



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 196.

An Act for the Improvement of the Harbour of *Sutton Pool*, in the Port of *Plymouth*, in the County of *Devon*. [26th June 1811.]

**W**HEREAS the Harbour of *Sutton Pool* within the Port of *Plymouth*, in the County of *Devon*, Part of the Manor of *Trematon*, Parcel of the Duchy of *Cornwall*, is a very ancient Harbour, and much frequented by Ships and Vessels of large Burthen; and the said Harbour hath of late been filled and choaked up by the Accumulation of Soil and Rubbish, so as to impede Ships and Vessels frequenting the said Port and Harbour from getting up to the Quays, Wharfs and Landing Places within the said Harbour, to the great Detriment and Prejudice of the Merchants and others residing in or trading to and from the said Port and Harbour, as well as to the Revenues of the said Duchy: And whereas the progressive Increase of the Trade of the said Port makes it expedient that additional Piers, Quays, Wharfs, Wet and Dry Docks, Cranes and other Works and Conveniences, should be constructed for the Accommodation of Ships and Vessels resorting to the said Port, and that Mooring Chains should be laid down within the said Harbour; and that an Harbour Master, or Harbour Masters, and other Officers should be appointed to superintend the mooring, and direct the placing of Ships and Vessels frequenting the said Port and Harbour, in order to prevent any Damage thereto, or any Delay or Inconvenience in discharging the Cargoes thereof: And whereas the several Persons hereinafter named, are possessed of or interested in Two several Indentures of Lease, bearing

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Date

Date respectively the Twenty-sixth Day of *December* now last past, granted and demised by his Royal Highness *George Augustus Frederick* Prince of *Wales*, of the said Harbour of *Sutton Pool*, with all the Dues and Profits arising therefrom, and all Dwelling Houses, Store Houses, Lofts, Edifices, Cellars, Wharfs, Quays, Yards and Curtilages usually held therewith, being Part of the Manor of *Trematon*, Parcel of His Royal Highness's Duchy of *Cornwall*, to *John Hawker* of *Plymouth* aforesaid, Esquire, one of which said Indentures contains a Demise of the said Premises (except a certain Part thereof hereinafter mentioned) for a Term of Ninety-nine Years, if *William Henry Hawker*, aged about Twenty-one Years, and *George Hawker*, aged about Fourteen Years, Sons of the said *John Hawker*, and *John Croad Hodge*, now aged about Ten Years, Son of *William Hodge*, of *Plymouth Dock*, in the said County of *Devon*, Merchant and Banker, or any or either of them, should so long happen to live, under certain Rents, Covenants, Conditions and Agreements mentioned and expressed in the said Indenture of Lease; and the other Indenture contains a Demise of the Parts hereinbefore mentioned to have been excepted out of the former Lease, for the Purpose of erecting Wharfs and Quays thereon, for the general Benefit of the Port as well as the Improvement of His Royal Highness's Estate, for an absolute Term of Ninety-nine Years, commencing from the Twenty-fifth Day of *December* now last past, under the several Rents, Covenants, Conditions and Agreements mentioned and expressed therein: And whereas the said *John Hawker*, by a certain Indenture bearing Date the Second Day of *January* now last past, hath covenanted and declared to and with Sir *Michael Seymour* Baronet, *Richard Pering*, *Digory Forrest*, *William Hodge*, *Edward Lyne*, *Joseph Lyne*, *John Nicolls Hawker*, *William Henry Hawker* and *John Cooke Carpenter*, Esquires, that the said Leases were made and taken in his Name, and that he the said *John Hawker*, his Executors, Administrators and Assigns, would at all Times thereafter, during the Continuance of the said Terms, stand and be possessed of and interested in the said Premises in Trust for and on behalf and for the Benefit of them the said Parties to the said Indenture, in the several Shares and according to the several Proportions therein mentioned, and under certain Covenants, Conditions, Regulations and Agreements, therein set forth: And whereas by a certain Bond or Obligation, bearing Date the First Day of *April* now last past, the said *John Hawker*, Sir *Michael Seymour*, *Richard Pering*, *Digory Forrest*, *William Hodge*, *Edward Lyne*, *Joseph Lyne*, *John Nicolls Hawker*, *William Henry Hawker*, and *John Cooke Carpenter* are held and firmly bound to the several and respective Persons therein mentioned, and whose Names are severally hereinafter set forth, to assign and transfer on the Twenty-ninth Day of *September* next unto them respectively, in the several Parts or Shares therein mentioned, the said Two several Indentures of the said Harbour of *Sutton Pool*, with each and every of its Appurtenances, unless previous to that Day the said Premises shall be vested in the said Parties by force and virtue of this Act: And whereas the said several Persons so possessed of or interested in the said Two several Indentures of Lease of the said Harbour of *Sutton Pool*, with each and every of its Appurtenances, are willing and desirous of undertaking and carrying on the Improvement of the said Harbour, and of incurring the very heavy Expence that will attend the same: And whereas it is therefore expedient that the whole of the Premises

fo granted aforefaid ſhould be held for the ſame Term, in order to the Improvement thereof, as one Property, and for the ſecuring to the Leſſees and their Affigns ſuch a certain Term therein as may enable them to raiſe ſuch Sums as may be neceſſary for the Improvement of the ſaid Harbour and Premises, and for the Attainment of the neceſſary Accommodations, as well as the Increase of the Revenue ariſing therefrom; and for that Purpose, that His Royal Highneſs ſhould be empowered to grant to the ſaid Leſſees an abſolute Term of Ninety-nine Years in the Premises demised by the ſaid firſt recited Indenture of Leaſe, under certain Limitations and Restrictions: But inasmuch as the ſame cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Abbot, Benjamin Balkwell, Richard Bayly, John Brabant Bayly, Peter Birdwood, Benjamin Bullocke, John Cooke Carpenter, James Cole, John Collier, William Collier, Mary Collier, Susanna Collier, Jenny Collier, Joſeph Cookworthy, Mary Collier Cookworthy, William Corſer, Thomas Francis Date, Chriſtopher Davies, Richard Derry, William Eaſtlake, Sir William Elford Baronet, Herberts Elford and Tingcombe, Sir William Elford Baronet, Jonathan Elford, James Elliott, Digory Forreſt, Robert Forteſcue, Dorothy Fox, William Fry, Benjamin Fuge, Samuel Fuge, Robert Fuge Senior, Robert Fuge Junior, Susan Fuge, William Harvey, John Hawker, John Nicolls Hawker, William Henry Hawker, Caroline Hawker, Frances Hawker, John Heale, John Hele, George Herbert Senior, George Herbert Junior, Henry Herbert, James Hill, Joſeph Hingſtone, William Hodge, John Hyne, Joſeph Joſeph, William Kêmpe, Thomas Kerſwell, William Kerſwell, William Kingdon, Richard King, John King, Phillis King, John Clarke Langmead, William Langmead, John Lillicrap, Edmund Lockyer, William Lockyer, Jane Lovell, John Luſcombe, Richard Lyne Clerk, Edward Lyne, Joſeph Lyne, John Millete Lyne, Donald Macdonald, Joſeph Moore, William Moore, John Moore, Ann Nicoll, Edmund Oliver, George Ord, William Prance Junior, John Pridham, Joſeph Pridham, Richard Pering, Robert Shirley Reed, John Rodd, Richard Roſdew, Sir Michael Seymour Baronet, John Smith, George Soltau, William Hales Symons, Andrew Tracy, Joſeph Treffry, Thomas Twynam, and Francis Wyatt,* together with ſuch Perſon or Perſons as they or the major Part of them, preſent at the firſt or any other General Aſſembly to be holden for the Purpoſes of this Act, ſhall nominate and appoint, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators and Affigns, being Proprietors of any Share or Shares in the Undertaking for the Improvement of *Sutton Pool*, ſhall be, and are hereby united into a Company for and during the Time that they ſhall be poſſeſſed of the Dues and Profits of the ſaid Pool; under the ſaid firſt recited Indenture of Leaſe, or under any other Leaſe or Leaſes hereafter to be granted thereof, for the Purpose of the Improvement of the ſaid Harbour, according to the Rules, Orders and Directions herein contained, and ſhall for that Purpose be a joint Stock Company, by the Name and Style of *The Sutton Pool Company*.

II. And be it further enacted, That it ſhall be lawful for His Royal Highneſs *George Augustus Frederick Prince of Wales*, upon the Surrender of the ſaid firſt recited Indenture of Leaſe, to grant to the Perſons in whom

Enactment of  
Company.

Enabling the  
Prince to  
grant a fur-  
ther Term.

whom the Premises heretofore granted shall be vested, as the *Sutton Pool* Company under this Act, an absolute Interest in the said Pool, and all the Dues and Profits arising therefrom, and all the Dwelling-Houses, Store-Houses, Lofts, Edifices, Cellars, Wharfs, Quays, Yards and Curtilages, demised by the said first recited Indenture of Lease, for the full Period of Ninety-nine Years from the Date of the said first recited Indenture of Lease, any Thing in any Act or Acts of Parliament, or Law or Statute to the contrary in anywise notwithstanding: Provided always, that no Fine or Sum of Money shall be taken for any Part of such absolute Term of Years, beyond the first Thirty-one Years of such Term, from the Date of the said first recited Indenture of Lease; but that for the Remainder of such Term of Ninety-nine Years, after the first Thirty-one Years thereof, a Rent shall be reserved for the Benefit of the Duke of *Cornwall*, his Heirs and Successors, equal to the full Amount of the net Annual Produce of all such Dues and Profits, Dwelling-Houses, Store-Houses, Lofts, Edifices, Cellars, Wharfs, Quays, Yards and Curtilages, at the Time of granting such Lease for the Term of Ninety-nine Years as aforesaid.

Power to  
establish a  
Fund.

III. 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, for the Improvement of the said Harbour, and for making, building and maintaining the several Piers, Quays, Docks, Houses, Store-houses, and all other Works and Conveniencies, belonging or requisite thereto, not exceeding in the whole the Sum of Fifty thousand Pounds, and that the same shall be divided into Shares of Fifty Pounds each; and the said Shares shall be and are hereby directed to be vested in the several Persons so subscribing, and their several and respective Successors, Executors, Administrators and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally contribute; and all Persons, their several and respective Successors, Executors, Administrators and Assigns, who shall severally subscribe for One or more Share or Shares, or Sum or Sums as shall be demanded in lieu thereof, towards completing and maintaining the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the said Undertaking, and other Sums of Money that may be raised, recovered or received by the Company of Proprietors by virtue of this Act.

Shares to be  
Personal  
Property.

IV. And be it further enacted, That all and every the Shares of and in the said Undertaking, or of or in the joint Stock or Fund of the said Company of Proprietors, shall be and be deemed to be Personal Estate, and be transferable as such, and not of the Nature of Real Property.

No Proprietor  
answerable  
for more than  
his respective  
Stock.

V. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to charge or make liable any Person or Persons who are or shall be a Proprietor or Proprietors of the said Stock of the said Company, or of any Part thereof, or his, her or their Real or Personal Estate, with any Debt or Demand whatsoever due or to become due from the said Company, beyond the

Extent

Extent of his, her or their Capital Stock, Share or Shares in the said Stock of the said Company; any Law, Custom or Usage to the contrary thereof in anywise notwithstanding.

VI. And be it further enacted, That every Person (except the Clerk or Clerks to the said Company of Proprietors for the Time being) who shall by virtue of this Act have subscribed or undertaken for One Share and less than Four Shares in the said Undertaking, his, her or their respective Successors, Executors, Administrators and Assigns, shall have One Vote in the several Assemblies to be holden as herein appointed for carrying on the said Undertaking, for such Share or Shares; and in case any such Person as aforesaid shall have subscribed or undertaken for Four Shares, and less than Ten Shares in the said Undertaking, then his, her or their respective Successors, Executors, Administrators and Assigns, shall have Two Votes in such Assemblies to be held as aforesaid; and in case any such Person as aforesaid shall have subscribed or undertaken for more than Ten Shares in the said Undertaking, then his, her or their respective Successors, Executors, Administrators and Assigns, shall have Three Votes in such Assemblies to be held as aforesaid; which Vote or Votes may be given by him, her or them, or by his, her or their Proxy or Proxies, constituted under the Hand and Seal of such Person, provided no more than One Proxy at any One Meeting be appointed by such Person, 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, Matter or Thing which shall be proposed, discussed or considered, in any General or Special Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present: Provided nevertheless, that no Person shall deliver in Proxies for more than Two Proprietors, the Appointment of which Proxies may be made according to the Form following:

I *A. B.* of *Sutton*, one of the Proprietors of the *Sutton Pool Company*, do hereby nominate, constitute and appoint *C. D.* of *Sutton*, 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 said Company, that shall be mentioned or proposed at any Assembly of the said Company of Proprietors, in such Manner as he the said *C. D.* shall think proper, for the Benefit of the said Company, or any Thing appertaining thereto. In Witness whereof I have hereunto set my Hand and Seal, this *Day of*

VII. And be it further enacted, That the first General Assembly of the said Company of Proprietors shall be held on the *Monday* Fortnight after the passing of this Act, at the *King's Arms* Inn in the said Town of *Plymouth*, in the County of *Devon*, between the Hours of Ten in the Forenoon and Two in the Afternoon, for the Purpose of putting this Act in Execution; and such General Assembly shall afterwards be holden on the Second *Monday* in the Month of *May*, in each and every Year, at such Place within the said Borough of *Plymouth*, and at such Hour, as the said Company of Proprietors shall at any Assembly appoint; and in case no Place or Hour shall have been so

[*Loc. & Per.*]

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appointed,

Regulating  
Votes.

First General  
Assembly.

appointed, then such General Assembly shall be holden where the last General Assembly was holden.

Chairman to  
be appointed.

VIII. And be it further enacted, That the said Company of Proprietors, at their respective Assemblies, shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of any Equality of Votes shall have the decisive or casting Vote.

Appointment  
of a Com-  
mittee.

IX. And be it further enacted, That the said Company of Proprietors shall, at their first General Assembly, nominate and appoint, by Ballot, Thirteen Persons, of and out of the Proprietors of the said Company, to be a Committee for the Management of the Concerns of the said Company, until the next General Assembly, to be holden on the Second Monday in the Month of May, One thousand eight hundred and twelve; and the Powers of the said Committee shall then cease and determine; and the said Company of Proprietors assembled at such General Assembly, shall proceed to the Nomination of another Committee, or may re-appoint the said Committee, or any Member or Members thereof, and so in like Manner at every ensuing General Assembly, and the Powers of such Committee shall continue until the next General Assembly, and shall then cease and determine; but no Person holding any Place, Office, Employment or Contract under the said Company of Proprietors (in case he shall receive any Salary or other Emolument, Benefit or Advantage therefrom, but not otherwise) shall be capable of serving upon any Committee during the Time of his Continuance in such Place, Office or Employment or holding such Contract: Provided always, that it shall and may be lawful to and for the said Company of Proprietors, at any Special Assembly to be convened in Manner herein directed, to remove any Member of the said Committee, and to nominate another Person qualified as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, be so removed, refuse to act, or shall hold any Place, Office, Employment or Contract under the said Company of Proprietors, or shall cease to be a Proprietor in the said Undertaking: and every Person so nominated by the said Special Assembly shall have the like Power and Authority as if he had been nominated by the said General Assembly.

Proprietors  
may make  
Bye-Laws.

X. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Assembly, to make, ordain and establish such Rules, Bye-Laws and Orders, for the good Government of the said Company and of the said Committee, and of their Servants, Agents and Workmen, and for the keeping in Repair, improving and securing the said Harbour, and the Works to be erected, made or set up in pursuance of this Act; and for regulating the Ships and Vessels coming into or being within the said Harbour; and may also, at any future General Meeting, repeal, add to, amend or alter such Rules, Bye Laws or Orders, as to them shall appear necessary and requisite, and fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings for each and every Breach and Non-observance of such Rules, Bye Laws and Orders or any of them; which said Rules, Bye Laws and Orders, being reduced into Writing, shall be printed, and fixed or hung

up

up in the large Room in the Custom-house of the Port of *Plymouth*; or in some other conspicuous Place within the said Harbour, and shall be then binding upon and observed by all Persons whomsoever, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and all Accounts of Monies laid out and disbursed on account of the said Undertaking, shall be laid before the said General Assembly, to be audited and settled; but no Vote or Votes by Proxy shall be given, nor have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves, from Time to Time, to such Place or Places as shall at such General Assembly be thought proper and convenient: Provided always, that if at any such General Assembly there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled to Fifty Shares in the said Undertaking, no Choice of any Committee shall be made at that Time, but in such Case there shall be another General Assembly of the said Company of Proprietors at the same Place, upon that Day Fortnight, and so from Time to Time until there shall be such Number of Persons present, either as Principals or Proxies, at such General Assembly, having such Number of Shares as aforesaid; and such Choice of such Committee shall then take place and not before; and of every such adjourned Meeting, Seven Days' Notice shall be given in One or more Newspaper or Newspapers printed and circulated in the said County of *Devon*; and the Persons then chosen to be of such Committee shall have the same Powers as they would have had, and shall continue in such Office until such Time as they would have done had they been chosen by any such General Assembly on the first Day appointed for holding the same.

General Assemblies for choosing Committees, to consist of Fifty Shares.

XI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Five or more of the said Proprietors, who may collectively be possessed or entitled unto Twenty Shares at the least in the said Undertaking, to cause Fourteen Days' Notice at least to be given thereof in One or more Newspaper or Newspapers printed and circulated in the said County of *Devon*, or in such other Manner, and with such Notice thereof, as the Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requiring such Special Assembly, and the Time when and Place where the same is to be holden, which Place shall be within the Town of *Plymouth*; and the said Proprietors are hereby required to meet pursuant to such Notice; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to the Matters so specified in such Notice only; and all such Acts of the said Proprietors, or of the major Part of them, met together at every such Special Assembly (provided such major Part shall be possessed of at least Fifty Shares in the said Undertaking, either as Principals or Proxies) shall be as good and valid with respect to the Matters specified in such Notice, as if the same had been done at any General Assembly.

Special Assemblies may be convened.

XII. And

General Assemblies to appoint Officers.

XII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and one or more Clerk or Clerks to the said Company of Proprietors, and also to such Committee, and likewise a Collector or Collectors, Surveyor or Surveyors, Harbour Master or Harbour Masters, and such other Officers as to them shall seem meet; granting to them respectively such Salary, and taking such Security for the due Execution of their respective Offices, as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of all Acts, Proceedings and Transactions of the said Company of Proprietors and Committee respectively; and each of the said Proprietors shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, without paying any Thing for the same, and may demand and have Copies thereof or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Six-pence, and so in proportion for any less Number of Words; and if any such Clerk or Clerks to the said Company of Proprietors or Committee shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect and peruse such Book or Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies as aforesaid, he or they shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in case by reason of any Negligence, Misconduct or Inability in any Treasurer or other Officer, it shall be requisite to displace or remove him or them, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors assembled at any such General or Special Assemblies as aforesaid, or for the Committee of the said Company of Proprietors, to remove any such Treasurer, Clerk or other Officer; and in case such Treasurer, Clerk or other Officer shall die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Committee, then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors, at their said General or Special Assemblies, or for the Committee of the said Company of Proprietors, to appoint any other fit Person or Persons to execute any such Office or Offices in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next General or Special Assembly, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Company of Proprietors at such General or Special Assembly may think proper.

Officers to account.

XIII. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner as the said Company of Proprietors or such Committee shall direct, deliver to the said Company of Proprietors or to such Committee, or to such Person or Persons as they respectively shall



shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons, respectively received by virtue and for the Purposes of this Act, and how much thereof has been paid and disbursed, and for what Purposes, together with the proper and legal Receipts and Vouchers for such Payments, and shall verify such Account or Accounts on Oath before any Justice of the said County of *Devon* or Borough of *Plymouth*, if he shall be so required to do; and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipt or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, within Fourteen Days after being thereunto required by the said Company of Proprietors, or by such Committee, all Books, Papers and Writing in his or their Custody or Power relating to the Execution of this Act; or shall neglect or refuse to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Company of Proprietors, or to such Committee, or as they respectively shall direct or appoint, then and in either of the Cases aforesaid, the said Company of Proprietors may, and they are hereby authorized to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or upon the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers and Writings as aforesaid,

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said,

said, to the said Company of Proprietors, or to such Committee, or as they respectively shall appoint; then, and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for the County of *Devon*, there to remain without Bail or Mainprize, until he shall give a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Company of Proprietors or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers and Writings as aforesaid or give Satisfaction in respect thereof to the said Company of Proprietors, or to such Committee.

Power of the  
Committee.

XIV. And be it further enacted, That no Member of the said Committee shall have more than One Vote in any Committee; and at every Meeting of the said Committee a Chairman shall be chosen by and out of the said Committee, who, in case of an Equality of Votes upon any Question that may be agitated in the said Committee, shall have the decisive or casting Vote; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee may be exercised by the major Part of them present at their respective Meetings, the whole Number present being not less than Four; and every such Committee shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and, if required, to the said Special Assemblies of the Proprietors; and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; and in order to defray the Expences of their several Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Company of Proprietors, such Sum or Sums of Money as shall be directed and determined by the said Company of Proprietors; and the said Committee shall and may contract for, settle, determine and adjust all Matters, Questions and Differences which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Tenements or Hereditaments, which shall or may be used, damaged or affected by the Execution of any of the Powers hereby granted, and shall and may make Agreements, Contracts and Bargains with the Workmen, Agents and Undertakers; and other Persons employed or concerned in making or completing the said Undertaking, and all and every Part or Parts thereof, and of the Works thereunto appertaining or belonging; and the said Committee (subject nevertheless to the Orders and Directions of such Assemblies as aforesaid) shall have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors; and the said Committee shall by themselves, their Clerk or Clerks, keep a full and true Account of all Money disbursed, and Payments made by the said Committee, and by all and every Person or Persons employed by or under them, and of all and every Sum or Sums of Money which they shall receive on behalf or in respect of the said Undertaking, from any Officer or Officers, or from any Person or Persons whomsoever, and shall regularly by themselves, or their Clerk or Clerks as aforesaid, write, insert and enter in a Book or Books to be from Time to Time provided

provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes or Copies (as the Case shall require) of every such Contract, Bargain, Receipt and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor, upon every reasonable Request, shall have free Access thereto for his or her Inspection; and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting or necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every Fifty Pounds, and so in proportion for every Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of One Calendar Month at least from each other, and Fourteen Days' Notice at least shall be given of all such Calls as aforesaid, by Advertisement in One or more Newspaper or Newspapers printed and circulated in the said County of *Devon*; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her or their rateable Proportion of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her or their rateable or proportionable Part of the Money so called for as aforesaid, at the Time and Place appointed by such Committee, or within Fourteen Days next ensuing, he, she or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share which he, she or they shall possess in the said Undertaking; and in case any Person or Persons shall neglect or refuse to pay his, her or their rateable Calls as aforesaid, for the Space of Two Calendar Months next after the Time so appointed for Payment thereof, then, and in every such Case, he, she or they shall forfeit his, her or their respective Share or Shares in the said Undertaking, and all the Benefits and Profits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, and be publicly sold for the most Money that can be procured for the same; and the Monies produced by such Sale shall, in the first place, be applied to make good all Losses, Costs and Charges sustained by the said Company of Proprietors by such Non-payment, and the Overplus (if any) after such Application, shall be paid over to the Party or Parties interested in such Share or Shares so sold: Provided nevertheless, that no such Forfeiture of any Share or Shares in the said Undertaking shall be or be deemed to be incurred, save and except personal Notice of such Call or Calls in Writing, signed by the Clerk or Clerks of the said Committee, shall have been given to, or Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and the same Share or Shares respectively shall likewise be declared to be forfeited, and ordered to be sold at the next General or Special Assembly of the said Company of Proprietors after such Notice given.

XV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to have and use a Common Seal, and the same

Common  
Seal.

Seal to make and change and make new as often as to them shall seem expedient, and to affix such Seal to all or any Acts, Deeds, Instruments, Matters or Things to be done by the said Company; and such Seal, when affixed to any Act, Deed, Instrument, Matter or Thing, shall be as valid, effectual and binding upon the said Company, as if the same had been signed by any Number of the Members of the Committee of the said Company.

Executors to  
pay Shares.

XVI. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she or they shall have been possessed of or entitled to, without having made any Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, or how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then, and in such Case, the Executors or Administrators of any such Owner so dying, and also the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, shall be indemnified against all and every Person and Persons whomsoever, for or on account of his, her or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; and in case such deceased Owner or Owners shall not have left Assets sufficient, or the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, it shall and may be lawful to and for the said Company of Proprietors to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, or to the Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his, her or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum and Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted upon such Conditions as aforesaid, then, and in such Case, such Share or Shares shall be forfeited to, and become vested in, the rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may  
be sold.

XVII. And be it further enacted, That it shall and may be lawful to and for the said several Proprietors of the said Undertaking, 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 Directions and Provisions herein contained; the

the Conveyance of which Shares shall be in the Form or to the Effect following:

‘ I *A. B.* of \_\_\_\_\_ in Consideration of, Form of  
Conveyance.  
 ‘ paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain,  
 ‘ sell, assign and transfer unto the said *C. D.* the Sum of \_\_\_\_\_  
 ‘ Capital Stock of the *Sutton Pool Company*, being  
 ‘ part [*or, the whole, as the Case may be*] of my Share in the said Un-  
 ‘ dertaking; to hold to the said *C. D.* his Executors, Administrators  
 ‘ 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 Capital Stock or Share of \_\_\_\_\_  
 ‘ subject to the same Rules, Orders, Restrictions and Conditions.  
 ‘ As witness our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of Our Lord \_\_\_\_\_

And on every such Sale the said Deed or Conveyance (being executed by the Seller or Sellers, and 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 Company of Proprietors shall have entered in a proper Book or Books to be kept 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; 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, 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 a Proprietor of the said Undertaking.

XVIII. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she or they shall possess in the said Undertaking, on Pain of forfeiting his, her or their respective Share or Shares therein to the said Company of Proprietors, 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 the whole and entire Sum of Money which shall have been called for on each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared in such Manner as Forfeitures of Shares in any other Cases are herein directed to be notified and declared.

Money called for, to be paid before Shares are sold.

XIX. And be it further enacted, That no Person or Persons shall be entitled to receive any Part or Share of the Profits of the said Undertaking in right of Marriage, save and except an Affidavit containing a Copy of the Register of such Marriage or the Effect of such Register, shall have been made and sworn to by some credible Person, before One of the Judges at *Westminster*, or a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the County of *Devon*; and the said Judges, Master or Master Extraordinary in Chancery and Justices of the Peace is, and are hereby authorized and empowered to swear any such Person to such Affidavit; and such Affi-

Regulation as to the Acquisition of Shares.

davit shall be transmitted to the Clerk or Clerks to 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 said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and no Person or Persons shall be entitled to receive any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, save and except the said Will or the Probate Copy thereof shall be produced and shewn to the said Clerk or Clerks, or an 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 One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace for the said County of *Devon*, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein mentioned.

Names of Proprietors to be entered, and Certificates of their Shares given to them.

XX. And be it further enacted, That the said Company of Proprietors shall, and are hereby required to cause the Name and proper Additions of the several Persons who shall be entitled to the several Shares in the said Undertaking, with the Number of Shares which 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 to be kept by the Clerk to the said Company of Proprietors; and shall also cause a Certificate or Instrument to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Five Shillings, and no more, for every such Certificate or Instrument; 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; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Owners from selling or disposing thereof.

Power to borrow Money.

XXI. And to the End that a sufficient Sum of Money may be speedily raised for the Purposes of this Act, and in order to secure the Repayment of the same; be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby empowered, by One or more Indenture or Indentures in Writing under their Common Seal, to mortgage or assign the Rates or Duties granted by this Act, as a Security for any Sum or Sums of Money by them to be borrowed (not exceeding in the whole the Sum of Twenty thousand Pounds) for the Ends and Purposes of this Act, to any Person or Persons, or Bodies Politic or Corporate, that shall be willing to lend or advance the same, for securing the Repayment thereof, with Interest, after the Rate of Five Pounds *per Centum per Annum*, unless it can be got for a less Rate of Interest (Copies of all which Mortgages or Assignments shall be entered in a Book or Books kept for that Purpose;) and all and every Sum and Sums of Money so to be borrowed, shall be paid into the Hands of the said Company or of the Clerk or Clerks, Treasurer or Treasurers

urers to be by them appointed; the Costs and Charges of all which Mortgages or Assignments shall be borne and paid out of the Rates and Duties hereby granted; and all and every Sum and Sums of Money advanced and paid by Way of Loan as aforesaid, and the Interest payable for the same respectively, shall be charged and chargeable upon the Rates and Duties hereby granted; and that no Priority or Preference shall be had or taken by any of the Mortgagees in respect of the Dates of their Mortgages or Assignments, and that the Mortgages and Assignments shall be made in the Form or to the Effect following:

‘ BY virtue of an Act of Parliament, made and passed in the Fifty-  
 ‘ first Year of the Reign of King *George* the Third, intituled, [*here*  
 ‘ *recite the Title of this Act,*] We, *The Company of Proprietors for the Im-*  
 ‘ *provement of the Harbour of Sutton Pool, within the Port of Plymouth,*  
 ‘ incorporated by and under the said Act, in Consideration of the Sum  
 ‘ of \_\_\_\_\_ to us in Hand paid by *A. B.*  
 ‘ of \_\_\_\_\_  
 ‘ Do hereby bargain, sell and assign, unto  
 ‘ the said *A. B.* his Executors, Administrators and Assigns, all our  
 ‘ Estate, Right, Title and Interest, of, in and to the said Undertaking;  
 ‘ to hold unto the said *A. B.* his Executors, Administrators and Assigns,  
 ‘ until the said Sum of \_\_\_\_\_ with lawful  
 ‘ Interest for the same, shall be fully paid and satisfied. Given under  
 ‘ our Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_

And a Memorial of every such Mortgage, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed and Rate of Interest, shall within Thirty Days from the Date of every such Mortgage, be entered in one or more Book or Books to be kept by the Clerk of the said Company of Proprietors; which Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her or their Right or Interest therein to any Person or Persons whomsoever, by Writing under his, her or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

‘ I, *A. B.* of \_\_\_\_\_ in Consideration of the Sum \_\_\_\_\_ Form of  
 ‘ of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ Transfer.  
 ‘ do hereby transfer a certain Mortgage made  
 ‘ by the *Company of Proprietors for the Improvement of the Harbour*  
 ‘ of Sutton Pool, to *C. D.* bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ for securing the Sum of \_\_\_\_\_  
 ‘ and all Interest now due, and to become due thereon,  
 ‘ and all my Right and Property therein to the said *C. D.* his Exe-  
 ‘ cutors, Administrators and Assigns. Dated this \_\_\_\_\_  
 ‘ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages

Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Five Shillings, and no more; and every such Entry made of such Transfer, shall from thenceforth entitle such Assignee or Assignees, his, her or their Executors, Administrators and Assigns to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment, to make void, release or discharge the said original Mortgage, or any Money thereby secured, or any Part thereof, until the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be paid and discharged to the several Persons entitled, before any Interest or Dividends due to the said Company of Proprietors shall be paid, made or divided.

Notice to be given before Money borrowed is paid off.

XXII. Provided always, and be it enacted, That no Sum or Sums of Money so lent or advanced on Mortgage, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending or advancing such Sum or Sums of Money) unless Three Calendar Months' previous Notice shall have been given to the Person or Persons so lending or advancing such Sum or Sums of Money, or left at his, her or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

New Tolls in Schedule(B.)

XXIII. And be it further enacted, That it shall and may be lawful to and for His Royal Highness the Prince of *Wales*, as Duke of *Cornwall*, his Heirs and Successors, by his or their Officers or Servants, or to and for the said Company of Proprietors (being Lessees of the said Harbour), by their Committee or such Person or Persons as they shall appoint, or for whomsoever may have the Lease of the Dues, Profits and other Premises demised by the said first recited Indenture of Lease, and they are hereby respectively authorized and empowered from Time to Time, and at all Times from and after the Time that the Sum of Two thousand Pounds shall appear, by a Return made to the Quarter Sessions to be holden for the County of *Devon*, or any Adjournment thereof, to have been laid out by the said Company of Proprietors in and towards the cleansing and improving of the said Harbour, to ask, demand, take, collect, receive and recover to and for the Use and Benefit of His said Royal Highness; his Heirs or Successors, or of the said Company of Proprietors (being Lessees as aforesaid), or of whomsoever may have the Lease of the Dues, Profits and other Premises demised by the said first recited Indenture of Lease, of and from all and every the Master, Commander or Owner, or other Person or Persons having the Rule or Command of any Ship or Vessel, Bark or Boat, within the said Harbour, or from either of them, over and above the Rates and Duties mentioned and contained in the Schedule hereunto annexed marked (A.), to which the same respectively are now subject or liable, any Sum or Sums of Money not exceeding the several Rates or Duties hereinafter mentioned, and contained in the Schedule hereunto annexed marked (B.): Provided always, that the Rate or Duty of One Penny *per* Ton on all Ships or Vessels belonging to His Majesty's Subjects, employed in the Coasting Trade or coming from *Ireland*, at the Expiration of Twenty Years (to be calculated from the Period at which such Tolls or Dues shall commence to be taken) be reduced to the Rate or Duty of One Half-penny *per* Ton for ever thereafter.

XXIV. And



XXIV. And be it further enacted, That there shall be then likewise paid by every Person whomsoever who shall lade or export for foreign Ports, or unlade or import any Grain, Seeds, Goods, Wares, Merchandize, Baggage, Parcel, or other Article, Matter or Thing whatsoever, upon or from any Quay or Quays belonging to the said Harbour of *Sutton Pool*, or who shall lade or export for foreign Ports, or unlade or import any such Articles as aforesaid, unto or from any Ship or Vessel within the said Pool, by Means of any Lighter, Barge, Boat or other Vessel, upon or from any such Quay or Quays, over and above the Rates and Duties mentioned and contained in the Schedule hereunto annexed marked (A.), to which the same respectively are now subject or liable, any Sum or Sums of Money not exceeding the several Rates and Duties hereinafter mentioned and contained in the First Column of the Schedule hereunto annexed marked (C.): Provided always, that the Rates or Duties mentioned and contained in the First Column in the said Schedule shall, from and after the Expiration of the First Twenty Years after the Commencement of the Receipt of such Tolls or Dues, be reduced to the several Rates or Duties mentioned and contained in the Second Column in the said Schedule; and from thenceforth all such Goods, Wares, Merchandize, Baggage, Parcel, or other Article, Matter or Thing whatsoever, shall be subject or liable to the several Rates or Duties only mentioned in such Second Column.

New Tolls in Schedule (C.)

XXV. And be it further enacted, That if at any Time after the said Sum of Two thousand Pounds shall appear as aforesaid, to have been expended in and towards the cleansing and improving the said Harbour, it shall be found by a Presentment of the Grand Jury assembled at any Quarter Sessions of the Peace for the said County of *Devon*, that the same has not been effectually cleansed and improved, and that sufficient Mooring Chains have not been laid down; or if at any Time within Seven Years after the passing of this Act, it shall be found by a Presentment of the Grand Jury assembled as aforesaid, that the Sum of Five thousand Pounds has not been expended in and towards the cleansing, improving and laying down Mooring Chains in the said Harbour; or if, at any future Period, it shall be found by a Presentment of the Grand Jury assembled as aforesaid, that the said Harbour has been suffered to get so much out of Repair as not to afford sufficient Shelter and Security to Vessels endeavouring to enter or lying within the same, and such Presentment certified under the Hand of the Chairman of the said Quarter Sessions to the said Company of Proprietors, and the said Harbour in all such Cases shall not be sufficiently cleansed, improved, repaired or amended, or Mooring Chains laid down, as the Case may require, within Twelve Months from the certifying of such Presentment as aforesaid, then and from thenceforth the said Rates and Duties by this Act granted and made payable for or in respect of Ships and Vessels using the said Harbour, shall be suspended until One Week after the assembling of the Quarter Sessions or Adjourned Sessions of the Peace for the said County of *Devon*, next after the Suspension of the Duties, unless the said Harbour shall before that Time have been cleansed, improved or repaired, and Mooring Chains laid down, and it shall be found by a Grand Jury assembled as aforesaid at such Quarter Sessions, and certified by the said Chairman to the said Company of Proprietors, that the said

Suspension of Tolls in certain Cases.

Harbour has been properly cleansed, improved, repaired and amended, and Mooring Chains laid down: Provided always, that if the Grand Jury assembled at such Quarter Sessions or Adjourned Sessions shall again present that the said Harbour is not sufficiently cleansed, improved or repaired, and that Mooring Chains have not been laid down, such Rates and Duties shall continue suspended until One Week after the next Quarter Sessions or Adjourned Sessions, unless at such next Quarter Sessions or Adjourned Sessions it shall be found and certified in Manner aforesaid that the Harbour is sufficiently cleansed, improved or repaired, and that Mooring Chains have been laid down; and that such Rates and Duties shall continue to be so suspended so long as such Grand Juries shall continue to find from Sessions to Sessions that the Harbour remains not sufficiently cleansed, improved or repaired, or that Mooring Chains have not been laid down: Provided always nevertheless, that in all Cases and at all Times where the Rates and Duties granted by this Act shall be under Suspension, that the Rates and Duties in Schedule (A:) only shall be then collected as if this Act had not passed; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Proportion-  
ate Duty to  
be taken on  
Goods, &c.  
of greater or  
less Weight,  
Quantity, or  
Number, &c.

XXVI. And be it further enacted, That in all Cases where any of the Goods, Wares or Merchandize, by this Act charged with the Payment of any Import or Export Duties or Rates, shall exceed or be less than the several and respective Weights, Quantities or Numbers, whereby the same are hereby particularly charged; a Rate or Duty upon every such greater or lesser Weight, Quantity or Number shall be demanded and taken in proportion to the Rates or Duties hereby laid upon such Goods, Wares and Merchandize respectively.

Rates may be  
compounded  
for.

XXVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Collector or Collectors, Lessee or Lessees, to receive and accept of and from any Master, Commander or Owner of any Ship or Vessel, Bark or Boat trading to and from and using the said Harbour, a Composition for the said Rates and Duties, and such Composition shall be paid and payable at such Times and in such Manner as shall be agreed upon by and between the said Company, their Lessees, or their Collector or Collectors; and any such Master, Commander or Owner.

Declaring by  
whom the  
Rates shall be  
paid.

XXVIII. And be it further enacted, That the Rates on Goods, Wares and Merchandize imported into or exported from the said Harbour of *Sutton Pool* shall be paid by the Master or Commander, Masters or Commanders of the Ship or Vessel bringing in or taking out the same, according to the Entry in the Cocket of such Ship or other Vessel; and in case the Owner or Owners, Consignee or Consignees, Agent or Agents of such Goods, Wares and Merchandize, shall neglect or refuse to pay and discharge such Rates upon Demand made thereof, that then, and in such Case, it shall and may be lawful to and for the Party or Parties who shall have paid such Rates, to detain such Goods, Wares and Merchandizes, for which such Rate or Rates shall have been paid as aforesaid, until the same, and the Costs, Charges and Expences of such Detention shall have been paid and discharged; or otherwise, at his or their Discretion, to bring any Action or Actions for the Recovery of such

Rates

Rates as for Money lent and advanced to the Use of such Owner or Owners, Consignee or Consignees.

XXIX. And, to the Intent that the Rates or Duties mentioned and contained in this Act may be more effectually collected and levied, be it further enacted, That in case any Owner, or Master, or other Person having the Rule or Command of any Ship or other Vessel, or any other Person to whom any Goods, Wares or Merchandize, landed or shipped within the said Harbour, and charged or chargeable with the Rates or Duties mentioned and contained in this Act, shall belong or be delivered unto, or by whose Order the same shall be landed or shipped, shall refuse to pay the same, then, and in such Case, it shall and may from Time to Time be lawful to and for the Collector or Collectors, Lessee or Lessees, 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, or all or any Part of the Goods, Wares or Merchandize chargeable therewith, and 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 detain 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 Three Days after any Distreis or Distresses so made or taken, that then it shall and may be lawful to and for the said Collector or Collectors, Lessee or Lessees, to cause the same to be appraised by One or more sworn Appraisers, or other sufficient Person, and afterwards to sell the Distreis or Distresses, and therewith to satisfy himself or themselves as well for and in respect of the Rates or Duties so neglected or delayed to be paid, as also for and in respect of his or their reasonable Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any such there be) to the Owner, upon Demand.

For Recovery  
of Rates, &c.

XXX. And be it further enacted, That if any Master, Owner or other Person or Persons having the Rule or Command of any Ship or other Vessel, or the Owner of any Goods, Wares or Merchandize, or the Consignee or Consignees, Agent or Agents thereof, shall, by any Method whatsoever, at any Time or Times elude or avoid the Payment of the Rates or Duties hereby made payable, or any Part thereof, each and every Person eluding or avoiding Payment as aforesaid, shall stand charged with and be liable to the Payment of the same; and the same shall and may be recovered from such Masters or Owners respectively, at any Time or Times, 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.

Persons eluding  
Payment,  
to continue  
chargeable,  
&c.

XXXI. And be it further enacted, That no Ship or Vessel of War belonging to His Majesty, his Heirs or Successors, nor any Post-Office Packet or Vessel in the Service of the Commissioners of His Majesty's Customs or Excise, shall be liable to the Payment of any of the said Rates or Duties.

Exemptions  
from Rates.

XXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by any Order made at a General or Special Assembly,

Power to  
erect new  
Quays.

Assembly, to make, erect and build; or to order and cause to be made, erected and built One or more Quay or Quays upon the Ground or Soil of the Duchy of *Cornwall* within the said Harbour, after such Form, Plan or Model, Forms, Plans or Models, and of such Materials as to them shall seem necessary or proper in that Behalf, and of such Dimensions as they may think advisable: Provided always, that no such Form, Plan or Model, exceed in Extent the Forms, Plans or Models inserted and described in the said in part recited Indentures of Lease from His Royal Highness *George Prince of Wales* as Duke of *Cornwall*.

Power to  
erect Docks.

XXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by any Order made at a General or Special Assembly, to make, erect and build, or to order and cause to be made, erected and built One or more Wet Dock or Docks upon the Ground or Soil of the Duchy of *Cornwall* within the said Port, with proper Piers and other Works necessary to support and compleat the same, on such Site as shall appear proper, and may be appropriated by the said Company, after such Form, Plan or Model, Forms, Plans or Models, and of such Materials as to them shall seem necessary or proper in that Behalf, and of such Dimensions as they may think advisable: Provided always, that such Form, Plan or Model do not exceed in Extent the Forms, Plans or Models inserted and described in the said in part recited Indentures of Lease.

Company  
empowered  
to make a  
Dry Dock.

XXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by any Order made at any General or Special Assembly, to make, build and erect or cause to be made, built and erected upon the Ground or Soil of the Duchy of *Cornwall*, within the said Harbour of *Sutton Pool*, a Dry Dock or Docks for graving or repairing Ships and Vessels, in such Situations within the said Harbour, and of such Dimensions, as shall appear expedient to the said Company: Provided always, that such Situations and Dimensions be not contrary to or more extensive than the Grant thereof inserted and contained in the said in part recited Indentures of Lease.

Power to  
place Moor-  
ing Chains,  
&c.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Company to erect and place Mooring Rings, Chains and Capsterns at proper and convenient Places near the Mouth and in the said Harbour; and that after such Mooring Rings, Chains and Capsterns shall be so erected and placed, no Ship or Vessel shall moor or let go an Anchor in the said Harbour, provided there shall be convenient Posts, Rings and Chains for mooring the same (except by Stress of Weather, and that for Twenty-four Hours only) to be ascertained by the Harbour Master of the said Harbour, and his Officers or Persons acting under him.

Rates for the  
Use of Moor-  
ing Chains.

XXXVI. And be it further enacted, That it shall and may be lawful to and for His Royal Highness the Prince of *Wales*, as Duke of *Cornwall*, his Heirs and Successors, by his or their Officers or Servants, Lessee or Lessees, or to and for the said Company of Proprietors (being Lessees of the said Harbour) by their Committee, or such Person or Persons as they shall appoint, to ask, demand and take of and from all and every the Masters and Owners of all Ships and Vessels, for the Use of such

Mooring

Mooring Rings, Chains and Capsterns, the Rates and Dues specified in the Schedule hereunto annexed marked (D.)

XXXVII. And be it further enacted, That if any Master or Owner of any Ship or Vessel or other Person having the Care or Command thereof, shall at any Time, when there are sufficient Rings, Chains and Posts for mooring the same as aforesaid (except as aforesaid), cast Anchor in any Part of the said Harbour, and shall be thereof lawfully convicted, on the Oath of one or more credible Witness or Witnesses, before one or more of His Majesty's Justices of the Peace for the County of *Devon*, or before One or more of the Justices of the Borough of *Plymouth* for the Time being, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, at the Discretion of such Justice; such Penalty, together with reasonable Costs, to be levied by Distress and Sale of so much of the Tackle, Apparel or Furniture of such Ship or Vessel as shall be sufficient to answer the said Penalty and Costs, tendering the Overplus (if any) upon Demand, to the Owner, Master or other Person having the Care or Command of such Ship or Vessel as aforesaid.

Anchors not to be cast in the Harbour, when there are sufficient Chains, &c.

XXXVIII. And, for more effectually ascertaining and collecting the Import and Export Duties specified in Schedules (A.) and (C.); be it further enacted, That it shall be lawful for the Collector or Collectors of the said Duties as aforesaid, or Lessee or Lessees as aforesaid, or any Person or Persons employed by them, if they shall reasonably believe that there should be any Goods on board any Ships or Vessels not entered in the Cocket or any other Custom-house Document, to call on the Master or other Person having the Command or Rule of such Ship or Vessel, for an Account of all such Goods, Wares and Merchandize on board, and require him to verify such Account by Oath before any Magistrate for the said County of *Devon*, or Borough of *Plymouth* as aforesaid; and if such Master or other Person shall refuse to give an Account, or shall wilfully deliver and give a false or incorrect Account, with Intent to defraud the said Company, Lessees or Collector as aforesaid, he and they shall forfeit any Sum not exceeding Five Pounds, to be levied and applied, One Half to the Informer, and the remaining Half to the said Company, for the Uses of this Act.

Master of Vessels to give an Account of their Cargo.

XXXIX. And be it further enacted, That if any Groceries or other Goods shall be imported in Casks or Packages, so that the Master or other Person having the Rule or Command of the Ship or Vessel wherein such Groceries or other Goods are on board, or so that the Company, their Lessee or Lessees, Collector or Collectors, or other Person or Persons cannot ascertain the Nature, Particulars, Contents, Weight and Value of the Contents of such Casks or Packages, that the Owner or Owners, Consignee or Consignees, of such Casks or Packages, if resident or having their then Places of Abode at *Plymouth*, or within Two miles of the same, he and they are hereby required to produce their Bill or Bills of Parcels, and make a Declaration in Writing of the Nature, Particulars, Names and Contents of such Casks and Packages; and if under the last Clause in the Schedule (C.) of Goods not enumerated, then to declare the Amount of the Freight of the Articles or Goods in such Casks or Packages, under the Penalty of any Sum not exceeding Five Pounds, for giving a false Account.

Owners or Consignees to declare the Nature and Weight of Packages.

Power of the  
Harbour  
Master.

XL. And be it further enacted, That it shall be lawful for the said Harbour Master or Harbour Masters to have full Power and Authority to direct the mooring, unmooring, moving and removing of all Ships and Vessels, Lighters and Craft coming into, lying or being in the said Harbour, either as to the Time or Times and Manner of their Entrance into, lying in, or going out of the same, and their Position, loading and discharging therein; and in case the Owner, Master, Pilot, Servant or other Person having the Care of any Ship or Vessel, shall refuse or neglect to moor, unmoor, move or remove the same to such Direction, then it shall be lawful for the said Harbour Master or Harbour Masters, or his or their Assistants, and he and they is and are hereby required to moor, unmoor, move or remove such Ship or Vessel, and the Charges and Expences thereof respectively shall be repaid, together with the Sum of Ten Pounds for each Offence, by the Master or Owner of such Ship or Vessel, and may be recovered by the said Company of the Owner of such Ship or Vessel, in case of Non-payment thereof on Demand, by such Ways and Means as Penalties and Forfeitures are by this Act to be recovered; and in case any such Master, Commander, Mate, Pilot or other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, moving or removing of any Ship or Vessel, such Person or Persons shall for every such Offence forfeit the Sum of Ten Pounds, to be recovered and applied as hereinafter declared.

Penalty on  
Vessels ob-  
structing the  
Entrance.

XLI. And, for better preserving a free and clear Passage and Entrance into and out of the said Harbour for all Ships, Vessels, Lighters, Barges and Boats of every Description; be it further enacted, That no Ship, Vessel, Lighter, Barge, Craft or Boat of any Description whatsoever, shall be anchored or moored across, or in any Way obstruct the Entrance or Passage into the said Harbour, or any Parts thereof, under the Penalty of any Sum not exceeding Five Pounds for every such Offence.

To prevent  
Fire.

XLII. And be it further enacted, That no Pitch, Tar, Rosin, Turpentine, Oil or other combustible Matter shall at any Time hereafter be boiled or heated on board any Ship or other Vessel, Lighter, Craft or Boat lying in the said Harbour, upon Pain that every such Master, Commander or Owner of every Ship or Vessel so offending in Manner as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds; nor shall any Gunpowder or loaded Cannon whatever be brought into the said Harbour, and suffered to remain on board any Ship or any other Vessel for more than Twenty-four Hours, upon Pain that every such Master, Commander or Owner of every Ship or Vessel so offending in Manner as aforesaid, shall forfeit for every such Offence any Sum not exceeding One hundred Pounds.

Penalty for  
destroying  
Ropes of  
Vessels, or  
throwing  
Rubbish, &c.  
into the Har-  
bour.

XLIII. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break or in any Manner destroy any Rope or other Thing by which any Ship, Boat or other Vessel lying in the said Harbour shall be moored or fastened; or in case any Owner or Owners, Master or Commander, Seaman or Servant of or belonging to any Ship, Boat or other Vessel, or any Person or Persons

Persons whomsoever, either on Shore or on Shipboard, shall empty or throw into the said Harbour any Stones, Rubbish, Sand, Dust, Earth, Ashes or Ballast, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, besides paying the Damages thereby occasioned.

XLIV. And be it further enacted, That all and every Person or Persons whomsoever, who shall at any Time or Times hereafter wilfully or designedly demolish, break down or destroy any of the said Wet or Dry Docks, Piers, Quays, Wharfs, Warehouses, Buildings, Erections or any of them, or any of the Works which shall be constructed under this Act, or which shall belong to the said Harbour, shall be deemed 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 Punishment, may award Sentence of Fine and Imprisonment, at the Discretion of the Judge or Judges before whom such Offender or Offenders shall be tried and convicted.

Persons destroying the Works, to be deemed guilty of Felony.

XLV. And be it further enacted, That the Master or Owners of or the Person or Persons having the Charge or Command of every Boat, Barge, Ship or Vessel, lying or being within the said Harbour, shall be, and he, she or they is, and are hereby made answerable for any Trespass, Damage, Spoil or Mischief that shall be done by such Boat, Barge, Ship or Vessel, or by any of the Boatmen, Bargemen, Watermen or Seamen, or other Person or Persons employed in or about the same respectively to any of the Docks, Quays, Wharfs, Piers, Buoys, Perches, Landmarks or other Works erected, maintained or repaired by virtue of this Act, either by loading or unloading of any Boat, Barge, Ship or other Vessel, or by any other Means whatsoever, the Master or Owner of every such Boat, Barge, Ship or other Vessel, shall for every such Trespass, Damage, Spoil or Mischief, upon Conviction of any such his, her or their Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons, before any Justice of the Peace for the said County of *Devon*, or Borough of *Plymouth*, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer), or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction and Compensation as shall be ascertained, fixed and determined by such Justice, provided that no such Damages, Satisfaction or Compensation shall exceed the Sum of Fifty Pounds, and shall also forfeit and pay to the Informer, or Informers any Sum not exceeding Forty Shillings, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Fifty Pounds, then, and in such Case, the said Master or Owner of such Boat, Barge, Ship or other Vessel, may be sued and prosecuted for such Damages, Satisfaction or Compensation, in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgment shall be given against him or her, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs of Suit.

Owners accountable for Damages done by Boatmen.

XLVI. And

Masters to  
recover from  
Boatmen.

XLVI. Provided always, and be it further enacted, That such Boatmen, Bargemen, Watermen, Seamen or other Person or Persons, and each and every of them, shall be liable to repay such Damages, Satisfaction, Compensation and Penalty, so ascertained, fixed and determined by such Justice, with the Costs of levying and recovering 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, of the Payment made by him, her or them of such Damages, Satisfaction and Compensation or Penalty, and that the same and the Costs thereof have or hath not been repaid to him, her or them by such Bargemen, Boatmen, Watermen, Seamen, or any of them, although demanded (such Oath to be made before any One of His Majesty's Justices of the Peace), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered, by Warrant under the Hand and Seal of any such Justice or Justices; and in case such Boatmen, Bargemen, Watermen, Seamen or other Person or Persons shall have no Property whereon such Damages, Sum or Sums of Money may be levied, then on Oath made as aforesaid before Two such Justices, that such Money was not paid on such Demand having been so made, and no such Property to be found, such Justices are hereby authorized and required, by Warrant under their Hands, to commit, or cause such Boatmen, Bargemen, Watermen, Seamen or other Person or Persons, to be committed to the Common Gaol or House of Correction for the said County of *Devon*, for any Time not exceeding Six Calendar Months, if such Demand shall not in the Meantime be paid; and that it shall be lawful for the Person or Persons authorized by such Warrant, to cause such Boatmen, Bargemen, Watermen, Seamen or other Person or Persons to be apprehended within any other County or Counties, City or Place, where he or they may be found, and brought before the Justices granting such Warrant, on such Warrant being first indorsed by a Justice of the Peace acting in and for the County, City or Place where such Offender or Offenders are found, to be dealt with as before mentioned.

Extension of  
the Powers  
and Provi-  
sions of the  
Act to all fu-  
ture Lessees.

XLVII. And be it further enacted, That all the Powers and Provisions of this Act, as to the Appointment of a Harbour Master or Harbour Masters, and the placing of Mooring Rings, Chains and Capsterns in the said Harbour, and the demanding and taking of Rates and Tolls, and compounding for the same, and the cleansing and repairing the said Harbour, and all Penalties and Forfeitures for the Breach of any of the Provisions of this Act, as well as the Power of Suspension of the Tolls in case of Neglect in the cleansing and repairing the said Harbour, and all Claims, Powers and Authorities for the Recovery of Tolls and Protection of the said Harbour, or any Works, Matters or Things appertaining thereto, shall continue in full Force as to His Royal Highness the Prince of *Wales*, as Duke of *Cornwall*, his Heirs and Successors, or his or their Lessee or Lessees of the Dues and Profits of the said Harbour for the Time being, notwithstanding the Expiration of the Interest vested in the said *Sutton Pool* Company.

Company to  
make Annual

XLVIII. And be it further enacted, That the *Sutton Pool* Company, or the Lessee for the Time being of the Premises demised by his Royal Highness,



Highness, shall annually, in the Month of *June* in each Year, deliver to the Auditor of the Duchy of *Cornwall*, an Account of all Rates and Duties received under this Act, and of the Application of such Rates and Duties, distinguishing the different Heads under which the same shall have been received, applied and expended.

Returns of  
their Reve-  
nues.

XLIX. And be it further enacted, That all Offences committed against the Provisions of this Act, shall and may be heard, and all Penalties and Forfeitures sued for and recovered, before the Magistrates of the Borough of *Plymouth*, or before the Justices of the Peace for the County of *Devon*.

All Offences  
cognizable  
before the  
Magistrates  
of the Bo-  
rough.

L. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on Behalf of the said Company of Proprietors, against any Person or Persons, or Body or Bodies Politic or Corporate, shall or lawfully may be commenced or instituted and prosecuted in the Name of the Treasurer for the Time being of the said Company, as the nominal Plaintiff for and on Behalf of the said Company, and shall not abate by reason of the Death or Change of such Treasurer; and that all Actions and Suits to be commenced and instituted by any Person or Persons, Body or Bodies Politic or Corporate, against the said Company of Proprietors, or for the Recovery of any Claim or Demand upon, or of any Damages occasioned by the said Company, or for any other Cause or Causes of Action or Suit against the said Company, shall or lawfully may be commenced or instituted and prosecuted against the Treasurer for the Time being of the said Company, who shall be the nominal Defendant in such last-mentioned Actions and Suits respectively, for and on Behalf of the said Company; and every such last-mentioned Action and Suit, and the Process, Verdict, Judgment and Execution to be had thereon respectively, shall be as valid and effectual against the said Company, and their Capital, Stock and Effects, as if all the Members of the said Company had been the Defendants in the said Action or Suit, and actually named as such therein, and had all lived during the Continuance of such Action or Suit until the same had been discharged and satisfied; any Law, Statute or Custom to the contrary notwithstanding: Provided always nevertheless, that the Body or Goods, Chattels, Lands or Tenements of such Treasurer, shall not, by reason of his being Defendant in any such Action or Suit, be liable to be arrested, seized, detained or taken in Execution.

How Actions  
shall be  
brought.

LI. And be it further enacted, That all Fines, Penalties and Forfeitures by this Act imposed, or all Fines, Penalties or Forfeitures imposed by any Bye Law or Bye Laws made under the Authority thereof, the Manner of levying and recovering whereof is not before directed, not exceeding Twenty Pounds, or in respect whereof any Sum less than Twenty Pounds may be awarded at the Discretion of the Justice or Justices hearing the Offence, may be levied and recovered within Twelve Calendar Months after the Offence or Offences committed, before any Justice or Justices of the Peace for the County of *Devon*, or Borough of *Plymouth* aforesaid; or if committed by any Owner or Master of any Ship or Vessel before any Justice as aforesaid, or Justice of the City, Town or Port at which such Owner or Owners or Master shall reside, or to which the Ship of such Owner or Master shall belong;

Recovery of  
of Penalties  
under Bye  
Laws.

[*Loc. & Per.*]

50 B

and

and such Justice and Justices is and are hereby authorized and required, upon Information exhibited or Complaint made, to grant a Warrant to bring before him or them such Offender or Offenders at the Time and Place in such Warrant specified; and if on the Conviction of the Offender or Offenders respectively, or on his, her or their Confession, or on Oath (which Oath such Justice or Justices is and are hereby empowered to administer) such Fine, Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to commit any such Offender to the Common Gaol or House of Correction for the County, City or Place where the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Months, unless such Fine, Penalty or Forfeiture and all reasonable Charges attending thereof, shall be sooner paid: Provided always, that no Justice shall in any Case award a Sum exceeding Twenty Pounds.

Persons escaping into other Counties may be followed.

LII. And be it further enacted, That in case any Person against whom any Warrant shall be issued by any Justice or Justices before or after any Conviction for any Offence against this Act, shall escape, go into, or reside, or be in any County, Riding, Division, City, Liberty, Town or Place out of the Jurisdiction of such Justice or Justices granting such Warrant or Warrants; or if the Goods or Chattels of any Offender convicted of any Offence in pursuance of this Act, shall be in a different County, Riding, Division, City, Liberty, Town or Place than where the said Party was convicted or Warrant of Distress granted, it shall be lawful for any Justice of the County, Riding, Division, City, Liberty, Town or Place into which the Party shall escape, either before or after the Conviction, and they and every of them are hereby required, upon Proof made upon Oath of the Handwriting of any Justice or Justices granting such Warrant or Warrants, to indorse such Warrant, and the same when indorsed, shall be a sufficient Authority to all Peace Officers and other Persons therein named, to execute such Warrant in such County, Riding, Division, City, Liberty, Town or Place out of the Jurisdiction of the Justice or Justices respectively so granting the same; and on the Offender or Offenders being apprehended, he or they shall and may be carried before the Justice or Justices who granted the original Warrant, to be dealt with according to Law: Provided always, that any Person or Persons who shall think himself, herself or themselves aggrieved, shall and may appeal to the Quarter Sessions for the said County of *Devon*.

Distresses not unlawful for want of Form.

LIII. 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, or any of the Bye Laws to be made in pursuance of the Powers of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or the Proceeding relating thereto.

Conviction of Offenders.

LIV. And, for the more easy and speedy Conviction of Offenders against this Act, or Bye Laws as aforesaid, be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may in all Cases

Cases where the Form of Conviction is not hereinbefore directed, cause the Conviction to be drawn up in the following Form; (that is to say)

<p>BE it remembered, That on the in the Year of our Lord</p>	<p>Day of</p>	<p>Form of Con- viction.</p>
<p><i>A. B.</i> is convicted before me [<i>or us</i>], One [<i>or Two, as the Case may be</i>] of His Majesty's Jus- tices of the Peace authorised to act under an Act passed in the Fifty- first Year of the Reign of King <i>George</i> the Third, [<i>here specify the</i> <i>County, City, Division, or Place, or Harbour, Town, Borough, or Port</i> <i>where the Conviction shall be made, as the Case may be</i>] contrary to the said Act; for which Offence I [<i>or we</i>] adjudge the said <i>A. B.</i> to have forfeited the Sum of _____ Given under my Hand and Seal [<i>or, our Hands and Seals</i>] the Day and Year first above written.</p>		

LV. And be it further enacted, That no *Certiorari* or other Writ or Proceedings for the Removal of any such Conviction, or any Proceedings thereon, into any of His Majesty's Courts of Record at *Westminster*, shall be allowed or granted. Proceedings not to be removed into superior Courts.

LVI. And be it further enacted, That if any Person who shall be summoned as a Witness before any Justice or Justices of the Peace, shall refuse or neglect to appear at the Time by such Summons appointed and shew no Cause for such Neglect or Refusal, it shall and may be lawful for such Justice or Justices, on Proof of such Summons having been served, to issue his or their Warrant under his Hand and Seal, or Hands and Seals, to bring such Persons before him or them; and if on Appearance, or on being brought before any Justice or Justices such Person or Personss shall refuse to be examined on Oath, or being a professed Quaker upon solemn Affirmation, concerning the Premises, without having some just Cause for such Neglect or Refusal, such Person or Persons shall forfeit for every such Neglect or Refusal any Sum not exceeding Ten Pounds, to be recovered as other Penalties are hereby made recoverable. Witnesses.

LVII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in anywise relating to the Rates or Duties, or any of them, the Person or Persons acting by or under the Authority of His Royal Highness the Prince of *Wales*, as Duke of *Cornwall*, his Heirs and Successors, or of the said Company of Proprietors (being Lessees of the said Harbour), 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 not incompetent Witnesses.

LVIII. And be it further enacted, That in case any Action or Suit shall be commenced or prosecuted against any such Person or Persons as aforesaid, for any Thing done in pursuance of this Act, Fourteen Days previous Notice thereof shall be given to such Person or Persons, or to the Clerk or Treasurer to the said Company being Lessees as aforesaid); and every such Action or Suit shall be commenced within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and such Action or Actions shall be laid or brought in the said County Limitation of Actions.

General  
Issue.

of *Devon*, 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 done, or that such Action or Suit was brought, after the Time so limited, or should be brought in any other County or Place than as aforesaid, then 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 a 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 shall have the like Remedy for the same as any Defendant or Defendants hath or have for the Costs of Suit in other Cases by Law.

Treble Costs.

Saving the  
Rights of the  
Corporation  
of Plymouth.

LIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter, abridge, diminish or take away any of the Rights, Tolls, Benefits, Privileges, Emoluments, Liberties, Franchises, or any former or other Jurisdiction, which the Mayor and Commonalty of the said Borough of *Plymouth* were possessed of, or had a Right unto by Act of Parliament, Charter, Prescription, Custom, or otherwise howsoever, before the passing of this Act.

Saving the  
Rights of the  
Prince of  
Wales.

LX. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter, abridge, diminish or take away any of the Rights, Dues, Tolls, Benefits, Privileges, Emoluments, Profits or Royalties, which His Royal Highness the Prince of *Wales*, as Duke of *Cornwall*, and Lord of the Manor of *Trematon*, was possessed of or entitled unto by Act of Parliament, Charter, Prescription, Custom or otherwise howsoever, before the passing of this Act.

Saving the  
Rights of all  
other Persons.

LXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politic and Corporate whatsoever, all such Right, Title or Interest whatsoever, as they, and every, or any of them had or enjoyed of, in, to or out of the Premises herein mentioned, or any of them, or any Part thereof, before the passing of this Act, or could have enjoyed in case this Act had not been made, any Thing herein contained to the contrary notwithstanding.

Public Act.

LXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

## The SCHEDULES to which this Act refers.

## SCHEDULE (A.)

A LIST of the Tolls payable by all Ships and Vessels entering the Harbour of *Sutton Pool*, within the Port of *Plymouth*.

For every Ton of Merchandize brought in any Ship or Vessel entering or coming within the said Pool	s. d.	
For every Thousand Slate	0	2
For Hambro' and other Staves	0	3 per Thousand.
For Hoops	0	3 per Load.
For Deals	0	8 per Hundred.
For Flour	0	0 $\frac{1}{4}$ per Sack.
For Wheat, Malt and Barley	0	0 $\frac{1}{2}$ per Quarter.
For Coals	0	1 per Quarter.
For Beer and Cider	0	0 $\frac{1}{2}$ per Hoghead.
For Wine	0	1 per Pipe.
For Earthenware	0	0 $\frac{1}{4}$ per Dozen, or 0 1 per Crate.
For Cows, Oxen and Cattle	0	2 each.
For Stone, Sand, Lime and Dung	0	6 per Boat-load.
For Hay and Wood Barges	0	6 per Do.
For Fishing Boats	1	0 per Annum.
And the usual Tythe of Fish, such as Oysters		One Hundred per Load.
For the Anchorage and Groundage of every Ship or Vessel entering or coming into <i>Sutton Pool</i> aforesaid	1	8
For Moorage	0	8
For the Mooring Chain	1	0
For the Plank	1	0
And the accustomed Allowance for the Crane, when used		

And for landing all Goods, Wares and Merchandize the same Dues, Duties and Profits are to be collected and received by the Lessee or Lessees of the said Dues, Duties, and Profits as are hereinbefore enumerated and set forth in respect to Ships or Vessels entering or coming into *Sutton Pool* aforesaid, with such Goods, Wares and Merchandize; and in case any Foreign Ships or Vessels shall enter the said Pool called *Sutton Pool*, then they are to pay double the Amount of the aforesaid Dues, Duties and Profits for or in respect of such Ships or Vessels, and the Goods, Wares and Merchandize laden therein respectively.

## SCHEDULE (B.)

	£.	s.	d.
For all Ships or Vessels belonging to Foreign Subjects, coming within the said Harbour of <i>Sutton Pool</i>	0	0	4 per Ton.
For all Ships or Vessels belonging to His Majesty's Subjects, coming from Foreign Parts	0	0	2 per Ton.
For all Ships or Vessels belonging to His Majesty's Subjects, employed in the Coasting Trade or coming from Ireland	0	0	1 per Ton.
All Vessels employed in Fishing and belonging to the Port	1	1	0 per Annum.
All Barges, Lighters and other Craft above 20 Tons	1	0	0 per Annum.
All Barges, Lighters and other Craft under 20 Tons	0	16	0 per Annum.

All Ships or Vessels laying within the said Harbour more than Three Calendar Months (unless under Repair at a Shipwright's Yard) shall pay at the Expiration thereof the same Dues as if she had again entered the Harbour, and so on at the Expiration of every Three Months she shall continue therein.

## SCHEDULE (C.)

RATES and DUES to be paid for landing of all Goods, Wares and Merchandize in the Harbour of *Sutton Pool*; and for shipping Goods, Wares and Merchandize for Foreign Ports, referred to in or by the foregoing Act.

	First Column referred to in the Act.		Second Column referred to in the Act.	
	s.	d.	s.	d.
For every Quarter of Coals	0	2	0	1
For every Crate of Earthenware	0	3	0	1½
For every Thousand of Staves, single Pipe	1	6	0	9
- - - Hogthead	1	0	0	6
- - - Barrel	0	9	0	4½
For every Thousand of Bricks and Tiles	0	6	0	3
For every Load of Hoops containing 40 Bundles	0	4	0	2
For every Ton of Clay	0	1	0	0½
For every Load of Timber	0	3	0	1½
For every Hundred of Deals	0	6	0	3
Ditto - Deal ends	0	3	0	1½
For every Head of Bulls, Oxen, Cows and Heifers, and for every Horse, Mare or Gelding	0	6	0	3
For every Ton of Goods, Wares and Merchandize, not above enumerated	0	3	0	1½

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## SCHEDULE (D.)

## MOORING CHAINS.

For every Ship under 200 Tons	-	-	-	s.	d.	} per Week.
Above 200 and under 250 Tons	-	-	-	3	0	
Above 250 Tons	-	-	-	4	0	

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