



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. xii.

An Act for maintaining and governing the Harbour
of *Aarmouth*, and Works connected therewith, in
the Parish of *Aarmouth* in the County of *Devon*.
[8th April 1830.]

WHEREAS *John Hothersall Hallett* of *Stedcombe* in the
County of *Devon*, Esquire, is or claims to be seised in Fee
of the Manor or Lordship of *Aarmouth* in the Parish of
Aarmouth in the County of *Devon*, and, as Part thereof, of the Lands
on both Sides of the River *Ax* where the same flows into the Sea
and for upwards of a Mile from the Mouth of the said River: And
whereas the said *John Hothersall Hallett*, about the Year One thou-
sand eight hundred and nine, constructed a Harbour at his own
Expence on this Property, near the Mouth of the said River *Ax*,
with a Pier, Quays, and other Works connected therewith, and hath
since expended large Sums of Money in repairing, improving, and
maintaining the said Harbour and Works, and such Sums so ex-
pended exceed together the Sum of Five thousand Pounds: And
whereas the said *John Hothersall Hallett*, and divers other Persons
by his Permission, and upon Payment to him for the same, have
hitherto used and employed the said Harbour for the Purposes of
Trade and Commerce, and much public Advantage has been derived
therefrom: And whereas the said *John Hothersall Hallett* is willing
and desirous that the Public shall henceforth have the free and un-
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restricted Use and Benefit of the said Harbour and Works, upon Payment to him, his Heirs and Assigns, of such Rates and Duties as Parliament shall think a reasonable Return for the Use of his Property, and for the Money he has expended and may expend: And whereas it is expedient that proper Powers should be granted, and that proper Regulations should be made and established, for the Repair, Maintenance, and Government of the said Harbour and Works, and of all Persons and Ships or Vessels and Boats employed in or using the same; but such Purposes cannot be completely effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *John Hothersall Hallett*, his Heirs and Assigns, being Proprietors of the said Harbour, or the Guardians, Trustees, or Committees of such Heirs or Assigns as shall be Minors, or be under any legal Incapacity, or their Lessees for the Time being, shall be and they and each of them are and is hereby authorized and empowered to put this Act into execution; and it shall be lawful for such Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, from Time to Time to alter and improve the said Harbour of *Axmouth*, in the Parish of *Axmouth* in the County of *Devon*, and the Piers, Quays, and other Works connected therewith, in such Manner as they shall judge fit.

Authorizing
the Act to
be put in
execution.

Harbour and
Works to be
maintained
and repaired.

II. And be it further enacted, That the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, or their Lessees, shall and they are hereby required, out of the Rates, Duties, and other Monies to be received and recovered by virtue of this Act, to maintain and keep in repair the said Harbour at *Axmouth* in the Parish of *Axmouth* and County of *Devon*, with the Piers and Quays and other Works connected therewith.

Boundaries
and Name of
Harbour.

III. And be it further enacted, That the Extent and Boundary of the said Harbour of *Axmouth* next the Sea shall be deemed and is hereby declared to be from the Boundary Post on the Beach, which divides the Parishes of *Axmouth* and *Seaton*, extending down to Low-water Mark, on the West, to the Eastern Extremity of the Cliff commonly called or known by the Name of *Haven Cliff*, extending down to Low-water Mark, on the East (the whole of the Property of the Shore between these Two Points being Part of the Manor of *Axmouth*); and that the Extent and Boundary of the said Harbour within the said River *Ax* shall be deemed and is hereby declared to be to the South Point of a Piece of Land commonly called or known by the Name of the *Slime*, nearly opposite the Village of *Axmouth*, the whole of the Lands on both Sides of the River *Ax* from the Mouth to the said Point of Land called the *Slime* being the Property of the said *John Hothersall Hallett*; and the said Harbour, so bounded, shall be called *Axmouth Harbour*.

Power to ap-
point Officers.

IV. And be it further enacted, That it shall be lawful for the Proprietors of the said Harbour for the Time being, or their said Guardians,

dians, Trustees, or Committees, to appoint, during their Pleasure, such Harbourmasters, Collectors of Duties, Boat Assistants, and other Officers whatsoever, as may be requisite for carrying into effect the Purposes and Provisions of this Act.

V. And be it further enacted, That from and after the passing of this Act there shall be paid to the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, or their Lessees, or such Persons as they shall appoint, and they and each of them are and is hereby authorized and empowered, from Time to Time and at all Times, to take, collect, recover, and levy, for the Use of such Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, upon all and every of the Ships, Vessels, and Boats, of whatsoever Description, which shall come into or use the said Harbour, or shall be at Anchor within the Limits of the same, any Sums not exceeding the several Tonnage Rates and Duties specified in the Schedule (A.) hereunto annexed.

Power to take
Tonnage
Duty.

VI. Provided always, and be it further enacted, That no Ship, Vessel, or Boat, to whomsoever belonging, for which the Tonnage Duty granted by this Act shall have been once paid, shall be liable or obliged to pay the same in case of such Vessel being put back or returning into the Harbour during the Voyage for which the Tonnage Duty was paid.

Tonnage
Duty to be
paid but
once for the
Voyage.

VII. And be it further enacted, That there shall be paid to the said Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or such Persons as they shall appoint, and they and each of them are and is hereby authorized and empowered, from Time to Time and at all Times, over and above the Tonnage Duty herein-before authorized to be taken on Ships, Vessels, and Boats entering or using the said Harbour, to take, collect, recover, and levy, for the Use of such Proprietors or their said Guardians, Trustees, or Committees, or their Lessees, on all Commodities which shall be there exported or imported in the said Ships, Vessels, or Boats, and for all Passengers carried for Hire in every such Ship, Vessel, or Boat, the several Rates specified in the Schedule (B.) hereunto annexed.

Rates on
Goods.

VIII. And be it further enacted, That it shall be lawful for the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, to fix such reasonable Rates upon all Commodities imported or exported there in the said Ships, Vessels, or Boats, and which are not specified in the said Schedule (B.), as they shall think fit, provided no such Rate exceed One Fourth Part of the Freight of such Commodities; and the same shall be paid to such Proprietors, or their Guardians, Trustees, or Committees as aforesaid, or their Lessees, or the Persons appointed by them, and they and each of them are and is hereby authorized and empowered to take, collect, recover, and levy the same, for the Use of such Proprietors or their Lessees.

Rates may
be fixed for
Articles not
enumerated
in the Sched-
ule.

IX. And

Rates may
be reduced
and again
raised.

IX. And be it further enacted, That it shall be lawful for the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, to reduce and lessen the Rates and Duties to be levied under this Act, and again to raise and extend the same, from Time to Time, provided that the same do not at any Time exceed the Maximum of Rates and Duties by this Act authorized.

Rates and
Duties may
be let.

X. And be it further enacted, That the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, shall be and they and each of them are and is hereby authorized and empowered to let the Rates and Duties hereby granted, in Whole or in Parts or Shares, from Time to Time, by Lease or otherwise.

Masters and
Owners of
British Ships
to produce
Registers of
Vessels.

XI. And be it further enacted, That the Masters and Owners of all *British* Ships, Vessels, and Boats entering or using or trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the Collector appointed as aforesaid the Registers of their respective Ships, Vessels, or Boats, in order to ascertain the Tonnage thereof; or in default thereof shall permit and suffer the said Ship, Vessel, or Boats to be measured by such Collectors or other Persons appointed by the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, and shall pay the Rates and Duties according to such registered Tonnage or Measurement, besides the Expence of the Measurement, in the Manner herein-after mentioned.

Foreign
Vessels may
be measured.

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XII. And be it further enacted, That the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, or their Lessees, shall and they are hereby authorized to appoint proper Persons for the Purposes of ascertaining the Tonnage of any Foreign Ships, Vessels, or Boats, and of all other Ships, Vessels, or Boats having no Registers, which shall enter or use the said Harbour, in order to a due Collection of the Duties payable by such Ships, Vessels, or Boats; and such Persons are hereby empowered and required to admeasure the same according to the Directions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the registering of British Vessels*; and the Owners or Masters of all such Ships, Vessels, or Boats shall pay the Expence of such Measurement, besides the Rates and Duties to which they are liable in Terms of this Act; and every Owner or Master aforesaid who shall refuse to produce the Register of his Ship or Vessel, or shall refuse to allow his Ship, Vessel, or Boat to be measured as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Tonnage or other Duties with which such Ship, Vessel, or Boat may be chargeable by virtue of this Act, to be recovered and applied in manner herein-after mentioned.

Masters of
Vessels to
produce

XIII. And be it further enacted, That the Master or other Person having the Command or Charge of every Ship, Vessel, or Boat which
may

may enter the said Harbour, and be liable to the Payment of any of the Rates and Duties by this Act granted, shall give a just and true Account of the Lading of such Ships, Vessels, or Boats to such Persons as the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, or their Lessees, shall from Time to Time appoint to collect and receive such Rates and Duties; and every Master or other Person as aforesaid who shall refuse to give such Account, or shall give a false Account of Lading of the Ship, Vessel, or Boat under his Command or Charge, when thereto required, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Account of
Cargo on
board.

XIV. And be it enacted, That in case of any Neglect or Refusal to pay the Rates and Duties by this Act granted, it shall be lawful for the Proprietors of the said Harbour for the Time being, or their Guardians, Trustees, or Committees, or their Lessees, or the Collectors or other Persons appointed in pursuance of this Act to receive the same, to detain any Ship, Vessel, or Boat coming into or making use of the said Harbour, and in respect of which, or of the Cargo thereof, or of the Passengers therein, the Rates and Duties payable under this Act shall not have been paid, and all Goods, Wares, Merchandizes, and Commodities in respect of which such Rates and Duties shall be payable, whether on board such Ship, Vessel, or Boat, or on Land, until such Rates and Duties shall be fully paid; and if such Payment shall not be made within Three Days from the Detention of such Ship, Vessel, or Boat, or Goods, Wares, Merchandizes, or Commodities, it shall be lawful for the Proprietors of the said Harbour for the Time being, or their Guardians, Trustees, Committees, or Lessees as aforesaid, or their Collectors or other Persons appointed as aforesaid, to cause any such Ship, Vessel, or Boat, or such Goods, Wares, Merchandizes, or Commodities, or any Part or Parts thereof, to be appraised by Two or more sworn Appraisers, or other sufficient Persons not interested therein, and forthwith to sell so much of the same as shall be deemed sufficient to discharge all such Rates and Duties, and all Expences incurred on account of or attending such Sale, or otherwise occasioned by the Nonpayment of such Rates and Duties; and in the event of there being any Overplus of the Money so raised, the same shall be paid to the Person or Persons owning or having charge of the said Ship, Vessel, or Boat, and Goods, Wares, Merchandizes, and Commodities, on Demand; and in case any Ship, Vessel, or Boat shall depart from the said Harbour before Payment has been made of the several Rates and Duties above mentioned, it is hereby further provided, that the Owners and Masters of every such Ship, Vessel, or Boat shall be liable to a Penalty equal to double the said Rates and Duties so remaining unpaid.

For enforcing
Payment of
Rates and
Duties.

XV. And be it further enacted, That it shall be lawful for the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees for the Time being, to erect and make, in and upon the said Harbour and the Places adjacent thereto, such Cranes, Weighing Machines, and other Engines and Machines, Weights, and Measures, as to them shall seem fit and proper for the loading, unloading, and weighing and measuring of such Goods, Wares, Mer-

For erecting
Cranes,
Weighing
Machines,
and Ware-
houses.

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chandizes,

chandizes, and Commodities as shall be imported into or exported from the said Harbour, and to erect and make and provide such Warehouses, Yards, and other Places for the safe Custody of any Goods, Wares, Merchandizes, and Commodities as may be removed from the Wharfs, Quays, Piers, or other Places in the same Harbour, as to them shall seem fit and proper.

If Goods remain upon Wharfs or Quays above Forty-eight Hours, additional Rates and Duties to be paid.

XVI. And be it further enacted, That if any Commodities shall remain upon any Wharf or Pier, or other Place belonging to the said Harbour, for a longer Period than Forty-eight Hours from the Time such Commodities shall have been placed upon the said Quays, Wharfs, Piers, or other Places, then and in every such Case it shall be lawful for the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, or their Lessees, to levy any Sum not exceeding the Amount of the Rates and Duties by this Act imposed upon the said Commodities, over and above the said Rates and Duties, for each and every successive Period of Twenty-four Hours after the said first Forty-eight Hours during which the said Commodities shall remain on the said Quays, Wharfs, Piers, or other Places: Provided always, that no Goods or other Commodities shall be at any Time laid down on the said Wharfs, Piers, and other Places, so as to encroach on the Road or Way leading to the said Harbour, or within Sixteen Feet of the Face of the Quays, Wharfs, or Piers, except at the Time of such Goods and other Commodities being loaded or unloaded.

Goods remaining upon the Quays more than Forty-eight Hours may be removed into Warehouses, &c.

XVII. Provided always, and be it enacted, That the said Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, shall have Power, and they are hereby authorized and empowered, if they shall see Cause, either by themselves or the Officers and Servants employed under them in virtue of this Act, to remove all such Commodities as shall have remained upon the said Quays, Wharfs, Piers, and other Places beyond the Space of Forty-eight Hours as aforesaid, and to carry the same to any Warehouse, Yard, or other Place of Safety to be provided by the said Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, Committees, or Lessees, in manner before mentioned, and there to detain and keep the same till Payment of the Charges incurred by such Removal and Detention, and of such Consideration besides to the said Officers and Servants, authorized as aforesaid, for their Trouble in and about the same, as any Justice of the Peace for the County of *Devon* shall think reasonable, together with such Sums of Money for each successive Period of Twenty-four Hours during which the said Commodities shall remain in such Warehouse, Yard, or Place of Safety as aforesaid, as would have been payable in case the same had remained on such Quays, Wharfs, Premises, or other Places as aforesaid.

If Goods remain Twelve Months in Warehouse, they may be sold.

XVIII. And be it further enacted, That if any Goods, Wares, Merchandize, or Commodities, of whatever Description or Denomination, shall be allowed to remain in any of the Warehouses or other Places so to be provided as aforesaid for any longer Period than Twelve Months, it shall be lawful for the Justices of the Peace for the

the County of *Devon*, or any One of them, and he and they is and are hereby authorized and empowered, upon an Application made to him or them by the said Proprietors, or their Guardians, Trustees, or Committees, or their Lessees, to cause a Description of the said Goods, Wares, Merchandize, and Commodities to be inserted once in some one of the Newspapers circulated in the County of *Devon*, requiring the Owner or Owners thereof to remove the same, and to pay the several Duties and Charges incurred thereon by virtue of this Act, within a reasonable Period, to be fixed by the said Justice or Justices; and if such Goods, Wares, Merchandize, and Commodities are not claimed, and removed from the said Warehouses and other Places, and the whole Duties and Charges thereon satisfied and paid, within the Period to be fixed as aforesaid, it shall be lawful for the said Justice or Justices, and he and they is and are hereby empowered, authorized, and required, to grant Warrants to the said Proprietors, or their said Guardians, Trustees, or Committees, or to their Lessees, to levy the said Duties and Charges by Distress and Sale of the said Goods, Wares, Merchandize, and Commodities, and to render the Overplus (if any be), after Deduction of the said Duties, and Charges of taking, detaining, and making the Sale, to the Owner or Owners of such Goods, Wares, and Merchandize, whenever the same shall be demanded.

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

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

then the said Proprietors, or their said Guardians, Trustees, or Committees, or Lessees, or Collector, as the Case may be, shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention; and in default of Payment thereof the same shall be recovered by Distress and Sale of the Goods and Effects of such Proprietors, Guardians, Trustees, Committees, Lessees, or Collectors for the Time being, under a Warrant to be granted to the said Masters or Owners for that Purpose, under the Hands of any Two or more Justices of the Peace for the County of *Devon*; which Warrant any such Justices are hereby authorized and required to grant under their Hands, on Application made to them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned to the said Proprietors, Guardians, Trustees, Committees, Lessees, or Collectors for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Collectors to retain, out of any Monies which he or they shall have received or shall receive on account of or for Behoof of the said Proprietors, Guardians, Trustees, Committees, or Lessees, all such Damages, Costs, and Expences as they shall have sustained or be put unto by virtue of any Warrant as aforesaid.

For settling
Disputes
concerning
Rates.

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

Exemption
of Ships in
His Majesty's
Service.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship, Vessel, or Boat belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service or Employ of the Customs, Excise, Ordnance, or Post Office, coming into or using the said Harbour; and all such Ships, Vessels, and Boats shall be exempted from the Payment of all and every the Rates and Duties hereby granted and made payable.

XXII. And

XXII. And be it further enacted, That it shall and may be lawful to and for such Person or Persons as shall be authorized and appointed by the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, for that Purpose, to go on board any Ship, Vessel, or Boat coming into the said Harbour or sailing from the same, and to demand to see the Register thereof, and to take the Dimensions of such Ship, Vessel, or Boat, and to demand, collect, and receive from the Owner, Master, or other Person having the Charge of such Ship, Vessel, or Boat, the Rates and Duties by this Act imposed and made payable upon any such Ship, Vessel, or Boat, or any Goods, Wares, Merchandize, or Commodities in and on board thereof, and in case of Delay or Refusal of Payment, to seize, take, and detain any such Ship, Vessel, or Boat, and the Tackle, Furniture, or Apparel of or belonging thereto, and any Goods, Wares, Merchandize, or Commodities in and on board the same, and to keep and detain the same until the said Rates and Duties are paid; and in case of Neglect or Delay in such Payment for the Space of Three Days after such seizing, taking, and detaining as aforesaid, it shall and may be lawful for the said Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, and to and for such Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the same, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, (as the same shall be ascertained by the Sellers upon Oath, which Oath any Justice of the Peace for the said County of *Devon* is hereby authorized to administer,) the said Proprietors, or their said Guardians, Trustees, or Committees, or Lessees, or the Collectors or others authorized as aforesaid, rendering to the Master or Owners of such Ship, Vessel, or Boat, or to the Owners of such Goods, the Overplus, if any be, on Demand.

Power to demand Ship's Register, and to recover the Rates.

XXIII. And be it further enacted, That if any Person, or any Owner, Factor, Consignor or Consignee of any Goods, Wares, or Merchandize, liable in the Payment of any of the Rates and Duties by this Act imposed, shall at any Time wilfully elude or evade Payment of the said Rates and Duties by any Means whatsoever, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Payment of the said Rates and Duties.

Penalty on evading Rates.

XXIV. And be it further enacted, That the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or such Persons as they shall authorize and appoint, shall and may and they are hereby authorized and empowered from Time to Time to order and require all Persons having the Command or Direction of any Ship, Vessel, or Boat entering into the said Harbour, to station, place, anchor, and moor such Ship, Vessel, or Boat in such Place and at such Quay, previously approved of by the proper Officer or Officers of the Customs, as the said Proprietors, or their said Guardians, Trustees, Committees, or Lessees, or Persons so authorized and empowered by them, shall direct, and, with Consent of the

For regulating the mooring of Vessels.

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said

said Officers of the Customs, when and as often as they judge necessary, to remove or cause to be removed any Ship, Vessel, or Boat lying in the Entrance of the said Harbour, or at any Quay, Pier, or Breast already built or hereafter to be built, or in any other Part of the said Harbour, from the Berth or Lying Place at which such Ships, Vessels, or Boats respectively may happen to be moored or lying at the Time, to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Command or Direction of such Ship, Vessel, or Boat, shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or such Persons as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, or Boat from her said Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or any Person authorized by them as aforesaid, shall be and they are hereby empowered, immediately on such Refusal or Neglect, to remove or cause to be removed such Ship, Vessel, or Boat from its then Berth or Mooring Place, as the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or the Persons authorized by them as aforesaid, shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, or Boat so removed shall be obliged to pay to the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or any Persons appointed by them to receive the same, all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Direction of any Ship, Vessel, or Boat, or any other Person or Persons, who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay to the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or any Person appointed by them to receive the same, a Sum not exceeding Ten Pounds.

Preference
to be given
to Ships in
Distress.

XXV. And be it further enacted, That in case any Ship, Vessel, or Boat shall arrive and come into the said Harbour in Distress, or meet with any Misfortune in the said Harbour, it shall and may be lawful to and for the Berthmaster, and in case of his Orders being disobeyed, to and for any Justice of the Peace for the County of *Devon*, upon Request made to him in Writing by the Master, Commander, or Owner of any such Ship, Vessel, or Boat, or Owner of any Goods on board such Ship, Vessel, or Boat, and upon Proof being laid before them or him of such Distress, to give a Preference to such Ship, Vessel, or Boat being in Distress as aforesaid, both as to the Berths at the Piers and Quays and as to the Course of discharging or repairing, to any other Ship or Vessel that shall have arrived before in the said Harbour; and that every Master or Commander of any Ship or Vessel lying within the said Harbour, who shall refuse or delay to comply with the Order of any such Berthmaster or Justice as aforesaid, in favour of the Ship or Vessel in Distress as aforesaid, shall forfeit any Sum not exceeding Twenty Pounds.

XXVI. And

XXVI. And be it enacted, That no Ship, Vessel, or Boat, which shall be laid by as unfit for Sea Service, or neglected by the Owner or Owners thereof, shall be permitted to lie and remain in or at any Piers, Quays, or other Works erected or to be erected within the said Harbour, so as to incumber the same; but in every such Case it shall and may be lawful to and for the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or any Person authorized by them, immediately to cause such Ship, Vessel, or Boat, and every of them, to be, at the Charges and Expences of the Owner or Owners of the same, removed from the said Piers, Quays, and other Works, or any of them, and to lay the said Ships, Vessels, or Boats on any Part of the Strand or Sea Shore within the High-water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ships, Vessels, or Boats; and in case of Refusal or Neglect of Payment of such Charges and Expences, allowed as aforesaid, for the Space of Three Days after Demand thereof made, then and in every such Case to levy such Charges and Expences by Distress and Sale of such Ship, Vessel, or Boat, or the Tackle, Apparel, or Furniture of the same, or any Part thereof, or in case the Owners or Owner of any such Ship, Vessel, or Boat cannot be found, then upon a Warrant from any Justice of the Peace for the County of *Devon*, which such Justice of the Peace is hereby in such Case authorized to grant, rendering the Overplus (if any be, after deducting the Charge of taking, keeping, and Sale of such Distress,) to the Owner or Owners, Master or Agent, of such Ship, Vessel, or Boat, whenever the same shall be demanded.

Old Ships,
&c. not to
remain in
the Harbour.

XXVII. And be it enacted, That the Master or other Person having the Command or Charge of any Ship, Vessel, or Boat taking in Ballast at the said Harbour, shall be obliged (unless prohibited by the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or by any Person authorized by them in manner herein-after mentioned,) to take such Ballast out of the Bottom of the said Harbour, when the same can be got free from Water in any Part of the Bottom thereof when the Tide is out; and if such Ballast shall be taken from any other Place than the Bottom of the said Harbour, when the same can be got free from Water in any Part of the Bottom thereof when the Tide is out, (unless the same shall be prohibited by the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, in manner herein-after mentioned,) the Master or other Person having the Command or Charge of such Ship, Vessel, or Boat shall pay to the said Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees for the Time being, the Sum of Sixpence *per* Ton for every Ton of Ballast taken otherwise than from the Bottom of the said Harbour.

Ballast to be
taken from
the Bottom
of the
Harbour.

XXVIII. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons whomsoever, upon any Pretence whatsoever, to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing, out of or from any Ship, Vessel, or Boat, or out of or from any Carriage whatsoever, or off or from any Quay, Wharf, Pier, Yard, Place, or Ground, into

Ballast not
to be thrown
into the
Harbour or
upon the
Quays.

into any Part of the said Harbour, or to dig or to take away Ballast, Shingle, Stones, or other Thing from the same, or any other Place than such as shall be pointed out by the said Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or by some Person authorized by them, under a Penalty not exceeding Ten Pounds for every such Offence, over and above the Expence of repairing the Damage done thereby; and if any Person shall cast out or deposit any Ballast of and from any Ship, Vessel, or Boat, upon any of the Quays, Wharfs, or Piers, or in any other Place in or about the said Harbour other than at such Place or Places as shall be appointed by the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or some Person authorized by them, for casting out or depositing such Ballast, such Person shall immediately cause the same to be carried off and deposited at such Place as shall be appointed, on pain of forfeiting for such Offence a Sum not exceeding Five Pounds, over and above the Expence of removing the same.

Proprietors
may furnish
Ballast.

XXIX. And be it further enacted, That the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, and their Officers and Servants, may and they are hereby authorized and empowered to dig or cause to be dug at any Place within the said Harbour, Rocks, Gravel, or other Stuff for Ballast, and to deposit the same at such convenient Place or Places near to the said Harbour as they shall see proper, and to charge any Sum not exceeding Eight-pence *per* Ton for the said Ballast; and all Ships requiring Ballast in the said Harbour shall be obliged to take the same at such Rate, and from such Places of Deposit, under the Penalty of Five Pounds for each Transgression.

No Com-
bustibles to
remain on
the Quays.

XXX. And be it further enacted, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other Combustibles, shall be suffered to remain on the Quays, Wharfs, and Piers within the said Harbour, or any Part thereof, or upon the Deck of any Ship, Vessel, or Boat lying therein, after being passed by the Officers of the Customs; and in case such Goods and Articles of Trade cannot be removed from such Place or Places by Daylight, then and in every such Case the Owners of such Goods and Articles aforesaid shall be obliged and they are hereby required to set and maintain, at their own Expence, a sufficient Number of sober and careful Persons to guard and watch the same for so many Hours, according to the Season of the Year, as the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, or the Persons authorized by them as aforesaid, shall direct; and in case the Owner or Owners of such Goods or other Articles above mentioned, or the Master or Masters of such Ships, Vessels, or Boats, shall not obey the Directions so given, it shall be in the Power of the said Proprietors, or their said Guardians, Trustees, or Committees, or their Lessees, or the Person or Persons authorized by them as aforesaid, to cause the same to be removed or watched at the Owner's Expence; and every such Owner or Owners, Master or Masters, of such Ships, Vessels, or Boats, shall for every such Default forfeit and
pay

pay a Sum not exceeding Five Pounds, besides the said Expence and any Damage occasioned by their not removing and watching the said Goods and Combustibles as aforesaid.

XXXI. And be it further enacted, That no Gunpowder shall be suffered to be or remain on board any Ship, Vessel, or Boat, except Ships in the Service of His Majesty's Government, for any longer Period than Twelve Hours after the Arrival of such Ship, Vessel, or Boat in the said Harbour, upon pain that every Master or Owner of such Ship, Vessel, or Boat shall forfeit for every such Offence the Sum of Five Pounds, besides the Damage occasioned by his Default; and in case any Ship, Vessel, or Boat in which any Gunpowder shall happen to be shall arrive in the said Harbour on a *Sunday*, or any Custom House Holiday, it shall be lawful for the Master or Commander of any such Ship, Vessel, or Boat to land the same without a Sufferance or Leave from the Officers of His Majesty's Customs at the said Harbour for so doing, provided the same be done in the Presence of a Tide Surveyor or Coastwaiter.

Gunpowder not to remain on board Vessels in the Harbour.

XXXII. And be it further enacted, That in case any Person or Persons, having the Rule or Command of any Ship, Vessel, or Boat lying or being in the said Harbour, shall heat or boil, or suffer or permit to be heated or boiled, any Pitch, Tar, or Rosin, or any Composition of that Nature, on board of his or their respective Ships, Vessels, or Boats, otherwise than with an Iron Instrument commonly called a Loggerhead, he and they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Pitch not to be heated or boiled on board Vessels.

XXXIII. And be it further enacted, That if any Person or Persons shall after the passing of this Act maliciously or wantonly demolish, destroy, break down, or set on fire any of the Quays, Wharfs, Piers, or other Works constructed or to be constructed in or belonging to the said Harbour, every such Person or Persons so offending shall be adjudged to be guilty of Felony; and the Court or Courts by or before whom such Person or Persons shall be indicted, tried, and convicted shall be and they are hereby empowered to punish such Person or Persons by Fine or Imprisonment, or to cause such Felon or Felons to be transported beyond the Sea for such a Term of Years, and in such Manner, as other Felons are directed to be transported by the Statutes of the Realm.

Punishment of Persons injuring the Works.

XXXIV. 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, Vessel, or Boat lying in the said Harbour shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, besides the Damages thereby occasioned.

Penalty on Persons destroying the Ropes of Vessels, &c.

XXXV. And be it further enacted, That the Master or Owner of every Ship, Vessel, or Boat lying or trading in the said Harbour, shall be and he is hereby made answerable to the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, for the Amount or Value of any Damage or Mischief

Masters to be answerable for Damages done by their Servants.

[*Local.*]

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that

that shall be done by any of the Seamen, Servants, Boatmen, or Watermen, or others on board the same, to any of the Quays, Wharfs, Piers, or other Works in or about the said Harbour, either by the loading or unloading of any Ship, Vessel, or Boat, or by any other Means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat shall for every such Trespass, Damage, or Mischief, upon Conviction before any Justice of the Peace for the County of *Devon*, 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, or Compensation as shall be ascertained, fixed, and determined by such Justice, provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds; but in case such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds, then and in such Case the said Master or Owner of such Ship, Vessel, or Boat may be sued and prosecuted for such Damages, Satisfaction, and Compensation in the Court of Session, if the Defender shall reside in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, if the Defendant shall reside in *England*, or in the Court of King's Bench or Common Pleas at *Dublin*, if the Defendant shall reside in *Ireland*; and if a Verdict or Judgment shall be given against him or her, either on Proof made, or by Default, or upon Demand, the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs.

Masters to recover Damages from their Servants.

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

Idlers to be detained, and all Ropes, &c. found in their Custody to be confiscated.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the Officers to be appointed by the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, and to and for any Messenger at Arms, Sheriff Officer, Peace Officer, Town Officer, or other Person, and they are hereby

hereby severally authorized and empowered to apprehend, seize, secure, and detain, till they can be regularly conveyed before a Magistrate, all and every Vagrant, Idler, or disorderly Persons who may haunt about the Harbour, Quays, Wharfs, Piers, and other Places connected therewith, without lawful Business; and they are hereby also authorized and empowered to seize, secure, and detain, and forthwith to convey before some Justice of the Peace for the said County of *Devon*, all Ropes, Copper, Iron, Lead, and other Articles of Marine Stores used in the Repair of Ships, and all Goods, Wares, and Merchandize which may be found in the Custody of such Vagrant, Idler, or disorderly Person; and if it shall appear that any of the said Articles have not been fairly come by, it shall be lawful for any Justice of the Peace for the County of *Devon* to order the said Goods to be restored to the proper Owner or Owners thereof; or in case such Owner or Owners cannot be found, to confiscate the same in aid of the Poor of the Parish of *Axmouth* in the County of *Devon*, and punish the Person in whose Custody the same may have been found by Imprisonment and hard Labour in the Common Gaol, or in some other legal Place of Confinement within the County of *Devon*, for any Time not exceeding One Calendar Month.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for any such Justice or Justices, and they and he is and are hereby authorized and empowered, to detain such Vagrants, Idlers, and disorderly Persons in any Watch-house or other Place of Security, therein to be detained for Examination for any Space not exceeding Twenty-four Hours, or, as a Punishment, to commit the said Offenders to any such Watch-house or other Place of Security for any Space not exceeding Three Days.

Justices may commit Vagrants, &c.

XXXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Harbourmaster, Collector of Duties, and other Officers or Persons acting under the Authority of this Act; be it therefore further enacted, That it shall and may be lawful to and for the said Harbourmasters, Collectors of Duties, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before any One or more of the Justices of the Peace for the said County of *Devon*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders in a summary Way.

Power to apprehend transient Offenders.

XL. And be it enacted, That if any Person or Persons whomsoever shall at any Time or Times obstruct, hinder, or molest the Engineers, Berthingmasters, Superintendents, Labourers, or other Person or Persons whomsoever, who is and shall be employed or acting in performance or execution of their Duty under this Act, or in the Works to be done or carried on in the Repair, Maintenance, or Improvement of the said Harbour, or in any other Matter relating thereto, every such Person so offending shall forfeit any Sum not exceeding Twenty Pounds, and for the Second Offence any Sum not exceeding

Penalty for obstructing the Works.

exceeding Thirty Pounds, and for the Third and every other Offence any Sum not exceeding Fifty Pounds.

Bye Laws may be made for the Government of the Harbour, and painted on Boards for the Information of all Persons.

XLI. And be it further enacted, That it shall be lawful for the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, from Time to Time to make and frame, ordain and establish, such Bye Laws, Rules, Orders, and Regulations as they shall think fit, for the good Government of the said Harbour, and Persons frequenting the same or employed therein, and for the Government of the Clerks, Collectors, Officers, Assistants, Servants, and others appointed or employed under or by virtue of this Act; and for the better Regulation of the said Harbour and other Works, or any of them, and the mooring and stationing of the Shipping therein; and for the well governing, ordering, and managing of the Pilots to be employed for the said Harbour, and the Seamen and others employed in or belonging to the said Shipping resorting to or seeking Shelter at or in the said Harbour; and also for the better regulating, governing, and managing the several Works thereof, as well whilst the same are constructing as after they shall be finished; and for the more safe and more convenient shipping, loading, landing, discharging, carrying, conveying, laying, depositing, and moving of Goods, Wares, and Merchandize upon any of the Quays, Wharfs, Piers, or Landing Places belonging to the said Harbour; and for the better governing and regulating Porters, Carters, Carmen, and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to and from the said Quays, Wharfs, Piers, or Landing Places, and generally for the good Government of the said Harbour; and to make such other Bye Laws, Rules, Orders, and Regulations as by the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees, shall be thought necessary or expedient for effecting the Purposes of this Act, and the due Execution thereof; and to repeal and to amend or alter such Bye Laws, Rules, Orders, Regulations, or any of them; and to annex, impose, and appoint pecuniary Penalties or Forfeitures not exceeding Five Pounds for each Offence, (to be recovered in manner herein-after mentioned,) for the Nonobservance, Nonperformance, or other Breach of or Offence against any such Bye Laws, Rules, Orders, or Regulations; and all such Bye Laws, Rules, Orders, and Regulations, and all such Alterations thereof, shall be reduced into Writing, and be subscribed by the Proprietors of the said Harbour for the Time being, or their said Guardians, Trustees, or Committees; and Copies thereof shall be painted in legible Characters upon Boards, and put up and affixed in such One or more accessible and conspicuous Place or Places in or adjoining to the said Harbour, for the Inspection and Information of all Persons interested therein; and such Boards and Paintings shall be renewed from Time to Time by such Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, when destroyed, obliterated, or defaced; and all such Bye Laws, Rules, Orders, and Regulations shall thenceforth be equally binding and authoritative with any of the Provisions of this Act; provided that such Bye Laws, Rules, Orders, and Regulations be not repugnant to
the

the Laws of that Part of the United Kingdom called *England*, or to any of the Clauses, Provisions, and Directions in this Act contained.

XLII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any such Bye Law, Rule, Order, or Regulation shall be painted, such Person or Persons shall, upon Conviction, for each Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on
Persons de-
facing the
Boards.

XLIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the said County of *Devon*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of or concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, (if any such there be,) shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees, to be applied for the Purposes of this Act; and it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice and Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for

Recovery and
Application
of Penalties.

[*Local.*]

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such

such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Goal or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceeding as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds no Proceeding before Justices shall be had and taken for the Recovery thereof, before a less Number than Two Justices.

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

XLIV. And be it further enacted, That in all Cases in which any Damages or Charges are by this Act directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute or Difference respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences; and such Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Goods and Chattels of the Offender or Offenders, in manner directed by this Act for the levying of any Penalties or Forfeitures by this Act imposed.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

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

Proceedings
not to be
quashed for
Want of
Form.

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

Attendance
of Witnesses.

XLVII. And be it enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence

Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing, shall refuse to be examined upon Oath (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in any of the said Cases every Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

XLVIII. And be it further enacted, That if any Person or Persons shall, on his, her, or their Examination on Oath before any Justice or Justices, or before any Judge in any Cause or Matter arising out of this Act, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Penalty and Punishment as by any Law in force or effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Witnesses giving false Evidence to be indicted for Perjury.

XLIX. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard or determined relative to this Act, by reason only or on account that such Person or Persons shall act officially under the Appointment of the Proprietors of the said Harbour, or their said Guardians, Trustees, or Committees, or their Lessees for the Time being.

Testimony of Officers.

L. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, nor after Tender of Amends.

LI. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act, after the

Limitation of Actions.

Expiration

Expiration of Six Calendar Months next after the Fact committed (except as may be herein otherwise directed); and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial it shall appear that such Matter or Thing shall have been so done, or that such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court, as herein-before authorized, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then and in every such Case the Plaintiff or Plaintiffs, Defendant or Defendants, shall have his, her, or their Costs, and shall have such and the like Remedy for recovering the same as any Plaintiff or Defendant hath for recovering Costs of Suit in any other Cases by Law.

Appeal.

LII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, or by any other Matter or Thing done in pursuance of this Act, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen within Four Calendar Months next after such Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, unto the Person or Persons appealed against, and within Three Days after such Notice entering into a Recognizance or Bond of Caution before some Justice of the Peace for the said County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance or Bond, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal, and may order any Money to be returned which may have been levied in pursuance of any such Bye Law, Rule, Order, or Regulation, and award such Costs to the Party appealing or appealed against, and may

may also award such further Satisfaction to the Party injured as they shall think proper; and the Determination of the Justices shall be final, binding, and conclusive to all Parties, and shall not be removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

LIII. And be it further enacted, That all Judges, Sheriffs, Justices of the Peace, and other Magistrates, with their Officers, Messengers at Arms, and all other Officers of the Law whatsoever, and every of them, shall be and they are hereby required to be aiding and assisting in putting this Act into due and effectual Execution. Magistrates to assist in putting this Act into execution.

LIV. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to prejudice, defeat, lessen, or injure or interfere with the Rights and Liberties of Fishing and Fowling, and the other Royalties and Franchises of the Lord of the Manor of *Axmouth*, within the Precincts or Limits of the same Manor, as the said Lord of the Manor now hath or had before the passing of this Act, so that the Port or Harbour, and Basin, Quays, Wharfs, and Works, and other the Purposes of this Act, be not in anywise defeated or destroyed. Saving the Rights of the Lord of the Manor.

LV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to affect, injure, lessen, or diminish any Customs or Town Dues which may be due and payable to any Corporation, Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, on Goods, Wares, and Merchandizes, or to abridge, infringe, lessen, or alter any Rights, Privileges, Tolls, Customs, Duties, Powers, or Authorities of any such Corporation, Body or Bodies, Person or Persons, or any of their accustomed Rights and Privileges, but that such and the like Customs and Dues shall be still payable and be paid to such Corporation, Body or Bodies, Person or Persons, in such Manner, at such Places, and at such Times, as heretofore, and as if this Act had not been passed. Act not to affect any Corporate Rights.

LVI. Provided always, and be it further enacted, That nothing in this Act contained shall hinder or prevent any Proprietors of Lands adjoining the said River *Ax* from entering and navigating the said River *Ax* to and from such Lands, for all Purposes which such Proprietors have hitherto used the same River, or might have done if this Act had not passed, and without being liable to any of the Rates and Duties made payable by this Act, in respect of Ships, Vessels, and Boats which shall come into or use the said Harbour. Saving the Rights of Proprietors of Lands adjoining the River Ax.

LVII. 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. Public Act.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Rates of Tonnage.

For every Ship, Hoy, Bark, or other Vessel, of the Burthen of Ten Tons or upwards, which shall hereafter come into the said Harbour, the Sum of Two-pence for every Ton such Ship or other Vessel shall contain :

And for every Ship, Hoy, Bark, or other Vessel as aforesaid, that shall be laid up unemployed within the said Harbour, an additional Sum of Two-pence per Ton for every and each Month she shall be so laid up after the Expiration of the first Month :

For every Ship, Hoy, Bark, or other Vessel, of the Burden of Ten Tons or upwards, built at Axmouth Harbour and sailing therefrom, the Sum of Two-pence for every Ton such Ship, Hoy, Bark, or other Vessel shall contain :

For every Vessel or Boat under Ten Tons, One Shilling.

SCHEDULE (B.)

	s.	d.
Ale, Beer, or Porter, per Kilderkin	0	2
- - - - - per Barrel	0	4
- - - - - per Hogshead	0	6
- - - - - per Butt	1	0
Alum, per Cwt.	0	2
Anchors, per Cwt.	0	2
Anvils, per Cwt.	0	2
Apples and Pears, per Bushel	1	1
Ashes of all sorts, per Cwt.	0	6
Bark (Oak), per Ton	1	6
Bacon or Hams, per Cwt.	0	2
Beef or Pork, per Tierce	0	4
- - - - - per Barrel	0	3
- - - - - other lesser Package	0	2
Barilla, per Ton	3	0
Bottles of all sorts, per Gross, Twelve Dozen	1	0
Brass, per Cwt.	0	2
Bricks, Bearers, or Tiles, per Thousand	2	6
Brimstone, per Cwt.	0	2
Bristles, per Cwt.	0	6
Brushes, Basket or Bundle	0	4
Burr for Millstones, per Cwt.	0	2
Bags and Bed Sackings, per Ton	2	0
Butter, per Tub, Firkin, or Half Firkin	0	1

	s.	d.
Bales and Trusses of Silk, } per Foot	0	1½
Linen, or Woollen, }		
Bells, per Cwt.	0	2
Cables and Cordage, tarred or not, per Ton	2	0
Candles, per Cwt.	0	2
Cannon, per Cwt.	0	2
- - - Balls, per Cwt.	0	2
Casks empty; viz ^t ,		
Pipes, each	0	4
Hogsheads, each	0	2
Barrels, each	0	1
other Casks, each	0	1
Chairs, per Dozen	1	3
Cheese, per Ton	2	0
Cider, per Hogshead	0	8
- - - per Half Hogshead	0	4
Coals and Culm, per Chaldron	1	6
Copper Sheathing, per Cwt.	0	3
- - - Bolts, per Cwt.	0	2
- - - other, per Cwt.	0	3
Cages, per Dozen	1	0
Cement, per Barrel	0	6
Cork, per Cwt.	0	2
Corks, per Gross	0	1
Corn; viz ^t ,		
Beans, } per Quarter	0	4
Barley, }		
Malt, }		
Oats, }		
Peas, }		
Wheat, }		
Coffee, per Cwt.	0	3
Cattle; viz ^t ,		
Bulls, each	0	6
Cows, each	0	6
Calves, each	0	3
Horses, each	1	0
Oxen, each	0	3
Pigs, each	0	3
Sheep, each	0	3
Lambs, each	0	3
Dye Woods, per Cwt.	0	2
Dogs and other Animals, each	0	6
Drugs, per Cwt.	0	4
Earthenware, per Crate	0	6
- - - - per Half Crate	0	3
Eggs, per Thousand	0	6
Feathers, per Cwt.	0	4
Fish, salted, per Ton	1	6
- - - Herrings or Pilchards, per Barrel	0	3
- - - Anchovies, per Barrel	0	2
- - - Salmon, per Kit	0	2
Flax, per Ton	2	0
Flour, per Sack	0	3
- - - per Barrel	0	2

	s.	d.
Furniture, in Case or Packages, per Foot	0	1
Flints, per Bag	0	1
Glass, per Case or Box	0	6
- - - per Sides	0	6
- - - per Crate	0	6
Glue, per Cwt.	0	2
Groceries ;		
Almonds,	}	For each Box, Basket, or other Package, not exceeding Fifty-six Pounds
Cinnamon,		
Currants,		
Cloves,		
Figs,		
Mace,		
Nutmegs,		
Pepper,		
Pimento,		
Plums,		
Pruins,		
Raisins,		
Ginger,		
Dates,		
Liquorice,	Ditto from Fifty-six Pounds to One Cwt.	
Sugar Candy,		
Sugar, Refined, however packed, per Loaf	0	1
- - - Raw, per Cwt.	0	2
Gunpowder, per Cwt.	0	8
Gun Stocks, per Hundred	1	0
Hair of all Sorts, per Cwt.	0	2
- - - Package containing less than One Cwt.	0	2
Hardware, per Cwt.	0	2
Hats, per Box	0	9
Hemp, per Ton	2	0
Hides, each	0	2
Hoops, wooden, per Bundle	0	1
Honey, per Barrel, 42 Gallons	1	0
Hops, per Bag	1	0
- - - per Pocket	0	6
Horns, per Cwt.	0	2
Hampers, containing One Dozen	0	1
- - - Two Dozen	0	2
- - - Three Dozen	0	3
- - - Four Dozen	0	4
- - - Five Dozen	0	5
- - - Six Dozen	0	6
Indigo, not exceeding One Cwt.	0	3
- - - exceeding One Cwt., per Cwt.	0	2
Iron, Pig and Cast, per Cwt.	0	1
- - - Bars, Pots, Hoops, Ware, per Cwt.	0	2
- - - Ballast, per Ton	1	6
Junk, per Ton	1	6
Laths, per Dozen Bundles	0	2
Lead, per Ton	1	6
- - - Shot, per Cwt.	0	2
- - - White, and Paints, per Cwt.	0	2

	s.	d.
Lead, Black, per Cwt.	0	2
Leather and Leather Shreds, per Cwt.	0	2
Lemons and Oranges, per Chest	0	3
- - - - - per Half Chest, Box, or other smaller Package	0	2
Marble, per Ton	3	0
Matting, per Roll	0	1
Millstones, per Cwt.	0	2
Molasses, per Cwt.	0	1
Mops, per Dozen	0	2
Mustard, per Firkin	0	2
- - - per Barrel	0	3
Nails, per Cwt.	0	2
Nuts, per Sack	0	4
- - - per Bag	0	2
Oakum and Tow, per Ton	1	6
Ochre, per Cwt.	0	1
Oil; viz.		
Linseed, per Cwt.	0	2
Rape, per Cwt.	0	2
Sperm, per Cwt.	0	2
Sallad, per Chest or Box	0	6
Turpentine, } per Corboy	0	2
Vitriol, }		
Oil, not otherwise enumerated, per Cwt.	0	2
Oil Cake, per Cwt.	0	1
Onions, per Bushel	0	1
Paper, per Cwt.	0	2
Pelts, per Cwt.	0	2
Pewter, per Cwt.	0	2
Pipes, Tobacco, per Gross	0	1
Pitch and Tar, per Barrel	0	4
Plaster of Paris, per Cwt.	0	2
Potatoes, per Ton	1	3
Quicksilver, per Case or Package	0	6
Rags, per Ton	1	3
Rice, per Cwt.	0	1
Rosin, per Cake or Barrel	0	2
Rushes, per Twelve Bundles	0	2
Sail Cloth, per Bolt	0	0 ³ / ₄
Salt, per Ton	1	6
Saltpetre and other Salts, per Cwt.	0	2
Seeds; viz ^t ,		
Flax, } per Last of Ten Quarters		
Hemp, }		
Clover, }		
Grass, }	3	0
Vetches, }		
Rape, }		
Flax, Foreign, per Barrel	0	2
Canary, per Cwt.	0	2
All other Seeds, per Cwt.	0	2

[Local.]

4 B—C

	s.	d.
Skins, per Cask	2	0
- - - per Bale	1	6
Slates, Scantel, per Thousand	1	0
- - - Common, Ditto	0	6
- - - Rag, per Gross	0	6
Soap, in Chests or Hogsheads, per Cwt.	0	2
- - - per Firkin, Sixty-four lbs.	0	1½
Spirits; vizt,		
Brandy,	}	per Pipe or Puncheon
Gin,		
Rum, and other Spirits,		
Starch, per Cwt.	0	2
Steel, per Cwt.	0	2
Stones, Grinding, per Cwt.	0	1
Stone, Dressed, Free or Paving, { per Hundred Feet { Superficial Measure, }	1	0
- - - Rough, Freestone, Limestone, or other Stone, per Ton	1	0
Snuff, per Bladder	0	1
Tallow, per Ton	2	0
Tea, per Chest	0	6
- - - per Half Ditto	0	4
- - - per Quarter Ditto	0	2
- - - per Box	0	1
Tin, per Box	0	2
- - - Ware, per Cwt.	0	2
Tobacco, per Cwt.	0	3
Tongues, Dried, per Cwt.	0	2
Tree Nails or Hummels, per Thousand	0	6
Twine and Thread, per Ton	2	0
Vinegar, per Hogshead	1	0
- - - per Half Ditto	0	6
Wax, per Cwt.	0	6
Whalebone, per Bundle	0	2
Whiting, per Cwt.	0	1
Wine, per Pipe	2	6
- - - per Hogshead	1	3
Wood, Square, per Load	1	6
- - - Round, per Load	2	0
- - - Deals, Plank, and Boards, Three Inches thick, for every Hundred running Feet	1	0
And so in proportion for a less or greater Thickness.		
- - - Lathwood, per Fathom	1	6
- - - Lignum Vitæ, per Cwt.	0	2
- - - Mahogany Balk, per Load	2	0
- - - Boards, Three Inches thick, for every Hundred running Feet	1	6
And so in proportion for a less or greater Thickness.		
- - - Spars, each, Four Inches Diameter and under	0	0½
- - - Do. each, above Four Inches and under Six Inches	0	1½
- - - Do. each, above Six Inches and under Eight Inches	0	3
- - - Do. each, above Eight Inches and under Twelve Inches	0	8
- - - Do. each, above Twelve Inches and under Fifteen Inches	1	6

Wood, Masts, each, Fifteen Inches Diameter and under Eighteen Inches	s.	d.
- - - Do. each, above Eighteen Inches	4	0
- - - Staves, above Four Feet, for every Hundred and twenty	0	2
- - - Do. under Four Feet, for every Hundred and twenty	0	1½
- - - All other Staves, for every Hundred and twenty	0	1
Wool, per Ton	2	0
Yarn of all Sorts, per Ton	2	0
All Trunks, Chests, Boxes, Bags, Bales, or other Packages containing Goods above enumerated, not exceeding Twenty-eight Pounds	0	2
Ditto, exceeding Twenty-eight Pounds, and not exceeding Fifty-six Pounds	0	3
Ditto, exceeding Fifty-six Pounds, and not exceeding One Hundred Weight	0	6
All Trunks, Chests, Boxes, Bags, Bales, or other Packages containing weighable and other Goods not enumerated or particularly set forth in the above Schedule, not exceeding Twenty-eight Pounds	0	2
Ditto, exceeding Twenty-eight Pounds, and not exceeding Fifty-six Pounds	0	3
Ditto, exceeding Fifty-six Pounds, and not exceeding One Hundred Weight	0	6
Ditto, exceeding One Hundred Weight, per Cwt.	0	2
For every Passenger coming to or going from the said Harbour	1	0

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