Duties contained in the Table or Schedule hereto annexed, marked (D.) as far as such Goods, Wares, Merchandizes and Commodities, as shall or may be imported or exported as aforesaid, are particularised in the said Schedule of Rates, which said Rates shall be paid by the Merchant or Merchants, or other Person or Persons exporting or importing such Goods, Wares, and Merchandizes, or into whose Custody or Possession the same shall be delivered or by whom the same shall be shipped respectively, upon the Delivery or shipping of the same respectively.

Power to fix
Duties pay-
able on Arti-
cles not enu-
merated, &c.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized and empowered to fix, appoint, settle, establish and impose such Rates to be paid upon the loading or unloading, exporting or importing, and in respect of any Goods, Wares, Merchandizes or Commodities, not specified or enumerated in the said Table or Schedule to this Act annexed, as they shall think fit, so as such Rate or Duty shall not exceed the Sum of One Shilling in every Twenty Shillings of the Amount of the Freight, such Goods, Wares, Merchandize or Commodities, and the Master or Owner of every Boat or Vessel belonging to the said Harbour aforesaid, which shall be employed for the Purpose of assisting any Ship or Vessel, cast away or out of its Course, or otherwise in Distress at Sea or in taking up any Goods wrecked at Sea, or upon the Main, or any Anchor or Cable found at Sea, shall pay One Half of One equal Share of the Profits arising thereby, to the Collector of the said Harbour, whether such Ships, Vessels, Goods, Anchor or Cable be brought into the said Harbour, or the Bay thereunto

thereunto adjoining or not; the same to be paid before any Division shall be made of the Earnings upon any such Occasion, and the said Master or Owner, who shall pay any such One Half Part of such Share, shall at the same Time deliver to the said Collector receiving the same an Account in Writing signed by him, of the whole Amount of such Earnings as aforesaid, and of the Number of Shares into which the same is divisible, or to be divided, and of such necessary Charges and Expences as the Parties concerned in such Service shall have been at on account thereof; and if any such Master or Owner shall wilfully deliver a fraudulent or erroneous Account to such Collector as aforesaid, he shall, over and above Payment of such One Half Part of the Share so made payable as aforesaid, forfeit and pay a Sum equal to such One Half Part thereof.

LIX. And be it further enacted, That there shall be paid to the said Company, or to the Collector, or other Person or Persons whom they shall appoint to demand, receive and recover the same, over and above the Rates and Duties herein before granted and authorized to be taken, and in such and the same Manner, as such Rates and Duties are hereby directed and appointed to be paid and recovered, such Sum *per* Ton as the said Company shall from Time to Time fix and appoint, not exceeding Two Shillings *per* Ton, for the Wharfage of all Goods, Wares, Merchandizes and Commodities, which shall be landed or discharged upon any Quay or Wharf belonging to the said Port or Harbour.

Wharfage
Duties to be
paid.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to charge His Majesty or any other Person on his Behalf, with the Payment of the Rates or Duties of any of His Majesty's Ships of War, or any Ship in the Service of His Majesty's Customs or Excise, or any Ship or Transport or Packet of His Majesty, His Heirs and Successors, nor any Ship, Transport or Packet of His Majesty in carrying any Stores or Troops to or from the said Harbour, or carrying the Mails of Letters and Expresses, under the Authority of His Majesty's Post Master General, or any Ship or Vessel employed in or upon 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 or Persons 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 the Sum of Twenty Pounds over and above the Rates and Duties as aforesaid imposed by this Act.

Exemption
from Duties
of Vessels in
His Majesty's
Service.

LXI. And be it further enacted, That no Ship or Vessel shall be cleared out at the Office of His Majesty's Customs without producing a Certificate from the Person empowered to collect the same, testifying the Payment of the Rates and Duties imposed under the Authority of this Act; which Certificate the Person so empowered as aforesaid is hereby required to give upon Request made, without Fee or Reward; and that any Collector or Comptroller of His Majesty's Customs, Receiver of Entries, or other Officer of the Customs whatsoever, making Default in any of the Premises enjoined by this Act, shall forfeit and pay to the said Company the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Court of Record at *Westminster*, wherein

No Vessel to
be cleared till
Certificate be
produced of
Payment of
Duties.

Merchants
to make an
Allowance of
the Duty to
the Masters.

no Essoign, Protection, or Wager at Law shall be allowed, nor more than One Imparance; and also, that on producing a proper Acquittance for the Receipt of the Duties and Rates imposed by this Act, such Master or Owner thereof shall have and be entitled to an Allowance from the Merchants, Importers or Exporters as follows, (that is to say): For every Ton of Goods laden on board such Ship or Vessel on Account of such Merchants, Importers or Exporters, a like Sum *per* Ton, as is by this Act charged upon the Ship or Vessel on board of which such Goods or Merchandizes shall be laden, and so in Proportion for a less Quantity than a Ton.

Rates may
be altered.

LXII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors at their said General Meetings, or at any Special Meeting to be appointed for that Purpose, to lower or reduce all or any of the said Rates and Duties, and again to raise the same to such Sum or Sums of Money as they shall think proper, not exceeding the Sums before-mentioned, as often as it shall be deemed necessary for the Benefit of the Undertaking.

Manner of
recovering
Rates.

LXIII. And to the Intent that the Rates or Duties imposed by this Act may be more effectually collected and levied, be it enacted, That in case any Owner or Master, or any other Person or Persons having the Rule or Command of any Ship or other Vessel, or any Factor or Consignee thereof, chargeable with Rates or Duties granted by this Act, shall refuse or neglect to pay the same, then and in such Case it shall and may be lawful to and for the said Company, or the Collector or Collectors or other Person or Persons appointed in pursuance of this Act to receive the same, to go on board such Ship or other Vessel, to demand, collect and receive the said Rates or Duties, and on Non-payment thereof to take and distrain every such Ship or other Vessel, and all the Tackle, Apparel and Furniture thereto belonging or any Part thereof, and all or any Part of the Goods, Wares, or Merchandize in respect whereof such Rates or Duties shall be payable, either on board such Ship or other Vessel, or on Land, and the same to retain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Five Days after any Distress or Distresses so made or taken, that then it shall and may be lawful to and for the said Company, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the Whole or any Part or Parts of the same as shall be sufficient to pay and discharge all such Rates and Duties, and the Costs and Charges of such Distress and Sale, to be appraised by Two or more Sworn Appraisers or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and out of the Produce of the Sale thereof to satisfy themselves or himself, as well for and in respect of their or his reasonable Charges in taking, keeping, appraising, and selling the same, as also for and in respect of the said Rates and Duties and every of them, rendering the Overplus (if any such there be) to the Owner upon Demand; and it shall and may be lawful for the said Company, in case of Non-payment of the Rates and Duties as aforesaid, instead of recovering the same in Manner aforesaid, or in case the Whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof

thereof as shall not be so recovered, by Action of Debt or on the Case, in any Court of Record at *Westminster*.

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

Persons evading Payments to remain liable:

And also to forfeit a Sum equal thereto.

LXV. And be it further enacted, That if at any Time after the said Harbour and Pier shall have been respectively completed, it shall be found by a Presentment of the Grand Jury assembled at any Quarter Sessions of the Peace for the County of *Cornwall*, that the same has been suffered to get so much out of Repair as not to afford a competent Shelter and Security for Vessels endeavouring to enter or lying within the same; and such Presentment shall be certified under the Hand of the Clerk of the Peace for the said County to the said Company, and if the said Pier and Harbour shall not be sufficiently repaired and amended within Six Months from the certifying of such Presentment as aforesaid, thenceforth and until the said Pier and Harbour shall be amended and repaired, the said Rates and Duties hereby made payable shall cease and determine: Provided always, that as soon as it shall be found by a Grand Jury assembled as aforesaid, and be certified by the said Clerk of the Peace to the said Company, that the said Pier and Harbour have been properly repaired and amended, the said Duties shall revive and be again payable and recoverable as if the same had not ceased or been suspended.

If Harbour shall be out of Repair, no Duties shall be payable on account thereof, &c.

LXVI. And, for the more orderly governing of the said Harbour, and for the better preserving the same, and the Works to be erected there, from Prejudice or Damage, as well for the Accommodation of Ships or Vessels coming into as going out of the said Harbour, be it enacted, The Harbour Master shall, from Time to Time, order and require all and every Person having the Rule or Command of any Ship or Vessel entering into, lying, being, or abiding within the said Harbour, to lie, anchor, moor, and ballast such Ship or Vessel in such proper Place or Places within the same, as such Harbour Master shall assign or direct for those Purposes (having due Regard that to the best of his Skill and Judgement such Ship or Vessel shall be ordered to lie, anchor, moor, or ballast in a Place of Safety); and in case the Person or Persons having the Rule or Command of any Ship or other Vessel, shall refuse or neglect to obey the Orders so given, or shall

Power to regulate Vessels lying in Harbour.

cast or throw out, or permit or suffer to be cast or thrown out, any Ballast or Rubbish, Sand, or other Materials used for Ballast, from any such Ship or Vessel within the said Harbour, or within One thousand Yards of the Heads thereof, every Person so offending, for every such Refusal or Neglect, shall forfeit and pay any Sum not exceeding Twenty Pounds to the said Company: Provided also, that no Gun-Powder, Pitch, Tar, Rosin, Hemp, Flax, Faggots, or Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other inflammable or combustible Matter or Thing whatsoever, shall be suffered to be or remain on any Quay, Pier, Wharf or Barrier belonging to the said Harbour, or upon the Deck of any Ship or Vessel within the said Harbour, above the Space of Twenty-four Hours, after having passed the Custom-House Officers, and the Owner or Owners thereof shall, and they are hereby required to remove the same from such Place or Places within the Space of Twenty-four Hours; and in case the same cannot be conveniently removed before Sun-set, that then the Owner or Owners thereof shall be obliged, and he and they is and are hereby required to set and employ, at his, her, or their own Expence, such a Number of careful and sober Persons to guard and watch over the same, for such and so many Hours from Sun-set to Sun-rise, as the said Directors, or the Harbour Master, or other Person or Persons by them appointed, shall specify and direct; and in case any such Owner or Owners, or the Person or Persons having the Rule or Command of any Ship or Vessel as aforesaid, shall make Default in the Premises, each and every such, and every Person so offending, shall for every such Offence forfeit any Sum or Sums not exceeding Twenty Pounds to the said Company.

Penalty
against de-
stroying the
Ropes of
Vessels.

LXVII. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy or injure any Rope or other Thing, by which any Ship or other Vessel lying in the said Harbour shall be moored and fastened, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds: Provided always, that nothing herein contained shall hinder or restrain any Harbour Master or Masters to be appointed in pursuance of this Act; or his or their Assistant or Assistants from exercising, in a due and reasonable Manner, any of the Powers and Authorities hereby vested in them, or to hinder or restrain the Owner or Owners, Occupier or Occupiers of any of the Quays or Wharfs adjoining the said Harbour, from casting off any Rope or Ropes that may be fastened to any Post or Posts, or other Fixture or Fixtures on such Quays or Wharfs, without the Licence and Consent of such Owner or Owners, Occupiers, for that Purpose had and obtained.

Persons de-
stroying
Works, or
extinguishing
Lights, guilty
of Felony.

LXVIII. And be it further enacted, That all and every Person or Persons whatsoever, who shall at any Time or Times hereafter wilfully or designedly demolish or break down the said Pier, Quays, Wharfs, or any of the Works, or any Part or Parts thereof respectively, which shall be constructed in, or which shall belong to the said Harbour; or who shall wilfully or designedly extinguish or put out any of the Lights used in or belonging to the said Harbour for the Safety and Protection of the Ships or other Vessels resorting to the same, shall be adjudged guilty of Felony,

and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or in Mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Petit Larceny.

LXIX. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship or other Vessel lying or being in the said Harbour, shall be and is hereby made answerable and accountable to the said Company for the Amount or Value of any Damage or Mischief that shall be done through Unskilfulness or Negligence by him or by such Ship or Vessel, or by any of the Mariners, Servants, or Crew on board of or employed in the same, to the Pier, Quays, Breasts, or any of the Works which shall be constructed in pursuance of this Act; and the same, if not forthwith paid and satisfied, shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters of Vessels answerable for Damages done by Crew through Unskilfulness or Neglect.

LXX. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Ship or Vessel as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass by reason of any such Damage or Mischief done or committed by his or their Mariners, Boatmen, Servants, or other Persons employed by them or any of them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Non-payment thereof, upon Demand and Oath made by such Master or Masters, Owner or Owners, or the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same, or the Costs thereof, have or hath not been repaid to him, her, or them by such Mariners, Boatmen, Servants or other Persons, or any of them, although demanded, (such Oath to be made before any one Justice of the Peace of the County where such Penalty or Satisfaction shall have been incurred or paid, or where such Mariner, Boatman, Servant, or other Person can be found), the Amount whereof shall be recovered as any other Penalty is hereby directed to be recovered.

Masters to recover Damages from their Servants.

LXXI. And be it further enacted, That the said Directors shall, yearly, lay or cause to be laid before each House of Parliament a true Account of the Receipt and Application of all Monies which shall be received by the said Directors by virtue of this Act, and in every such Account shall be set forth which Alteration, if any, shall have been made in any of the Rates or Duties made payable by this Act; and the said Directors shall also at the same Time lay or cause to be laid before each House of Parliament a Report of the Progress which shall have been made by the said Directors in building the said Works directed by this Act to be built and constructed, and what Sums of Money shall have been yearly expended.

Accounts to be annually laid before Parliament.

LXXII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall not, within the Space of Five Years from the passing of this Act, deepen and improve the said Harbour so as

Act to cease if Harbour is not made capable of re-
to

ceiving Vessels of 200 Tons in Five Years.

to render the same capable of receiving Ships or Vessels of the Burthen of Two hundred Tons, and prove the same to the Satisfaction of the Magistrates assembled at any Quarter Sessions for the said County of Cornwall, then all the Powers and Authorities hereby given to the said Company of Proprietors shall absolutely cease and determine.

Penalties how to be recovered.

LXXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act inflicted or authorized to be imposed or levied, (the Manner of levying and recovering whereof is not otherwise hereby particularly directed,) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the Town or County wherein such Offender shall be or reside, (which Warrant or Warrants the said Justice is hereby empowered and required to grant,) upon Conviction of the Offender or Offenders on his or their own Confession, or on the Information of any one or more credible Witness or Witnesses upon Oath, and Fines, Penalties, and Forfeitures when recovered, after rendering the Overplus (if any) to the Party or Parties whose Goods and Chattels shall be distrained and sold, (the Charges of such Distress and Sale being first deducted,) shall (if not otherwise directed to be applied and disposed of by this Act) be paid to and belong to the said Company; and for Want of sufficient Distress, the said Justice is hereby empowered and required to commit the Person or Persons so convicted to the Common Gaol, or other public Prison of or within the said Town or County, there to remain for any Time not exceeding the Space of Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all the necessary Charges attending the Recovery thereof, shall be sooner paid or satisfied.

Form of Conviction.

LXXIV. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye-Law, Rule, Order or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say,)

BE it remembered, That on this _____ in the
 A. B. is convicted before me
 One of His Majesty's Justices of the Peace for
 the _____ of having [*as the Offence shall be*],
 and I the said _____ do adjudge him [*her,*
or them,] to forfeit and pay for the same the Sum of
 Given under my Hand and Seal the Day and Year aforesaid.

Distress not to be deemed unlawful for Want of Form.

LXXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums 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 in the Summons, Conviction, Warrant of Distress or other Warrant or Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity by him or them done or committed after such Distress made or taken, but the Person or Persons aggrieved by such Irregularity shall and may recover

recover full Satisfaction for the special Damage in an Action upon the Case.

LXXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates or Duties, or any of them, the Person or Persons acting by or under the Authority of the said Company of Proprietors shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation by reason of his, her, or their being appointed to collect such Rates or Duties.

Collectors of Rates to be competent Witnesses.

LXXVII. And be it further enacted, That in case any Person shall think himself or herself aggrieved by any Order or Judgement made or given in pursuance of any Bye-Law, Rule, Order or Regulation of the said Directors or Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, Mayor, Alderman, Bailiff, or other Magistrate, relating to any Matter or Thing in this Act contained, or by any Thing done in pursuance of this Act, and for which no particular Method of Relief is hereby otherwise provided, it shall and may be lawful for such Person to appeal to the next Quarter Sessions of the Peace to be held for the Town, District, or Place in which such Justice of the Peace, Mayor, Alderman, Bailiff or other Magistrate shall have Jurisdiction, at the Discretion of the Person making the Appeal, next after the Expiration of One Month from the Time when the Cause of such Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Thirty Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Company, and within Three Days after such Notice, entering into a Recognizance before some Justice of the Peace or other Magistrate acting within such Jurisdiction, with Two sufficient Sureties, conditioned to try such Appeal and to abide the Order and pay such Costs as shall be awarded by the said Magistrates assembled at such General or Quarter Sessions; and upon due Proof of such Notice having been given as aforesaid and the entering into such Recognizance, the said Magistrates at such Sessions, before whom such Appeal shall be brought, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Justices shall think proper; and the Justices may, if they see Cause, mitigate any Fine, Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye-Law, Rule, Order, or Regulation, and may also award such further Satisfaction to be made to the Party injured as to them the said Justices shall seem reasonable, and the Determination of such Justices thereupon shall be final and binding and conclusive upon all Parties.

Allowing an Appeal to the Quarter Sessions.

LXXVIII. And be it further enacted, That no Verdict, Judgment or other Proceeding touching or concerning any of the Matters aforesaid, or 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 or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any

Proceedings not to be quashed for want of Form, &c.

Law or Statute to the contrary thereof in anywise notwithstanding: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing, signed by his, her, or their Attorney (specifying the Cause of Action), shall have been given to the Defendant or Defendants, at least Sixty Days before the same shall have been brought, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no Tender of Amends shall have been made, it shall and may be lawful for the Defendant or Defendants (by leave of the Court), at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders and Judgments shall be made and given in and by such Court, as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of
Actions.

Defendant
may plead the
General Issue.

LXXIX. And be it further enacted, That no Action against any Person or Persons for or on account of any Thing done in pursuance of this Act, shall be commenced after the Expiration of Six Calendar Months next after the Cause of Action shall arise; and every such Action or Suit shall be laid or brought in the said County of *Cornwall* and not elsewhere; and the Defendant or Defendants in all Actions or Suits so brought 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 it shall appear to have been so done, or that such Action or Suit was brought before Sixty Days Notice given to the Defendant or Defendants, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or may have for Costs of Suit in any other Cases by Law.

Saving of
Manorial
Rights, &c.

LXXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen or abate the Right and Title of any Lord or Lords of Manors, Lady or Ladies of any Manors or Lands, his or their Heirs or Assigns, to Customs, Tolls, Rights, Profits of Fairs and Markets, Wrecks, Royalties, and all other Things which shall happen or come within the Limits of their respective Manors, or other Benefits or Advantages belonging or in any Way appertaining to them or either of them, other than such Tolls, Rates and Duties as are by this Act authorized and directed to be collected, received and paid for the Use of the *Porthleven* Harbour Company, or otherwise controuled or intended so to be by this Act; but that he and they may receive and enjoy

SCHEDULES to which the Act refers.

SCHEDULE (A.)

Harbour Dues on Tonnage of Vessels frequenting the Port in Trade.

Tonnage of Vessels independent of Cargo.

	£	s.	d.	
Foreign to unload or load	0	1	6	per Ton
British from Foreign Ditto	0	1	5	
Ditto Coastwise Traders	0	1	0	
Colliers	0	0	6	
Loaded with Limestone, Lime, Sand, Manure, Ballast, or any Description of Compost for Land	0	0	3	
For every Vessel running into the Harbour by Strefs of Weather and not unloading,				
Of less Burthen than Twenty Tons	0	0	6	per Ton
From Twenty to Sixty Tons	0	0	7	
From Sixty to One hundred Tons	0	0	9	
From One hundred to One hundred and twenty Tons and upwards	0	1	0	
For every Vessel coming into the Harbour for Shelter or in Distress, lying longer than Seven Days after the Weather abates, and the Wind permits, unless for the Purpose of Repairs,—				
Two-pence per Ton per Day.				

SCHEDULE (B.)

For every Fishing Boat or Vessel kept laid up at Porthleven,				
Of less Burthen than Two Tons and not exceeding Three Tons	0	15	0	per Annum
Above Three Tons and not exceeding Ten Tons	1	10	0	D°
Above Ten Tons and not exceeding Twenty Tons	2	0	0	D°
Above Twenty Tons and not exceeding Sixty Tons	3	0	0	D°
Above Sixty Tons	4	0	0	D°

SCHEDULE (C.)

	£	s.	d.
For every other Fishing Boat or Vessel for each Time it shall go out of the said Harbour, having loaded or unloaded therein, Of less Burthen than Two Tons and not exceeding Three Tons	0	0	6
Above Three Tons and not exceeding Eight Tons	0	1	0
Above Eight Tons and not exceeding Twenty Tons	0	2	0
Above Twenty Tons and not exceeding Thirty Tons	0	3	0
Above Thirty Tons and not exceeding Forty Tons	0	3	6
Above Forty Tons	0	4	0
For every Fishing Boat or Fishing Vessel coming into the said Harbour not loading or unloading therein, and lying longer there than Twelve Hours, unless prevented from departing by Wind or Weather,—Two-pence <i>per</i> Ton <i>per</i> Day.			

SCHEDULE (D.)

Rates and Duties for Goods.

	£	s.	d.
For every Quarter of Wheat, Wheat-meal, Malt, Pease, Tares, Mustard Seed, Canary Seed, and Seeds of every other Denomination,	0	0	3
For every Quarter of Beans, Barley, Rye, and Oats, and so in proportion	0	0	2
For every Butt, Pipe, Puncheon, or Piece of Wine, Sweet Oil, or Spirits	0	3	0
For every larger Cask of Ditto, Ditto in proportion.			
For every Butt of Ale or Porter	0	0	6
For every Hogshead of Wine, Sweet Oil, or Spirits	0	2	0
For every Ditto of Ale or Porter	0	0	9
For every Puncheon of Ale or Porter	0	0	10
For every solid Hogshead of new Sugar	0	1	6
For every Hogshead or Package of Loaf or Lump Sugar <i>per</i> Hundred Weight	0	0	2
For every Quarter Cask of Wine, Sweet Oil, or Spirits	0	1	0
For every Barrel wet or dry	0	0	6
For every Half Barrel, wet or dry	0	0	4
For every smaller Cask (of whatsoever Denomination) wet or dry	0	0	2
For every Butt empty (not on return)	0	0	3
For every Vat packed with Goods	0	2	6
For every Sugar Hogshead, Ditto, Ditto	0	1	6
For every smaller Cask Ditto, Ditto	0	1	0
For every Vat or Cask of Tallow not exceeding Six Hundred Weight	0	0	6
For every larger Vat or Cask of Tallow <i>per</i> Hundred Weight	0	0	1

[Loc. & Per.]

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	£	s.	d.
For every Bale or Trufs, great	0	0	8
Ditto, Ditto, small	0	0	4
For every Pack of Wool, Yarn or Cotton containing Two hundred and Forty Pounds Weight	0	1	6
For every larger and smaller Packet of Ditto in Proportion.			
For every small Frail, Mound or Basket	0	0	2
For every great Mound or Basket	0	0	4
For every Piece of Ordnance, Brafs, per Hundred Weight, and Iron, per Hundred Weight	0	0	2
For every Anchor per Hundred Weight	0	0	2
For every Hundred Weight of Iron, wrought	0	0	2
And unwrought	0	0	1
For every Hundred Weight of Copper or Brafs, wrought	0	0	6
And unwrought	0	0	4
For every Hundred Weight of Lead	0	0	1 $\frac{1}{2}$
For Ditto Ditto of Tin	0	0	1 $\frac{1}{2}$
For every Ton of Salt	0	1	6
For every Hundred of Cod called Sized Fish, and so in Proportion	0	1	0
And the small Sort	0	0	6
For every Load of Lime of Twenty-eight Bushels	0	1	8
For every One Hundred of One Inch and a Quarter Deal Boards from Ten to Fourteen Feet in Length	0	2	6
For every One hundred of Two Inches and a Half Ditto Ditto	0	3	6
For every One hundred of Three Inches Ditto, and in Proportion for greater Lengths	0	4	6
For every One thousand of Barrel Boards and Staves	0	2	6
For every One hundred of Petersburg Battens	0	3	0
For every One hundred of Clove Boards or Battens	0	1	6
For every Mast of Ten Inches Diameter	0	1	8
For every Mast of Seven Inches and under Ten Inches	0	1	0
For every smaller Mast in Proportion.			
For every Spar of Ten Inches Diameter	0	0	10
For every Spar of Seven, Eight, and Nine Inches	0	0	6
For every Ditto of Four, Five, and Six Inches	0	0	3
For every Score of smaller Spars	0	0	10
For every Load of Oak or Elm Boards	0	2	6
For every One thousand of Cleft Pale	0	2	0
For every Ton of Oak, Elm, or other Timber	0	2	6
For every Load of Posts and Rails	0	2	3
For every Bundle of Wooden Hoops	0	0	1 $\frac{1}{2}$
For every Twenty Bundles of Laths	0	0	10
For every Fathom of Six Feet Lath-wood	0	1	6
For every Wey of Coals or Culm	0	3	0
For every Ton of Soap Rock, or other Clay	0	2	6
For every Fathom of Five Feet Lathwood	0	1	0
For every Cord of Firewood	0	0	6
For every One hundred of Faggots	0	0	10
For every Millstone, great	0	2	0
And the small	0	1	6
For every Tombstone	0	3	0

	£	s.	d.
For every Ditto, Marble	0	6	0
For every Corpse	0	10	6
For every small Trunk, Chest, or Box	0	0	3
For every great Ditto, Ditto, Ditto,	0	0	6
For every small Bundle or Parcel	0	0	1
For every Bag of Hops	0	1	6
For every Pocket of Ditto	0	0	9
For every One thousand of Bricks, and so in Proportion	0	2	6
For every One thousand of plain Tiles, and so in Proportion	0	1	0
For every Thousand of Top, Ridge, Gutter or Pan Tiles, Ditto	0	1	6
For every One thousand of Mathematical Tiles	0	2	0
For every One thousand of Paving Tiles	0	2	6
For every One hundred of Flat Paving Stones large	0	2	0
Ditto, small	0	1	6
For every Ton of Marble	0	3	0
For every Ton of Portland, Purbeck or other Stone	0	1	6
For every Grindstone	0	0	3
For every common Cartload of Flintstones	0	0	4
Ditto, Ditto, Ditto, of Chalkstones, rough or hewn	0	0	2
For every Hundred Weight of Cheese	0	0	4
For every Barrel of Fish or Train Oil, and so in Proportion for every great or smaller Cask of Ditto	0	0	6
For every Barrel of Pitch or Tar	0	0	6
For every Barrel of Red Herrings	0	0	6
For every Barrel of Pilchards	0	0	6
For every Sack of Three Bushels, Potatoes, Apples or Pears	0	0	3
For every One hundred of Cabbages	0	0	6
For every One hundred Weight of Hemp	0	0	2
For every One hundred Weight of Cordage	0	0	3
For every Bolt of Canvas of Number One, Two, and Three	0	0	4
For every other Bolt of Canvas	0	0	2
For every Horse and Bullock	0	2	6
For every Four-wheeled Carriage	0	5	0
For every Two-wheeled Carriage	0	3	0
For every Sedan Chair	0	1	0
For every Sack of Five Bushels Flour	0	0	3
For every Bag of Bran of Eight Bushels	0	0	8
For every Ton of Kelp	0	1	6
For every Ton of Brill	0	2	0
For every Load of Hay of Thirty-six Trusses	0	2	6
For every Load of Straw	0	2	0
For Oil Cakes per thousand; and so in Proportion	0	2	6
For every Bushel of Onions	0	0	2
For every Bushel of Oysters not imported by a Portsman	0	0	2
For every Firkin or smaller Barrel of Oysters Ditto	0	0	2
For every Hide, raw	0	0	2 ¹ / ₂
For every Hide, tanned	0	0	6
For every Dozen of Goat, Calf, Sheep, or Lamb Skins	0	1	9
For every Hundred Weight of wrought Pewter	0	0	8
And old	0	0	4

	£	s.	d.
For every Calf	0	1	0
For every Hawk	0	0	2
For every Dog	0	0	3
For every Fox	0	0	6
For Hares, Pheafants, and all other Game, per Head	0	0	2
For every Bag of Feathers, large	0	0	9
Ditto - small	0	0	5
For every Crate of Glafs Ware	0	1	0
For every Crate of Earthen Ware, large	0	0	6
Ditto - small	0	0	4
For every Stove	0	0	3
For every large Range or Grate	0	0	6
Ditto - small	0	0	3
For every Chest of Drawers, double	0	0	8
Ditto - single	0	0	4
For every Mahogany or other Chair	0	0	1
For every Side of Bacon	0	0	6
For every Billiard Table	0	2	0
For every Dining Table	0	0	4
For every Card or Pembroke Table	0	0	3
For every other Table	0	0	2
For every Mahogany Bedstead	0	0	3
For every other - Ditto	0	0	2
For every Sofa	0	0	6
For every Harpsichord	0	4	0
For every Spinnet or Piano-forte	0	3	0
For Wine in Bottles, per Dozen	0	0	4

SCHEDULE (E.)

A SCHEDULE of Lands (with the Names of the Owners, Lessees, and Occupiers) situate at Porthleven, in Mounts Bay, Cornwall, forming a Part of and adjoining to the intended Harbour and Basin to be formed at Porthleven.

SITHNEY PARISH.				
No.	Description of Property.	Owners.	Leaseholders.	Occupiers.
1	A Dwelling House	John Rogers, Esq.	William Rowe	Self.
2	Ditto	Ditto	Ditto	James Thomas.
3	Ditto	Ditto	Ann Urin	Self.
4	Ditto	Ditto		Mary Thomas.
5	Ditto	Ditto	James Eddy	Self.
6	A Cellar	Ditto	Ditto	Hannibal Strike.
7	Dwelling Houses	Ditto	William Woolcock	Morgan, Jenkins, &c. and Henry Cowls.
8	Dwelling House	Ditto	William Thomas	Self.
9	Ditto	Ditto	Ditto	James Strike.
10	Ditto	Ditto	Richard Eddy	Self.
11	Ditto	Ditto	James Allen	Self.
12	Ditto	Ditto	Richard James	Self.
13	Ditto	Ditto	Hannibal Orchard	Self.
14	Ditto	Ditto	James Allen	Robert Kitchen.
15	Ditto	Ditto	Phillip Orchard	Self.
16	Ditto	Ditto	John Miners	Self.
17	Ditto	Ditto	John Pascoe	Self.
18	Ditto and a small Garden	Ditto	William Woolcock	Thomas Laity.
19	Ditto	Ditto	Ditto	Joseph Thomas.
20	A Meadow	Ditto	Charles Scott, Esq. John Rogers, Esq.	Charles Scott, Esq.
21	A Piece of Wastrell	Ditto	Ditto	William Woolcock.
22	An Orchard	Messrs. Ellis, Pascoe, and Richards	Same	William Julian.
23	Field and Orchard	John Rogers, Esq.	William Rowe	Self.
24 and 25	Two Fields	John Richards	John Richards	William Julian.
26	A Field	John Rogers, Esq.	Thomas Grylls, Esq.	William Arthur.
27	Mill and Tenement	Edward Coode, Esq.	Stephen Sincock	Self.
28	A Meadow	John Rogers, Esq.	Ditto	Ditto.
29	A Rushy Moor	Ditto	John Rogers, Esq.	William Julian.
31	A Small Meadow	Ditto	Ditto	Stephen Sincock.

BREA GE PARISH.				
	Three Meadows and Two Orchards	Edward Coode, Esq.	Jonathan Cowls	Richard Seagman.
	An Orchard	Ditto	John Richards	Self.
	Pigs Moor	Ditto	Edward Coode, Esq.	William Arthur.
	Willow Garden and Orchard	Ditto	Edward Thomas	Self.
	A Moor and Orchard	Ditto	Joseph Richards	Self.
	Little Methley	Ditto	Alexander Stephens	Self.
	A Moor	Ditto	James Hammill	Self.

B R E A G E P A R I S H—*continued.*

No.	Description of Property.	Owners.	Leaseholders.	Occupiers.
1	A House and Gardens	Edward Coode, Esq.	James Hammill	Self.
2	A Dwelling House	Ditto	Jonathan Cows	Thomas Cows.
3	A Dwelling House.	Ditto	Jonathan Cows	Self.
4	Ditto	Ditto	Ditto	George Thomas.
5	Ditto	Ditto	John Richards,	Self.
6	Ditto	Ditto	Samuel Thomas	Self.
7	A Cellar	Ditto	Edward Coode, Esq.	Tobias Roberts.
8	Dwelling House	Ditto	Edward Coode, Esq.	Mary Glasson.
9	Ditto	Ditto	John Cows	Self.
10	Capstands	Ditto	Edward Coode, Esq.	Rogers and Company.
11	Dwelling House	Ditto	Edward Thomas	Self.
12	Ditto	Ditto	Jonathan Cows	Self.
13	Warehouses and Kiln	Ditto	Edward Coode, Esq.	Tobias Roberts.
14	Dwelling House and Fields	Ditto	Charles Scott, Esq.	Charles Scott, Esq.
15	Dwelling House	Ditto	John Richards	Self.
16	Ditto	Ditto	Jonathan Cows	Thomas Richards.
17	A Loft.	Ditto	Edward Coode	Rogers and Company.
18	Dwelling House	Ditto	James Woolcock	Self.
19	Ditto	Ditto	Jonathan Cows	Henry Waters.
	Mowhay, &c.	Ditto	Charles Scott, Esq.	Charles Scott, Esq.
20	Dwelling House	Ditto	William Woolcock	Thomas Polglase.
22	Ditto	Ditto	Charles Scott, Esq.	William James.
23	Ditto	Ditto	Ditto	Untenanted.
24	Ditto	Ditto	Ditto	John Ruffell.
	Dwelling House, Cottage, Garden, Barn, Stable, Mowhay, and Three Fields and an Orchard	Thomas Stabback, Clerk,	Self	Self,
	Rocks and a Quarry	Judith Plomer, Widow,	Self	Self.

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