



ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. cxiii.

An Act for making and maintaining a Harbour and other Works at *Sidmouth* in the County of *Devon*.
[4th July 1836.]

WHEREAS the constructing and maintaining of a Pier, Harbour, and other Works upon certain Land at, near, or upon a Place called *Chit Rock*, in the Parish of *Sidmouth* in the County of *Devon*, will not only afford Protection to the commercial Interests of the Inhabitants of *Sidmouth* and other Places in the Neighbourhood, but will also be of great public Utility, by providing a Place of Safety for Vessels employed in Foreign and Home Trade, and be the Means of preserving the Lives and Property of many of His Majesty's Subjects, by affording an Asylum to Ships in Distress: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Hughes Ball Hughes*, Sir *John Kennaway* Baronet, *William Cockburn* Doctor in Divinity, *Christopher Rigby Collins*, *Charles Rumley*, *Moses Gutteres*, *John Cutler*, *Thomas Stokes Hodge junior*, *Edward Manico*, *William Jenkins*, *Charles Cornish*, *Thomas Putt*, *Thomas L. Fish*, *James Clarke*, *George Manning*, *Shirley Newdick*, *William Gale Harris*, and *Richard Farrant*, together with all such other Persons and Corporations as have subscribed or shall hereafter subscribe towards or as shall at any Time hereafter be possessed of any Share in the Undertaking hereby

Company
incorporated.

[Local.]

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authorized

Style of the
Company.

authorized to be carried into execution, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into and declared to be a Company for constructing and maintaining the said Harbour and other Works by this Act authorized, according to the Provisions and Restrictions herein-after contained, and for that Purpose shall be One Body Corporate, by the Name and Style of "The *Sidmouth* Harbour Company," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill of Indictment against any Person who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and by that Name and Description shall have full Power and Authority to purchase and hold Lands to them and their Successors and Assigns, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power to sell and demise or otherwise dispose of the said Lands in manner by this Act directed.

Meaning of
certain
Words in
this Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall be applied to One Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Power to
construct
the Harbour.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by themselves, their Deputies, Agents, Officers, Servants, Surveyors, and Workmen, to make, construct, deepen, form, and maintain a Harbour at *Sidmouth* in the Parish of *Sidmouth* in the County of *Devon*; and for those Purposes the said Company, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to erect, build, and maintain such Piers, Jetties, Breakwaters, Quays, Wharfs, Slips, and other Works as may be deemed necessary, and to enter into and upon the Lands and Grounds of any Person or Corporation whatsoever, according to the Provisions of this Act, and to survey the same or any Part thereof, and to set out, ascertain, and appropriate such Parts thereof, and do, execute, and perform all such other Acts, Matters, and Things as they shall think necessary and proper for making, constructing, and maintaining the said Harbour and other Works; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things, which can or may be dug, raised, or gotten in making, deepening, scouring, improving, or maintaining the said Harbour and other Works, out of the Lands or Grounds of any Person or Corporation adjoining or contiguous to such Harbour, and which may be proper, requisite, or necessary

necessary for making, deepening, scouring, improving, or maintaining the said Harbour and other Works, or which may hinder or obstruct the making, using, completing, scouring, improving, or maintaining of the same respectively; and to make, build, and erect, upon the Lands and Sea-shore adjoining to the said Harbour, such and so many Piers, Jetties, Breakwaters, Basins, Buoys, Beacons, Posts, Ropes, and Chains, and such and so many Wharfs, Quays, Houses, Warehouses, Yards, Landing Places, Cranes, and other Machines, and such and so many Ways, Roads, and Conveniences, where and when and at such Time and in such Manner as the said Company shall think necessary and convenient for the Construction and Improvement of the said Harbour; and also from Time to Time to alter, repair and amend, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for making, deepening, scouring, improving, erecting, and maintaining the said Harbour and other Works on the Lands or Grounds adjoining to the Place where the said Works or any of them shall be or are intended to be made or executed; and to construct, erect, make, and do all other Works, Buildings, Matters, and Things which they shall think convenient or necessary for the making, deepening, scouring, improving, maintaining, and using of the said Harbour and other Works; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to the Owners and Proprietors of and all Persons interested in any Lands which shall be taken, used, or removed, diverted or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, their Deputies, Agents, Servants, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

IV. And be it further enacted, That for the Purposes of this Act the Limits and Boundaries of the said Harbour shall extend over and include the whole Coast to the Extent of One Mile to the Eastward of the Eastern Pier of the said Harbour and Half a Mile to the Westward of the Western Pier of the said Harbour.

Limits of
the Harbour.

V. And whereas a Map or Plan of the said Harbour and other Works, with a Book of Reference thereto describing the same, has been made and deposited with the Clerk of the Parliaments; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain deposited with the Clerk of the Parliaments, to which Map or Plan and Book of Reference all Persons shall have Liberty to resort, and to examine and make Extracts from or Copies of the same as Occasion shall require, paying to the said Clerk of the Parliaments for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and
Book of
Reference to
remain with
Clerk of
Parliaments.

VI. And

Not to deviate more than 100 Yards from Plan.

VI. And be it further enacted, That the said Company, in making, improving, and maintaining the said Harbour and other Works, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, without the Consent in Writing of the Owners or reputed Owners of the Land or Ground through which such Deviation is to be made first had and obtained.

Omissions in Book of Reference not to obstruct making the Harbour, &c.

VII. And be it further enacted, That the said Company may make the said Harbour and other Works in, into, through, across, or over the Lands or Grounds of any Person or Corporation whose Name or Description shall appear to the Satisfaction of any Two or more Justices of the Peace for the County of *Devon*, and be by them certified under their Hands, to be by Mistake omitted or inaccurately described in the said Book of Reference, or that instead thereof the Name of some other Person or Corporation to whom such last-mentioned Lands or Grounds do not belong, hath been by Mistake inserted therein, any thing herein contained to the contrary thereof in anywise notwithstanding.

Houses and Gardens not to be used without the Consent of Owners and Occupiers.

VIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building, or any Land or Ground set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively.

Company may contract for the Works.

IX. And be it further enacted, That the said Company, or such Person as they shall for that Purpose appoint, are and is hereby authorized to contract and agree with any Person for any of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or any of the Parties failing in the Execution thereof.

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

X. And be it further enacted, That it shall be lawful for all Corporations, and all Lords of Manors, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to any Interest therein, and to and for every other Person whomsoever who is or shall be seised, possessed of, or interested in any Lands or Grounds required for the
Purposes

Purposes of this Act or any of them, to contract for, sell, and convey the same, and every or any Part thereof, unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Corporations and Persons so conveying as aforesaid are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of each Case will admit; (that is to say,)

‘ I A. B. of in con- Form of
 ‘ sideration of the Sum of to me paid by Conveyance.
 ‘ “The *Sidmouth* Harbour Company,” do hereby, by virtue of the Powers
 ‘ contained in an Act passed in the Sixth Year of the Reign of King
 ‘ *William* the Fourth, intituled [*here insert the Title of this Act*], grant
 ‘ and release [*or assign, as the Case may require,*] to the said Company
 ‘ all [*describing the Premises to be conveyed*], with the Appurtenances,
 ‘ and all my Right, Title, and Interest in and to the same and every
 ‘ Part thereof, to hold to the said Company and their Successors for
 ‘ ever by virtue and according to the true Intent and Meaning of the
 ‘ said Act. In witness whereof I have hereunto set my Hand and
 ‘ Seal the Day of in the Year
 ‘ of our Lord .’

And all such Conveyances and Assignments respectively shall be kept by the Clerk to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words (and so in proportion for any less Number of Words), exclusive of Stamps.

XI. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Commons, Beach, or Waste Grounds for the Purposes of this Act, a Conveyance thereof by the Lord of the Manor wherein the same shall be situate shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons, Beach, or Waste Grounds had joined in and executed such Conveyance. Conveyance of Common or Waste Lands.

XII. And be it further enacted, That all Corporations, Trustees, and other Persons herein-before enable to sell or convey Lands, and any other Owner and the Occupier of any Lands through, in, or upon which the said Harbour and other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands, and also Compensation for the Damages to be sustained by making or completing the said Improvements and Works herein-before directed to be made, such Satisfaction and Compensation respectively to be made and given in gross Sums; and in case the said Company and the Parties interested in such Lands cannot agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be referred to the Arbitration of three Justices of the Peace, one of whom shall be chosen by the said Company, and the other two by the Parties interested in such Lands, and their Award shall be final and conclusive. Satisfaction to be made for Lands taken.

[Local.]

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and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after directed.

Differences respecting the Price of Land or Amount of Damage to be settled by a Jury.

XIII. And be it further enacted, That in case of any Difference or Dispute between the said Company or their Agents, and any Corporation, Trustee, or other Person interested in or entitled to any Lands to be taken or used for the Purposes of this Act, relative to the Price or Value, Damages or Recompence to be given for the same, and in case such Price or Value, Damages or Recompence cannot be settled, adjusted, or agreed for by and between the said Company and such Proprietors of or Persons interested in the said Lands, or if any such Corporation, Trustee, or any other Person interested or entitled as aforesaid shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company, or shall for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Corporation, or to such Trustees or Persons respectively, or left at the last or usual Place of his or their Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, neglect or refuse to treat, or if any Person shall, by Absence or otherwise, be prevented from treating, and shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which he is or shall be in Possession of, and to the Interest which he claims therein, then and in every such Case it shall be lawful for the said Company or any Three of them, and they are hereby empowered and required, to issue a Warrant under their Common Seal to the Sheriff of the County of *Devon*, or in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matter in question, then to some one of the Coroners of the said County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before such Sheriff or Coroner at such Time and Place as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff or Coroner is hereby empowered and required to summon or call before him every Person who shall be thought necessary to be examined as a Witness touching the Matter in question, and may order and authorize the said Jury to view the Place or Matter in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff or Coroner is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, or the Recompence to be made for the Damage which shall or may be sustained as aforesaid; and the said Sheriff or Coroner shall accordingly give Judgment for such Purchase Money

Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive, to all Intents and Purposes, against all Corporations, Trustees, and all other Persons whomsoever: Provided always, that in all Proceedings before any Jury the Person claiming Compensation shall be deemed Plaintiff, and shall be entitled to all the Rights, Privileges, and Advantages to which Plaintiffs are entitled.

XIV. And be it further enacted, That if such Sheriff or his Deputy or other Person so directed to summon and return a Jury as aforesaid shall make default in the Premises he shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear without sufficient Excuse, after having been paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, or being a Quaker shall refuse to make his solemn Affirmation, or to be examined or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of a Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Penalty on Sheriff, Jurors, or Witnesses making default.

XV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulation, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and every Person who in any Examination to be taken by virtue of this Act upon Oath or Affirmation shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, or Coroner, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Jurors to be under the same Regulations as those of the superior Courts.

XVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for the same or a greater Sum of Money than shall have been previously offered by or on behalf of the said Company, as a Recompence or Satisfaction for any such Lands as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person as aforesaid, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, or in anywise consequent thereon, shall be borne by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs, Charges,

By whom Expences of Jury, &c. are to be paid.

Charges, and Expences shall not be paid to the Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company, or of any Goods and Chattels of the Treasurer of the said Company (in case such Treasurer shall refuse or neglect to pay such Costs and Charges out of any Money then in his Hands belonging to the said Company, or if such Treasurer shall not then have any Money belonging to the said Company then in his Hands, then out of the first Monies of the said Company that shall then afterwards come into his Hands, but not unless he shall so refuse or neglect, all which Payments the said Treasurer is hereby authorized to make), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Person entitled to receive such Costs, Charges, and Expences; and in every Case where a Verdict shall be given by any such Jury for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, then the said Costs, Charges, and Expences shall be borne in equal Proportions by the Person refusing or neglecting to treat or agree as before mentioned and by the said Company; but in Cases where any Person shall have been prevented by Absence from treating with the said Company the Costs, Charges, and Expences so incurred shall be borne by the said Company; and in all Cases where any Difference shall arise touching the Amount of the Costs, Charges, and Expences the same shall be settled and ascertained by any Justice of the Peace for the said County not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where any Costs shall be payable by the Person having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Person as so much Money advanced for his Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Person; or otherwise, if such Costs, Charges, and Expences be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Person liable to the Payment thereof by Action of the Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons
requesting
Juries to
enter into
Bonds to
prosecute.

XVII. And be it further enacted, That every Person with whom the said Company shall have any such Difference or Dispute as aforesaid shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, enter into a Bond to the Treasurer of the said Company in a Penalty of Two hundred Pounds to prosecute his Complaint, and to bear and pay his Proportion of the Costs and Expences of summoning and returning such Jury and taking such Inquest, and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, to be paid according to the true Intent and Meaning of this Act.

XVIII. And

XVIII. And be it further enacted, That every Jury shall and is hereby empowered to settle what Shares and Proportions of the Purchase Money and Compensation for Damages which shall be agreed, determined, or assessed in manner aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for such his Interest therein.

Compensation Money to be apportioned by the Jury.

XIX. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the said County among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XX. And be it further enacted, That if any Person shall sustain any Damage in his Lands by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be settled by the said Company or by a Jury as herein-before mentioned, and the Amount of such Damages may be recovered and applied in manner herein directed with regard to other Damages, and in every such Case the said Company are hereby empowered and required to issue a Warrant to the Sheriff of the said County, or other such Person as aforesaid, commanding him to summon a Jury in manner herein-before mentioned.

For settling Damages not provided for.

XXI. And be it further enacted, That the said Company shall not nor shall any of them be obliged or compelled by virtue of this Act to receive or take notice of any Complaint to be made by any Person whomsoever for any Injury or Damage by him sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless such Complaint shall be made to the said Company within the Space of Six Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Company before Complaint made.

XXII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Lands, or as a Compensation for Damages, or of the Balance of such Purchase Money or Compensation which shall remain after the Deduction of any such Proportion of Costs and Charges which shall be payable by such Party, and shall have been so ascertained as aforesaid, to the Proprietor of such Lands, or to such other Person as shall be interested therein, or entitled or enabled as aforesaid to receive such Money or Compensation respectively, at any Time within Six Calendar Months after the same shall have been so agreed for, determined, or awarded, or in case of Refusal to accept the same then upon Payment of the said Sum of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person entitled thereto, it shall and may be lawful to and for the said Company, and their Agents,

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

Workmen, and Servants, immediately to enter upon such Lands respectively, and then and thereupon such Lands, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act for ever, and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to dig, cut, take, or use the Lands of the Person entitled to such Payment for the Purposes of this Act, without the Consent in Writing of such Person, or of the Person herein-before enabled to receive the same respectively.

Tenants at Will or for Years to quit Lands, &c. after Notice.

XXIII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, Tenant from Year to Year, or any other Person in Possession of any Lands or any Part thereof, which shall be required by the said Company to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company, or to such Person as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Company, or from the Person so authorized by them; and such Person in Possession shall at the of the said Six Calendar Months, whether such Notice be given with reference to the Time of such Tenant's holding or not, or so soon after as he shall be required, peaceably and quietly deliver up the Possession of the Premises to the said Company, or to the Person authorized by them to take Possession thereof, and in case any such Person so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the said County to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue by or on account of the issuing and Execution of such Precept on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his Goods.

Interest of such Tenants may be settled by a Jury.

XXIV. Provided always, and be it further enacted, That where any such Tenant or Lessee, being Tenant or Lessee from Year to Year, shall be required to deliver up the Possession of any Premises so occupied by him to the said Company, or to the Person authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in the Premises, which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in manner herein-before directed with regard to any other Satisfaction or Compensation

Compensation in and by this Act provided for and directed to be made and assessed.

XXV. And be it further enacted, That every Person who shall have any Mortgage on such Lands, or any of them, or any Part thereof, and whether in Possession thereof by virtue of such Mortgage or not, shall, on the Tender of the Principal Money and Interest due thereon by the said Company, or by such Person as they shall appoint, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person as they shall appoint; or in case such Mortgagee shall have Notice in Writing from the said Company, or from such Person as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee shall convey, assign, and transfer his Interest in the Premises to the said Company, or to such Person as shall be appointed in Trust for them; and in case such Mortgagee shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal Sum due upon any Mortgage, with all Interest due thereon, shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee more than the real Value of such Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, for the Use of the Mortgagee, the Cashier of the Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of every Person in Trust for him, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage to all Intents and Purposes whatsoever.

XXVI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Sidmouth Harbour Company," pursuant

Mortgages to be conveyed to the Company after Tender.

Application of Compensation Money when amounting to 200*l*.

1 G. 4. c. 35. pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rent and Profit of the said Lands, either in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or other Incumbrance, or Part thereof, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied then the same shall be invested and laid out, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Proceeds of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands to be purchased by virtue of this Act, in case such Purchase and Settlement were made.

When less than 200l. and amounting to 20l.

XXVII. And be it further enacted, That if any Money so agreed or assessed to be paid for any Lands purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the said Lands so purchased, taken, or used, or of his Guardian or Committee, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and of the Seal of the approving Parties, in order that such

such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant-General of the Court of Exchequer, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court touching the Application thereof.

XXVIII. And be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then to his Guardian, Committee, or Trustee, to and for the Use and Benefit of such Person so entitled respectively.

Application where less than 20%.

XXIX. And be it further enacted, That in case the Person to whom any Sum of Money shall be assessed to be paid for the Purchase of any Lands to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same upon Tender being made of the same as aforesaid, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company, or in case such Person to whom such Sum of Money shall be so ordered or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Lands be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the Sum of Money so ordered or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them), subject to the Order, Control, and Disposition of the said Court of Exchequer, which said Court, on the Application of any Person making claim to such Sum of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum of Money, mentioning and specifying therein for what and for whose Use the same is received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

In case of not making out Titles.

XXX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate or Interest therein, to be purchased, taken, or used in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person who shall have been in Possession of

Where any Question shall arise, Persons in Possession shall be deemed entitled.

such Lands at the Time of such Purchase, and all Persons claiming under such Persons, or under the Possession of such Persons, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, until it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, or to some Estate or Interest therein, when the said Court shall be empowered to make such Order as to the Capital, Dividends, and Interest thereon as the said Court shall deem proper.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Company.

XXXI. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Expences of Titles to be paid by the Company.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom

whom the Lands shall be purchased or taken : Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

XXXIII. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party or Parties aforesaid; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons as aforesaid : Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, *exparte* "The *Sidmouth* Harbour Company," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences : Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

How such
Costs are to
be taxed.

XXXIV. And whereas by means of the Purchases which the said Company are empowered to make by virtue of this Act they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Seven Years after the passing of this Act, to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person as shall be willing to contract

Enabling the
Company to
sell Lands
not wanted.

5 & 6 W. 4.
c. 62.

tract for and purchase the same, and to convey the same accordingly, and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to re-sell the same to the Person from whom such Land or Ground was purchased by the said Company; and in case such Person shall have died or cannot be found, or shall refuse or neglect to repurchase such Land or Ground, then the Offer to re-sell the same shall be made to the Owner of the adjoining Land or Ground, and a Declaration pursuant to an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths,* made before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County, by some Person not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on behalf of the said Company, and that such Offer was then and thereupon not agreed to, or was refused by the Person to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person to whom such Offer was made, as the Case may be; and in case such Person shall be desirous of purchasing or re-purchasing the same, and he and the said Company shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Company of such Piece of Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

The Word
"grant" in
Convey-
ances made
by the Com-
pany to be
effectual.

XXXV. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to Grantees or other Purchasers, their Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, freed from all Incumbrances, for quiet Enjoyment thereof against the said Company, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances

Conveyances or any of them ; and such Purchasers or Grantees, their several Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action to be brought assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

XXXVI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the Parish herein mentioned ; be it therefore enacted, That for preventing the same, the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good, to or in aid of any such Parish, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act ; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

Provision for
Deficiencies
of Land Tax.

XXXVII. And whereas the probable Expence of making and completing the said Harbour, and constructing the Pier or Breakwater and other Works hereby authorized to be made and provided, will, according to an Estimate thereof, amount to the Sum of Fifteen thousand Pounds, more than Four Fifth Parts whereof have been already subscribed for by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively ; be it therefore enacted, That the whole of the said Sum of Fifteen thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the Pier or Breakwater, Harbour, and other Works shall be put in force.

Whole of
the Estimate
to be sub-
scribed
before the
compulsory
Powers of
the Act are
put in force.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum of Money for making and improving the said Harbour, and constructing such Pier or Breakwater and other Works herein-before mentioned, not exceeding in the whole the Sum of Eighteen thousand Pounds, and the same shall be divided into Seven hundred and twenty Shares of Twenty-five Pounds each, and such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same ; and no Person subscribing to the said Capital or Sum, or becoming a Proprietor in such Undertaking, shall become a Proprietor of less than One Share or more than One hundred Shares, unless by Act of Law or Bequest ; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and

Company
empowered
to raise
18,000*l.*
among them-
selves.

[*Local.*]

57 B

Assigns,

Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Corporations and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum of Money as shall be demanded in lieu thereof towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Tolls or other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Corporation and Person having such Property in the said Undertaking as aforesaid shall bear and pay a proportionable Sum towards carrying on the same, in manner herein directed and appointed.

Application of Monies to be raised.

XXXIX. And be it further enacted, That all the Money to be raised or received by the said Company by virtue of this Act, whether by way of Capital or Profit or otherwise, shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for and obtaining and passing this Act, and all other Expences preparatory or relating thereto, together with legal Interest for such Sums as shall have been advanced for any of those Purposes; and the Remainder of such Money shall be applied in and towards purchasing Land, and constructing and maintaining the said Harbour and other Works, and otherwise in carrying this Act into execution.

Shares to be deemed Personal Estate.

XL. And be it further enacted, That all the Shares and Proportions of all Corporations and Persons of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not be of the Nature of Real Property.

To compel Payment of Subscriptions.

XLI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards the said Undertaking shall and they are hereby required to pay the Sums by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company in manner herein-after mentioned; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, together with Interest on such Sum or Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed by the said Company to be paid as aforesaid.

Names of Proprietors to be entered, and Tickets of their Shares

XLII. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares and the Amount of all the Subscriptions which they are then respectively

spectively 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 said Company, and after such Entry made, to cause their Common Seal to be affixed thereto; and the said Company shall also cause a Ticket or Instrument, with their Common Seal affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share to which he is entitled in the said Undertaking, every such Proprietor paying to the said Company Three Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his Executors, Administrators, and Assigns, to the Share therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, and which said Ticket or Instrument may be in the Words or to the Effect following; (that is to say,)

to be delivered to them.

‘ THESE are to certify, That *A. B.* of _____ is a Form of
 ‘ Proprietor of the Share Number _____ in “The *Sidmouth* Ticket.
 ‘ Harbour Company,” subject to the Rules, Regulations, and Orders of
 ‘ the said Company, and that the said *A. B.*, his [*or her*] Executors,
 ‘ Administrators [*or Successors*], and Assigns, is and are entitled to the
 ‘ Profits and Advantages of such Share. Given under the Common
 ‘ Seal of the said Company the _____ Day of _____ in
 ‘ the Year _____

And in case any such Ticket or Instrument shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Ticket or Instrument shall be made out and entered by the said Company on the same Terms and Conditions as aforesaid.

XLIII. And be it further enacted, That it shall be lawful for the Proprietor of any Share in the said Undertaking, and his Executors or Administrators, to sell and dispose of any Share to which he shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares shall be in the following Words or to the like Effect; (that is to say,)

Shares may be sold.

‘ I *A. B.* of _____ in consideration of the Sum of _____ Form of
 ‘ _____ paid to me by *C. D.*, of _____ do hereby Conveyance.
 ‘ bargain, sell, assign, and transfer to the said *C. D.* _____ Share
 ‘ [*or Shares*] numbered _____ of and in the Undertaking called
 ‘ “The *Sidmouth* Harbour Company,” to hold unto the said *C. D.*, his
 ‘ Executors, Administrators, and Assigns, 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 of the said Share [*or Shares*],
 ‘ subject to the same Conditions. As witness our Hands and Seals the
 ‘ _____ Day of _____

And on every such Sale the said Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Purchaser for his Security, after the said Company shall have entered in a proper Book to be kept for that Purpose a Memorial of such Transfer and Sale, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Four Shillings, exclusive

exclusive of Stamps, shall be paid for each Share so transferred ; and the said Company are hereby required to make such Entry or Memorial accordingly, and until such Memorial shall have been made and entered as above directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Vote in respect thereof as Proprietor in the said Undertaking.

Subscribers
to be deemed
Proprietors.

XLIV. And be it further enacted, That every Corporation or Person who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and every Four Shares, whether held by One Person or Corporation or by several Persons or Corporations, shall constitute and be entitled to One Vote and no more in the several Meetings to be held as herein-after appointed for carrying on the said Undertaking, which Vote may be given by the Parties entitled thereto, or by their Guardians in case of a Minor, or by their Committee in case of Lunatics or Idiots, or by their Proxies constituted under the Seal of such Corporation or the Hands of such other Person, every such Proxy being a Proprietor of 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 Corporation or Person holding less than Four Shares by themselves, or by their Guardians in case of a Minor, or by their Committee in case of Lunatics or Idiots, or by their Proxies constituted as aforesaid, may join together so as to form Votes, and any One of such Corporations, Persons, Guardians, Committees, or Proxies so joining shall have Power to give such Vote at the Request and on behalf of all Parties joining or agreeing therein (so as to form such Vote), in like Manner as a Person holding Four or more Shares is entitled to vote in respect thereof as aforesaid ; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company shall be determined by the Majority of Votes and Proxies then present ; and the Appointment of which Proxies may be made according to the following Form ; (that is to say,)

Form of
Proxy.

‘ I *A. B.* of _____, One of the Proprietors of
 ‘ “ *The Sidmouth Harbour Company,*” do hereby appoint *C. D.*
 ‘ of _____ to be my Proxy, in my Name and in my
 ‘ Absence to vote or give my Assent to or Dissent from any Business,
 ‘ Matter, or Thing relating to the said Undertaking that shall be men-
 ‘ tioned or proposed at any Meeting of the said Company, in such
 ‘ Manner as the said *C. D.* shall think proper. In witness whereof I
 ‘ have hereunto set my Hand [*or Common Seal*] the _____ Day
 ‘ of _____

Power to
raise an ad-
ditional Sum
by Mort-
gage.

XLV. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for making, completing, maintaining, and repairing the said Harbour, Pier, or Breakwater, and other Works hereby authorized to be made, completed, and maintained, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to borrow and take up at Interest any further or other Sum of Money for completing

completing and perfecting the said Undertaking, not exceeding the Sum of Six thousand Pounds, by Mortgage of the said Undertaking, as to them shall seem meet and convenient; and the said Company, after an Order has been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Tolls or Duties arising or to arise by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Tolls or Duties, as a Security for any such further Sum to be borrowed as aforesaid, with Interest, to such Person who shall advance the same, or to his Trustee; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company in the Words or to the Effect following; (that is to say,)

‘ Number
 ‘ BY virtue of an Act passed in the Sixth Year of the Reign of King
 ‘ William the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ We “The Sidmouth Harbour Company,” incorporated by the said
 ‘ Act, in consideration of the Sum of _____ to us in
 ‘ hand paid by _____ of _____ do assign
 ‘ unto the said _____ his [*or her*] Executors, Adminis-
 ‘ trators, and Assigns, all and singular the Tolls arising by virtue of the
 ‘ said Act, and all the Estate, Right, Title, and Interest of us the said
 ‘ Company of, in, and to the same, to hold unto the said
 ‘ his [*or her*] Executors, Administrators, and Assigns, until the said
 ‘ Sum of _____, together with Interest for the
 ‘ same after the Rate of _____ for every One hundred
 ‘ Pounds for a Year, shall be fully paid and satisfied. Given under
 ‘ our Common Seal this _____ Day of _____
 ‘ in the Year of our Lord _____.’

Form of Mortgage.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be equally entitled, one with another, to their Proportions of the said Tolls and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Mortgages or Assignments, or on any other Account whatsoever; and a Memorial of every such Mortgage or Assignment, containing the Date and the Name of the Person to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book to be kept by the said Company, which said Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and every Person 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 Right and Interest therein to any Person whomsoever, which Transfer shall be by Deed, duly stamped, in which the Consideration for the same shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

‘ I [*or We*] _____ of _____ in con-
 ‘ sideration of the Sum of _____ paid by _____ Form of
 ‘ of _____, do hereby transfer a certain Mortgage, Transfer.
 ‘ numbered _____, made by the Company of Proprietors of
 ‘ the Sidmouth Harbour to _____, bearing Date the
 ‘ [*Local.*] _____ 57 C _____ Day

‘ Day of _____, for securing the Sum of
 ‘ and Interest, and all my [*or our*] Right and Property therein, to the
 ‘ said _____ his [*or her*] Executors, Administrators,
 ‘ and Assigns. Dated this _____ Day of
 ‘ in the Year of our Lord _____.’

And every such Transfer shall, within Twenty-one Days after the Date thereof if executed in *England*, or within Twenty-one Days after the Arrival thereof in *England* if executed elsewhere, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in like Manner as of the original Mortgages, for which the said Company shall be paid any Sum not exceeding Five Shillings; and after such Entry made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum thereon due or thereby secured, or any Part thereof.

Mortgagees
not to vote.

XLVI. Provided always, and be it enacted, That no Person to whom such Mortgage shall be made or transferred as aforesaid shall be capable of acting or voting by virtue of such Mortgage or Transfer, either as Principal or by Proxy, at any Meeting of the said Company, for or on account of his having lent or advanced any Money on any such Mortgage or Transfer.

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

XLVII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and in case the same or any Part thereof shall be behind or unpaid for the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Devon*, and they are hereby required, on request to them made by any Creditor whose Interest shall be so in arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole or such Part of the said Tolls or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Tolls or Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied the Power and Authority of such Receiver or Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

First and
other Meet-
ings.

XLVIII. And be it further enacted, That the First Meeting of the said Company for putting this Act into execution shall be held within Three
 Calendar

Calendar Months next after the passing of this Act, or as soon after as conveniently may be, at *Sidmouth* aforesaid, of which Meeting Fourteen Days Notice at the least shall be given by public Advertisement in some one Newspaper usually circulated in the County of *Devon*, and by Notice in Writing delivered to each Proprietor in the said Undertaking, or left at or sent by Post to his last known or usual Place of Residence, provided that no such Notice in Writing shall be necessary to be given to any Proprietor whose Place of Residence is unknown to the Clerk of the said Company; and the Second and every other Meeting shall be held at *Sidmouth* aforesaid at such Times as shall at such First or any subsequent Meeting, or in or by any Advertisement in such Paper and Notice in Writing as aforesaid, by the said Company be appointed; and One annual Meeting shall be holden in the Month of *August* in every Year, of which Meeting not less than Fourteen Days Notice shall be given by public Advertisement and Notice in Writing as herein-before mentioned; and the said Company shall and may meet and adjourn from Time to Time in such Manner as they shall deem expedient and proper; and at every such Meeting a Chairman shall be appointed by the Majority of Persons then present, who shall, in addition to his Vote as Proprietor or Proxy, or both, have a casting Vote in case of an Equality of Votes on any Question; and the said Company shall at all such their Meetings proceed to put the several Powers and Authorities hereby given and granted into execution, and do all Things hereby authorized to be done and executed by the said Company; and shall also have Power and Authority to make such Rules, Bye Laws, and Orders, for the good Government of the said Company, and for regulating all Officers, Pilots, Hoblers, Workmen, Agents, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using of the said Port and Harbour and other Works thereto belonging; and the conveying of all Goods, Wares, and Merchandize which shall be conveyed into the said Port and Harbour, or landed upon the said Piers, Quays, Wharfs, and other Works, and for the orderly Behaviour of all Persons who shall be employed in carrying, landing, or conveying any such Goods, Wares, or Merchandize, or in managing, piloting, or conducting Ships, Boats, or Vessels using such Port and Harbour, and for the Superintendence and Management of the said Port and Harbour and other Works in all other respects whatsoever, and from Time to Time to alter and repeal, and again to renew, the said Rules, Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Ten Pounds for any Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, shall be painted on Boards, and affixed on the Piers or Wharfs of the said Harbour, and shall be renewed whenever the same shall become obliterated or defaced; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

Authenti-
cated Bye
Laws to be
Evidence.

XLIX. And be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws the Production of a written or printed Paper purporting to be the Rules, Orders, and Bye Laws of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Rules, Orders, and Bye Laws, and it shall be sufficient to prove that a painted Board in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, Rules, Orders, and Regulations, hath been affixed and published in manner aforesaid, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such painted Board is not a Copy of such Bye Laws, Rules, Orders, and Regulations, or hath not been duly kept up and generally continued at or near the said Harbour, or the Piers, Quays, and Wharfs thereto belonging, in manner aforesaid.

Persons
holding
Contracts
disqualified
from acting.

L. Provided always, and be it further enacted, That no Person holding any Office under or any Contract with the said Company, or concerned or interested either directly or indirectly in such Contract, otherwise than as a Member of the said Company, shall be capable of acting or voting during the Time of his Continuance in such Office, or holding or being concerned or interested in such Contract.

Meetings
may audit
Accounts.

LI. And be it further enacted, That every such Meeting of the said Company shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Port and Harbour and other Works, by the Treasurer, Receivers, or Collectors of the Tolls and Duties and other Offices appointed, or by any Person employed by or concerned for or under them, in and about the said Port and Harbour and other Works thereto belonging.

Meetings to
consist of
not less than
Five Persons
holding at
least 100
Shares.

LII. And be it further enacted, That if at any Meeting held under this Act, whether special, general, or otherwise, there shall not be Five Persons present who together shall be possessed of or entitled to or hold at least One hundred Shares in the said Undertaking, either as Principals or Proxies, no Proceedings shall take place at such Meeting, but in such Case the said Meeting shall stand adjourned to that Day Fortnight, to be advertised in One or more of the Newspapers usually circulated in the said County of *Devon*, and so on until a Number of Proprietors entitled to or holding a sufficient Number of Shares as Principals or Proxies in the said Undertaking shall attend.

Meetings of
the Com-
pany may be
specially
convened.

LIII. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting of this Act into execution, a Special Meeting of the said Company is necessary to be held, it shall be lawful for any Number of the said Proprietors, not less than Five, who together shall be possessed of or entitled to Fifty Shares at the least in the said Undertaking, to cause Twenty-one Days Notice at the least to be given in some one Newspaper usually circulated in the said County of *Devon*, and also to give to each Proprietor entitled thereto as aforesaid, and in manner aforesaid, or leave at or send by Post to his usual Place of Abode as aforesaid, a Notice in Writing, signed by any such Five Proprietors, or by the Clerk of the said Company for the Time being, or in such

such other Manner as the said Company shall at any Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the same shall be held; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters which shall be specified in such Notice; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special Meeting, shall be as valid with respect to the Matter specified in such Notice as if the same had been done at a Meeting at the Time herein-before appointed for holding the same; but no Business shall be done at any Special Meeting other than the Business for which it shall have been called.

LIV. And be it further enacted, That the said Company shall enter or cause to be entered in a Book or Books to be provided for that Purpose, and to be kept by the Clerk or other Officer of the said Company, a full and true Account of all Monies received and also of all Monies disbursed and Payments made by them, and of the several Articles, Matters, and Things for which such Monies shall have been disbursed and paid, and also a full and true Account and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and every such Book, and all other Books, Papers, and Writings belonging to the said Company, shall at all seasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward; and if any such Clerk or other Officer shall refuse to permit or shall not permit any Proprietor to inspect and peruse such Book at all seasonable Times, or take Copies thereof or Extracts from the same, every such Clerk or other Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Proceedings
and Ac-
counts to be
entered.

LV. And be it further enacted, That the said Company shall have Power from Time to Time to make such Calls for 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 think necessary for those Purposes, so that no such Call shall exceed the Sum of Two Pounds and Ten Shillings upon each Share of Twenty-five Pounds each which any Person 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 Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some one Newspaper usually circulated in the said County of *Devon*, and by Notice in Writing delivered to each Proprietor in the said Undertaking, or left at or sent by Post to his last known or usual Place of Residence, in Manner and subject to the Proviso herein contained in the Case of Notices of Meetings, which Monies so called for shall be paid to such Person, at such Time and Place and in such Manner as the said Company shall from Time to Time appoint and direct; and if any Person or Corporation shall neglect or refuse to pay his or their rateable or proportionable Part or Share of the Money so

Company
empowered
to make
Calls.

called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information ; or the said Company may and they are hereby authorized to declare the Shares belonging to any Person or Corporation neglecting or refusing to pay any Calls in manner aforesaid to be forfeited, and all Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and shall be assigned, by Writing under the Common Seal of the said Company, unto the Purchaser thereof, and the Produce thereof shall be applied and disposed of for the Purposes of this Act ; but no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given to or left at or sent by Post to the usual Place of Abode of the Owner of such Share respectively, in manner and subject to the Proviso herein-before specified in the Case of Notices of Meetings, nor until such Share shall have been declared to be forfeited at some stated or Special Meeting of the said Company which shall be held after the End of Two or more Calendar Months from the Day on which such Notice of Forfeiture shall have been given : Provided always nevertheless, that every such Forfeiture, after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between the said Proprietor so forfeiting and the said Company, with regard to any Call for Money subsequently to the Declaration of such Forfeiture, or the future carrying on and Management of the said Undertaking, but no such Share shall be forfeited if the Owner thereof, at or before such stated or Special Meeting, pay or tender to the Treasurer or Clerk to the said Company what shall be due thereon, together with legal Interest for the same from the Time when the same ought to have been paid, and all Expences incurred for the Recovery thereof : Provided also, that in case the Money produced by the Sale of any such Share shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, together with the Penalties incurred by Nonpayment, and the Expences attending the Sale thereof, the Surplus arising from such Sale shall be paid to the Person or Corporation to whom such Share shall have belonged : Provided also, that the said Company shall not by virtue of this Act at any Time sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Calls, and the Interest, Penalties, and Expences attending the same ; and from and after the Payment of all Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, any Share vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Corporation to whom such Share shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

Proceedings
in Actions
for Calls.

LVI. And be it further enacted, That in any Action to be brought by the said Company against the Owner of any Share in the said Undertaking, to recover any Sum of Money due and payable to the said Company

pany for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant, being the Proprietor of a Share in the said Undertaking, is indebted to the said Company in such a Sum of Money as the Call in arrear shall amount to, for so many Calls of so many Sums of Money upon so many Shares belonging to the said Defendant (as the Case shall happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Call was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice thereof was given as is directed by this Act, without proving any other Matter whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Two Pounds and Ten Shillings for every Sum of Twenty-five Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper and by Letter as aforesaid.

LVII. And be it further enacted, That after any such Call of Money shall have been made no Person shall sell or transfer any Share which he shall possess in the said Undertaking unless at the Time of such Sale or Transfer he shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for or in respect of each Share so sold or transferred.

After a Call, no Share to be sold until Call shall be paid.

LVIII. And be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Proprietors, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls.

Proprietors in arrear not to vote.

LIX. And be it further enacted, That the said Company of Proprietors at their First General Meeting to be held as herein-before is mentioned, or at some Adjournment from such First General Meeting, shall elect Thirteen of the said Proprietors, each of whom at the Time of such Election shall be possessed in his own Right of Four or more Shares in the said Undertaking, to be Directors to manage the Affairs of the said Company, and of the Thirteen Directors so elected Four shall be competent to act; and the several Persons so to be elected the first Directors, being neither disqualified nor resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *August* in the Year of our Lord One thousand eight hundred and thirty-seven, and until others shall be elected in their Stead in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration shall from Time to Time be allowed to the Directors of the said Company.

First General Meeting to choose Directors.

LX. And be it further enacted, That at every succeeding General Meeting to be held in the Month of *August* in each Year, or at some Adjournment thereof respectively, Five of the Directors who shall have been so elected as aforesaid (to be determined by Ballot amongst themselves), shall

Directors to be annually elected.

shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors and respectively possessed in their own Right of Four or more Shares in the said Undertaking shall be elected by the said Company to be Directors in their Place and Stead, and such Persons shall continue in their Offices for the Space of Twelve Calendar Months, to be computed from the Day of Election, or until others shall be duly elected in their or any of their Places.

Former Directors may be re-elected.

LXI. Provided always, and be it further enacted, That at every Annual Election of Directors any of the former Directors shall be re-eligible to the Office again immediately or at any Time or Times afterwards, notwithstanding his Term of Service shall have expired, or notwithstanding his having forfeited his Office by reason of Disqualification, in case he shall have again become duly qualified.

Directors contracting for Work, &c. to cease to have a Voice in the Direction.

LXII. Provided also, and be it further enacted, That if any Person who shall be elected a Director shall take or contract to take, or shall participate in any Manner in any Work to be done for the said Company, or in any Profit to be obtained by any such Work, every such Person so offending shall forfeit and pay to the said Company the Sum of One hundred Pounds, and shall thereupon cease to be a Director, and shall be disqualified from being a Director, and thereupon another Proprietor shall be elected in the Stead of such Person so ceasing and being disqualified as aforesaid to be a Director.

Election of Directors in case of Vacancies.

LXIII. And be it further enacted, That every Vacancy in the Direction by Resignation or Disqualification shall be filled up at a Special Meeting of the said Company, to be held for that Purpose within Forty Days next after such Vacancy shall happen or be known, (Twenty-one Days previous Notice being given by the Clerk to the said Company in manner next herein-after mentioned,) and the Person or Persons who shall be chosen to fill such Vacancy or Vacancies (being duly qualified) shall continue in Office upon the same Terms and for the same Period only as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office.

Meetings of Directors.

LXIV. And be it further enacted, That the said Directors shall or may hold their First Meeting within Twenty-one Days after their Appointment at such Time and Place at *Sidmouth* as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place within the said Parish of *Sidmouth* as they shall think fit; and the said Directors shall at each Meeting appoint One of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Directors present (the Number present not being less than Four, and each Director having but One Vote); and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive or casting Vote; and if on the Day appointed for any Meeting of the said Directors Four Directors

qualified

qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Director or Directors then present, or if none be present as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Two or more Directors may at any Time when they shall think fit call a Meeting of the Directors by Notice in Writing signed by such Two or more Directors, or by the Clerk to the said Company, to be sent by the Post or otherwise to the Residence or Address of every Director.

LXV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Parish of *Sidmouth* of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued and received, laid out and disposed of, for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, and Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company (except such Officers, Agents, or Servants as are to be appointed by the Proprietors as herein-after mentioned), or in paying or rewarding any such Officers, Agents, or Servants (so to be appointed by the said Directors), with Salaries, Gratuities, or other Recompence as to the said Directors shall seem proper; and in ordering, directing, and employing the Works and Workmen, and in making, enforcing, rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same, subject to such Rules, Orders, Bye Laws, and Regulations as shall at any Time be duly made by the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted; and the said Directors may require such Security to be given to the said Company from any Officer or other Person so appointed by the said Directors for the faithful Execution of his Office as they may think proper or reasonable.

Power of
Directors.

LXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General or Special Meeting and they are hereby authorized from Time to Time to nominate or appoint a Harbour Master, Treasurer, and a Receiver or Collector of the Tolls or Duties hereby imposed, and also a Clerk to the said Company, and such other Officers as they shall think proper, and to take such Security from such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Proprietors shall think proper, and from Time to Time to remove any such Harbour Master, Treasurer, Receiver, Collector, Clerk, or other Officer, or any of them; and such Clerk shall attend the Meetings of the said Company and of the said Directors, and shall, in proper Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled

Appoint-
ment of
Harbour
Master,
Treasurer
and other
Officers.

to any Shares in the said Undertaking, and of all Acts, Proceedings, and Transactions of the said Company and of the said Directors; and in case any such Treasurer, Receiver, Collector, or Clerk shall die, be removed from, or quit the Service of the said Company, it shall be lawful for the said Proprietors at their said General or Special Meetings to appoint any other fit Person to execute such Office in the Place of such Person who shall so die, be removed from or quit the Service of the said Company.

Treasurer
and Clerk
not to be the
same Person.

LXVII. And be it further enacted, That it shall not be lawful for the said Proprietors to appoint any Person who may be appointed the Clerk to the said Company, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company; and if any Person shall accept the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer
and other
Officers to
account.

LXVIII. And be it further enacted, That every Treasurer, Clerk, Collector, and other Officer or Person to be appointed by virtue of this Act, shall under his respective Hand, and at such Time or Times, and in such Manner as the said Directors shall direct, deliver to the said Directors, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Person received by virtue of or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and every such Officer or Person shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person or Persons as the said Directors shall appoint to receive the same; and if any such Treasurer, Clerk, or Collector, Officer, or other Person shall refuse or wilfully neglect to make and render such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to produce to the said Directors, or to such Person or Persons as they shall

shall appoint, within Seven Days after being thereunto required by the said Directors by Notice in Writing under the Hands of any Two or more of them, given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Directors or such other Person or Persons as aforesaid respecting the same, then and in every such Case, upon Complaint being made by the said Directors, or by any Person or Persons whom they the said Directors shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before such Justice, and upon the said Officer or Person appearing, or having been so summoned and not appearing without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the Justice to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer or Person had refused or wilfully neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to produce or give Satisfaction respecting the same as aforesaid, or to give up the same on the Expiration of his Office, then and in every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Directors for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Directors are hereby empowered to make and receive,) and until he shall have produced such Books, Papers, or Writings, or have given Satisfaction in respect thereof, or delivered up the same at the Expiration of his Office to the said Directors or to such other Person or Persons as aforesaid; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for Want of sufficient Distress by virtue of this Act for any longer Space of Time than Six Calendar Months.

LXIX. And be it further enacted, That no Prosecution or Commitment under the Provisions of this Act of any Treasurer, Clerk, Collector, or other Officer or Person to be appointed under the Powers of this Act,

Commitment of Officer not to discharge his Sureties.

shall acquit or discharge any Security or Securities that shall or may have been taken by or given to the said Directors for the due and faithful Execution of his or their Office, on the Payment of the Monies received or to be recived by him or them respectively.

Directors to be under the Control of General Meetings.

LXX. And be it further enacted, That the Directors to be appointed in pursuance of this Act shall keep or cause to be kept a regular Minute or Entry of their Proceedings, and from Time to Time shall make Reports to and be subject to the Examination and Control of the General and Special Meetings of the said Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors not personally liable.

LXXI. And be it further enacted, That none of the Directors for the Time being shall become personally answerable for the Performance of any Agreement into which he shall or may have entered as one of such Directors on behalf of the said Company; but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Directors shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract and Agreement, or for Damages occasioned by any Breach or Nonperformance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Directors, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Power to take Tonnage Duties.

LXXII. And be it further enacted, That from and after the Time that the said Harbour at *Sidmouth* and the intended Works therein shall have been so far formed and completed as that any Ship or Vessel may be enabled to load and unload Goods and Effects within the same (which Fact shall be found to the Satisfaction of the Justices of the Peace assembled at the Quarter Sessions to be holden for the said County of *Devon*, or the major Part of them, and be published in the *London Gazette*, and in some Newspaper circulated in the said County of *Devon*;) it shall be lawful for the said Company, or such Person or Persons as they shall appoint, and they are hereby authorized and empowered, from Time to Time and at all Times, to ask, demand, take, receive, collect, recover, and levy, for the Use of the said Company, upon all and every of the Ships, Vessels, and Boats of whatever Description which shall come into or use the said Harbour, or shall ride or be at anchor within the Limits of this Act, or within One Mile and a Half of the said Pier Head, any Sums not exceeding the several Rates and Duties specified in the Schedules (A.), (B.), and (C.) hereunto annexed, and also of and from every Person who shall enter or go upon the said Pier for the Purpose of Exercise only, or for the Purpose of embarking from or disembarking upon the same Pier in or from any Yacht or other Vessel used for Pleasure only, for every such Entrance any Sum not exceeding the Sum or Toll specified in the said Schedule (B.)

LXXIII. Pro-

LXXIII. Provided always, and be it further enacted, That if any Merchant Ship or any Coasting Vessel for which the said Rates or Duties shall have been paid shall depart from or leave the said Harbour, and shall within the Space of Twenty-four Hours next after such Departure, either from Accident, Stress of Weather, or any other Cause, be obliged to put back or return into the same, then and in every such Case such Ship or Vessel shall not be again liable to the Payment of the said Harbour Dues, in consequence of so putting back or returning into the said Harbour, any thing in this Act contained to the contrary notwithstanding.

Ships re-
entering the
Harbour
within
Twenty-four
Hours not
to be again
liable to the
Duties.

LXXIV. Provided also, and be it further enacted, That it shall be lawful for the Lords of the Treasury, or any Two of them, by their Order in Writing, to reduce the Rates and Duties hereby directed to be levied upon Foreign Ships to such Sum as they shall think fit, so as the same be not less than hereby directed to be levied upon *British* Vessels.

The Lords
of the Trea-
sury may
reduce the
Rates on
Foreign
Ships.

LXXV. And be it further enacted, That over and above the Tonnage Duty herein-before authorized to be taken on Ships, Vessels, or Boats entering into and using the said Harbour, or being at Anchor within One Mile and a Half from the Pier Head, there shall be paid to the said Company on all Goods, Wares, Merchandize, or other Commodities or Things which shall be landed or shipped within One Mile to the Eastward of the Eastern Pier of the said Harbour, and Half a Mile to the Westward of the Western Pier of the said Harbour, to be there exported or imported in such Ships, Vessels, or Boats, the several Rates or Duties specified in Schedule (D.) hereunto annexed.

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

LXXVI. And be it further enacted, That it shall be lawful for the said Company to fix such reasonable Rates upon Commodities not specified in the said Schedule (D.) as they shall think fit, provided such Rates shall not exceed One Tenth Part of the Freight of such Commodities.

Rates on
Goods.

LXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Postmaster-General.

Exempting
Vessels in
His Ma-
jesty's Ser-
vice, &c.

LXXVIII. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act of Parliament, and liable to the Payment of the Tolls or Duties by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master, or other Person having the Command of any Ship or Vessel is hereby required to produce such Certificate of Register at the Time of Payment of the said Tolls or Duties to the Person duly authorized to collect and receive the same; and in case of any Dispute about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any

To ascertain
the Tonnage
or Admea-
surement of
Ships.

Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

Collectors of Customs may refuse to discharge any Ship until the Duties are paid.

LXXIX. And for the more effectually securing the Payment of the said Rates, Tolls, and Duties, be it further enacted, That it shall be lawful for the Collector or Comptroller, and every other Officer whatsoever of His Majesty's Customs, to refuse to give or make out any Cocquet or other Discharge, or take any Report outwards or inwards, for any Ship, Vessel, or Boat using the said Harbour, until the Rates, Tolls, or Duties by this Act made payable, according to the true Intent and Meaning hereof, shall be paid unto the Collector or other Person from Time to Time appointed to receive the same; and such Collector or Comptroller, or other Officer of His Majesty's Customs, shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from His Majesty's Commissioners of Customs relating thereto.

Power to reduce the Tolls.

LXXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time and as often as they shall think fit to lessen and reduce the Tolls and Duties granted by this Act or any Part thereof, and again to raise and advance the said Tolls and Duties respectively so as not at any Time to exceed the Amount herein-before authorized to be collected and paid.

Rates not to be partially reduced or altered.

LXXXI. Provided also, and be it further enacted, That the said Company shall not partially raise or lower the said Rates or Duties, but the said Rates or Duties shall be so fixed as that the same shall be taken from Persons alike under the same or similar Circumstances.

List of Tolls to be affixed in conspicuous Places.

LXXXII. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and continued, and renewed as often as the same shall be obliterated or defaced, in some conspicuous Part of the said Port and Harbour, in large and legible Characters, an Account or List of the Tolls or Duties which the said Company shall from Time to Time direct and appoint to be taken; and in case any Collector of the Tolls or Duties aforesaid shall after such Account or List shall be affixed and stuck up as aforesaid demand or take more than the Price or Sum of Money therein specified and ascertained, such Collector or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Recovery of Rates, &c.

LXXXIII. And be it further enacted, That all the Rates, Tolls, and Duties authorized by this Act to be received, collected, and taken shall be paid to such Person, at such Place at or near the said Harbour, in such Manner and under such Regulations as the said Company shall, by Notice to be annexed to the List of Tolls, Rates, and Duties by this Act imposed, from Time to Time direct or appoint; and in case any Owner or Master or any other Person having the Rule or Command of any Ship or other Vessel coming into or going from the said Harbour, or any Factor, Consignor, or Consignee of any Goods, Wares, or Merchandize,
or

or any Person liable to pay such Rates, Tolls, or Duties, shall neglect or refuse to pay such Tolls, Rates, or Duties, or any Part thereof, on Demand, to the Person appointed to receive the same, then and in such Case it shall and may be lawful for any Person appointed by this Act to receive the same to go on board such Ship, Boats, or other Vessel to demand, collect, or receive the said Rates or Duties, and on Nonpayment thereof to take, seize, and distrain every such Ship, Boat, or other Vessel, and all Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and all or any Part of the Goods, Wares, or Merchandize in respect whereof such Rates or Duties shall be payable, either on board such Ship, Boat, or other Vessel, or on Land, and the same to detain until the respective Rates, Tolls, or Duties shall be paid and satisfied; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Five Days after any Distress or Distresses so made or taken, exclusive of the Day of taking the same, that then it shall and may be lawful to and for the said Company or any Person appointed as aforesaid to cause the same to be appraised and sold as the Law directs in Cases of Distress for Rent, and out of the Produce of the Sale thereof to satisfy themselves and himself, as well for and in respect of the Rates, Tolls, or Duties so neglected or delayed to be paid, as also for and in respect of their or his reasonable Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any such there be) to the Owner, Master, or Commander, or Person or Persons having the Rule or Command of such Ship, Boat, or Vessel, upon Demand; and it shall and may be lawful for the said Company in case of Nonpayment of the Rates, Tolls, and Duties as aforesaid, instead of recovering the same in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or for so much thereof as shall not be so recovered, by Action of Debt or Trespass on the Case in any of His Majesty's Courts of Record at *Westminster*.

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

Penalty on
evading
Tolls on
Vessels,
Goods, &c.

LXXXV. And be it further enacted, That if any Person, in respect of or by whom the Toll herein-before authorized to be taken for every such Entrance upon the said Pier as aforesaid shall be due or payable,

Penalty on
Persons
evading
Toll on the
Pier.

shall refuse or evade Payment thereof, every such Person shall forfeit and pay for every such Refusal or Evasion any Sum not exceeding Twenty Shillings to the said Company of Proprietors, which Forfeiture may be recovered from such Person by the same Method and in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act, with the like Costs.

Penalty on
landing
Goods out-
side the
Harbour.

LXXXVI. And be it further enacted, That no Ship, Lighter, Barge, or other Vessel shall land or ship her Cargo, or any Part thereof, by the Sides or along the Banks on either Side of the said Pier or Harbour, except at such Quays, Wharfs, and Landing Places as shall be made and assigned by the said Directors for the loading and discharging, or landing and shipping of such Cargoes, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds, and upon pain of forfeiting to the King's most Excellent Majesty, His Heirs and Successors, such of the Goods or Merchandize so landed or shipped as shall be liable to the Payment of any Duty to His Majesty on such landing or shipping, which Goods or Merchandize may be seized accordingly by any Officer of His Majesty's Customs or Excise, and disposed of according to Law.

For settling
Disputes
concerning
Tolls.

LXXXVII. And be it further enacted, That if any Disputes shall arise concerning the Amount of the Tolls or Duties due, or Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Tolls or Duties due, and the Charge of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by a Justice of the Peace for the said County, who upon Application made to him for that Purpose shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Tolls or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Parties liable to pay the same, by Warrant under the Hand and Seal of such Justice, and which Warrant may be in the Form or to the Effect following; (that is to say,)

Form of
Warrant.

County of } To the Constable [*or other Officer*] of
to wit. }

WHEREAS, in pursuance of an Act passed in the Sixth Year of the
Reign of King *William* the Fourth, intituled [*here set forth the*
Title of this Act], I *A. B.*, One of His Majesty's Justices of the Peace
for the said County, on the Complaint of *C. D.*, have ascertained and
determined that certain Tolls or Duties payable by *E. F.* of
to the said *C. D.*, by virtue of the said Act, amount to the Sum of
which the said *C. D.* is by the said Act empowered
to raise by Distress in manner therein mentioned; and I have also
assessed and awarded the Sum of as the Costs
relative thereto, to be paid by the said to the said
: These are therefore in His Majesty's Name
to command you, in case of Nonpayment thereof on Demand, to levy
the said Sum of by Distress of the Goods and
Chattels of the said ; and if within the Space
of

‘ of Days next after such Distress by you taken, the said Sum of
 ‘ with the reasonable Charges of taking and keeping
 ‘ the same, shall not be paid, that then you do sell the Goods and
 ‘ Chattels by you distrained, and out of the Money arising by such Sale
 ‘ that you do pay the said Sum of to the said
 ‘ returning the Overplus, on Demand, to the said
 ‘ the reasonable Charges of taking, keeping, and selling the said Distress
 ‘ being first deducted. Given under my Hand and Seal the
 ‘ Day of . A. B.’

LXXXVIII. And be it further enacted, That it shall be lawful for the said Company to let to farm the Tolls or Duties hereby made payable, or any Part thereof, unto any Person, for any Term or Time which they shall think proper, not exceeding Three Years; and the Lessee thereof, and also such Person as such Lessee shall appoint to collect and receive the Tolls and Duties so let, shall during the Continuance of any such Lease be deemed Collectors thereof, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Tolls and Duties, or any Part thereof, be given by the Clerk to the said Company by Advertisement published in some Newspaper usually circulated in the said County at least Ten Days prior to any Meeting at which the said Tolls or Duties or any Part thereof are proposed to be let.

Company
empowered
to lease the
Tolls.

LXXXIX. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent agreed to be paid by such Lessee or Farmer, or any Part thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting such Tolls or Duties, or in case any such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County, upon Application made by One or more of the said Proprietors, or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to remove such Lessee, Farmer, or other Person from the Collection of such Tolls or Duties, and to put the said Company, or any of them, or their new Lessee, Farmer, or Collector, into Possession; and thereupon it shall be lawful for the said Company, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Contract, or Agreement, had never been made; and it shall be lawful for the said Company in every such Case again to demise or let to farm the said Tolls or Duties to any other Person, or cause them to be collected in such and

Power of
Re-entry.

[Local.]

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the

the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Compensation for Damage done to the Harbour.

XC. And whereas Damage may frequently be done to the Pier, Quay, Bridges, Walls, Cranes, Hoisting Machines, and other Works belonging to the said Harbour or to the said Company, by Ships and other Vessels navigating therein, owing to the Wilfulness or Negligence of the Masters or other Persons having or taking the Command or the Care or Charge of such Ships and Vessels, and although it is reasonable that such Damage should be compensated, such Compensation may be refused to be made; be it therefore enacted, That every Master, Mate, or Pilot, or other Person having the Command, Care, or Charge of any Ship, Boat, or Vessel, Raft or Float of Timber, by whose wilful Neglect or Mismanagement thereof any Damage shall be done or happen to any of the Piers, Quays, Walls, Basins, Wharfs, Gates, Bridges, or any Cranes, Hoisting Machines, or other Works and Machinery belonging to the said Company, shall pay for or make good all such Damage; and all such Damage, in case the Amount thereof so claimed shall not exceed the Sum of Twenty Pounds, shall be recoverable before any Two Justices of the Peace for the County of *Devon*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ship, Boat, or Vessel, Raft or Float, doing such wilful or negligent Damage as aforesaid, and to hear and determine the same, and ascertain such Damage; and if Judgment shall be given by them against such Master or other Person, then it shall be lawful for such Justices, or any other Justices of the Peace for the said County, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum or Sums awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Boat, or other Vessel, Raft or Float, doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after any Distress or Distresses so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same, which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges of taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or other Person entitled to the same, on Demand; and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in the Common Gaol or House of Correction of the said County of *Devon*, there to remain for any Time not exceeding Six Calendar Months, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the Treasurer of the said Company, to be applied for the Purposes of this Act.

Owners of Ships to be accountable for Damages done by their Servants.

XCI. And be it further enacted, That the Master and Owner of every Ship, Boat, or Vessel using the said Port and Harbour shall be and he is hereby made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his Ship, Boat, or Vessel, or by any of the Seamen or Boatmen or other Persons belonging to or employed in or about the same respectively, to the Breakwaters, Piers, Jetties, and other Works or Conveniences

niences made by virtue of this Act, by any Means whatsoever, or to the Owners or Proprietors of any Building or other Erection on the Lands adjoining or lying near the same, or any other Trespass whatsoever, and such Owner of such Ship, Boat, or Vessel shall for every such Damage, upon Conviction of such Person before One Justice of the Peace, either by Confession of the Party offending or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), pay to the Person injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner of any such Ship, Boat, or Vessel, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner of such Ship, Boat, or Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict shall be given against him, either on Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

XCII. And be it further enacted, That if the Owner of any such Ship, Boat, or Vessel shall be compelled to pay any Penalty or make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his Seamen, Boatmen, or other Persons employed by him, then and in such Case every such Seaman, Boatman, or other Person shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner, and in case of Nonpayment thereof, on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Servant to be liable to repay his Master for Damages.

XCIII. And be it further enacted, That if any Person shall suffer the Cargo or Loading of any Ship, Boat, or Vessel using the said Port and Harbour to be over the Sides thereof, or shall overload any Ship, Boat, or Vessel, or shall leave or place, or suffer any Ship, Boat, or Vessel to be left or remain, in any Part of the said Port and Harbour, so as to obstruct the Passage of any other Ship, Boat, or Vessel, and shall not immediately upon Notice given of such Obstruction remove the same, so as to make a free Passage for other Ships, Boats, or Vessels respectively, or shall float any Timber within the said Port and Harbour (except with the Permission of the Harbour Master), or shall throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into the said Port and Harbour (except in such Places as shall be set out and fixed by the said Harbour Master), or shall wilfully prevent, obstruct, or hinder any Person acting in execution of this Act, every Owner, Master, or other Person having the Care or Command of such Ship, Boat, or Vessel, or offending in any of the Matters aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons causing Obstruction in the Harbour.

XCIV. And

Power for
the Har-
bour Master
to regulate
and direct
the placing
and mooring
of Vessels in
the Harbour.

XCIV. And be it further enacted, That it shall be lawful for any Person appointed in pursuance of this Act to act as Harbour Master within the said Port and Harbour of *Sidmouth* to direct any Person having the Command of any Vessel entering into or being within the said Part and Harbour to moor, anchor, and place the same in such Situation within the said Port and Harbour as the said Harbour Master shall think fit; and in case the Master of such Vessel shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, and place the same as the said Harbour Master shall direct, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and it shall be lawful for the said Harbour Master, and such other Persons as he shall call to his Assistance, to remove or cause to be removed the said Vessel in such Manner as he shall deem necessary or proper, and such Master shall pay all the Charges and Expences attending the removing such Vessel after such Direction, Refusal, or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures; and if any Person shall prevent or impede the Removal of any such Vessel such Person shall forfeit and pay any Sum not exceeding Ten Pounds.

Company
empowered
to employ
Steam
Vessels.

XCV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide One or more Steam Vessels commonly called Steam Tugs, for the Purpose of towing and assisting Ships and Vessels entering into or using the said Port and Harbour, and of conveying Persons on board such Ships or Vessels, and to receive, demand, and recover such Sums of Money for the Use of such Steam Vessels as shall from Time to Time be fixed by the said Company, in addition to the other Rates or Duties by this Act authorized to be taken, and to be recovered in the same Manner as the other Rates and Tolls by this Act imposed.

Power to
purchase
Land for
Wharfs, &c.

XCVI. And whereas it may tend to the public Advantage and Accommodation if the said Company be empowered to purchase, in addition to the Land hereby authorized to be purchased, used, or taken, any Quantity of Land not exceeding Thirty Statute Acres for depositing Ballast, and for making, erecting, forming, and providing any Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to contract with any Persons or Corporations for the Purchase of any Parcel of Land (not exceeding in the whole Thirty Statute Acres) in such Place as shall be deemed eligible or convenient for depositing Ballast, and for making, erecting, forming, and providing any Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, or for any other Purpose whatsoever connected with the said Port, Harbour, and other Works, which the said Company shall judge requisite and necessary, and to levy, for the Use and Occupation of such Wharfs, Yards, Messuages, Warehouses, and other Buildings and Conveniences, such Dues, Rents, or Sums of Money as are specified in the Rates of Wharfage in the Schedule (E.) to this Act annexed; and for any Article, Property, Goods, or Things as are not specified in the said Rates of Wharfage, such Dues, Rents, or Sums of Money as may from Time to Time be agreed upon between the Persons using and occupying the same and the
said

said Company, or such Dues, Rents, and Sums of Money as shall be a reasonable Charge by or Remuneration to the said Company, according to the usual Rate of Wharfage Charges; and it shall be lawful for all Corporations and Persons whomsoever to sell and grant or convey to the said Company any Parcel of Land whatsoever for the Purposes aforesaid or any of them, in the same Manner as is herein-before directed concerning Lands to be taken or used for the Purpose of making and constructing the said Harbour and other Works: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or use for any such Purposes any Lands without the Consent in Writing of the Owners or Occupiers of such Lands, or to oblige the Owners thereof to sell to the said Company any Lands or Buildings for such Purposes.

XCVII. Provided always, and be it further enacted, That in case the said Company shall purchase the said Thirty Statute Acres of or from any Corporation, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of what shall have been so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Lands, in lieu of the Lands so sold as last aforesaid, of or from the same, or of or from any other Corporations, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the said Company to purchase of or from the same, or any other Corporations, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, to sell to the said Company any other Lands, Tenements, or Hereditaments, in lieu or in stead of such Thirty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Limiting the Quantity of additional Land to be purchased from incapacitated Persons.

XCVIII. And be it further enacted, That if any Wharfinger, or any Servant belonging to the said Company, shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Yards, or Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, any Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Wharfingers not to give Preference.

XCIX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend to give Evidence before any Justice of the Peace touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on the

Compelling Witnesses to attend.

Part of the Prosecutor or the Person 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 Costs and Expences), without a reasonable Excuse for his Refusal or Neglect of appearing, or shall refuse to be examined upon Oath (or, in case of a Quaker, on solemn Affirmation), and to give Evidence before such Justice of the Peace, or at any General or Quarter Sessions, or Adjournment thereof, then and in either of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Persons giving false Evidence deemed guilty of Perjury.

C. And be it further enacted, That if any Person shall on Examination on Oath or Affirmation before any Justice or 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 hereby declared to be subject and liable to Penalty and Punishment as by any Law in force Persons guilty of wilful and corrupt Perjury are subject and liable to.

Persons interested not incompetent Witnesses.

CI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard or determined relative to this Act by reason or on account that such Person shall belong to, be engaged in, or act officially under the Appointment of the said Company, or be otherwise interested or concerned in the said Harbour and other Works.

Damages and Charges in case of Dispute to be settled by Justices.

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

In case of Nonpayment of Compensation for Damages, &c.

CIII. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered by any Justice of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person acting under or by their Authority, and such Sum of Money shall not be paid by the said Company to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being (in case such Treasurer shall refuse or neglect to pay the same out of any Money then in his Hands belonging to the said Company, or if the said Treasurer shall not then have any Money in his Hands belonging to the said Company, then out of the first Monies of the said Company that shall then afterwards come into his Hands, but Distress and Sale

Sale of the Goods and Chattels of such Treasurer shall not be made unless he shall so refuse or neglect as aforesaid), under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application to him made for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be.

CIV. And be it further enacted, That all Penalties and Forfeitures for all the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, or against any Rules, Bye Laws, or Orders made in pursuance of this Act, shall be adjudged by and recovered before any Justice or Justices of the Peace for the County of *Devon* in a summary Way, who is and are hereby authorized and empowered to convict the Offender upon Information by the Oath or Affirmation of any Person, or on the Confession of the Party offending (which Oath and Affirmation any one such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and the Penalties and Forfeitures, when recovered, shall be paid to the said Company, unless such Penalties and Forfeitures shall be incurred by the said Company, in which Case one Moiety thereof shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, to be applied to the Use of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice and he is hereby authorized and required to order the Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear, to the Satisfaction of any such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon such Penalties, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for the County or Place where such Offence

Recovery
and Appli-
cation of
Penalties

Offence shall be committed, there to remain for any Time not exceeding Four Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by due Course of Law.

Justices
may proceed
by Summons
in the Re-
covery of
Penalties.

CV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall and may be lawful for any Justice 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 had been exhibited.

Distress not
unlawful for
Want of
Form.

CVI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Vagrants
and disor-
derly Per-
sons may be
appre-
hended.

CVII. And be it further enacted, That it shall and may be lawful to and for the Officers to be appointed by the said Company, and to and for any Messenger at Arms, Sheriff's Officer, Peace Officer, Town Officer, or other Person, and they are hereby severally authorized and empowered, to apprehend, seize, secure, and detain till he can be regularly conveyed before a Magistrate every Vagrant, Idler, or disorderly Person 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 *Sidmouth*, and punish the Person in whose Custody the same may have been found by Imprisonment and hard Labour in the County Gaol, or in some other legal Place of Confinement within the County of *Devon*, for any Time not exceeding Six Calendar Months.

CVIII. And

CVIII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Harbour Master, Collectors, Surveyors, and other Officers under this Act; be it further enacted, That it shall and may be lawful to and for the said Harbour Master, Collectors, Surveyors, and other Officers respectively to seize and detain any unknown Persons guilty of any Offence against this Act, and to convey them before any Justice of the Peace for the said County, without any other Warrant or Authority than this Act for so doing, and such Justice is hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender.

For securing transient Offenders.

CIX. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every such Justice before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say,)

Form of Conviction.

‘) BE it remembered, That on the Day of
‘ to wit.) in the Year of our Lord
‘ A.B. is convicted before me C. D., One of His Majesty’s Justices of the
‘ Peace for the County of [specifying the Offence,
‘ and the Time and Place when and where committed, as the Case may be],
‘ contrary to an Act passed in the Sixth Year of the Reign of King Wil-
‘ liam the Fourth, intituled [here set forth the Title of this Act].
‘ Given under my Hand and Seal the Day and Year first above written.

CX. And be it further enacted, That any Person thinking himself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by any Order, Judgment, or Determination of any Justice, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given (first giving Ten Days Notice of such Complaint, and of the Nature thereof, to the Person against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order and Award of the Court thereon), appeal to the Justices of the Peace at the next General or Quarter Sessions to be held in and for the said County of *Devon*, who shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the next following General or Quarter Sessions of the Peace to be held for the said County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

Plaintiff not
to recover
without No-
tice, or after
Tender of
Amends.

CXI. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant, or left at his last or usual Place of Abode, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney, by or on behalf of the Defendant, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

CXII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty-One Days previous Notice shall be given by the Person intending to commence and prosecute such Action, Suit, or Information to the said Company, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall not be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time to be limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant, and he shall have his Costs, and such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Notices on
Company
how to be
served.

CXIII. And be it further enacted, That all Notices, and all Writs and other legal Proceedings, and Proceedings in Equity, against the said Company, shall and may be served on the Clerk or Treasurer for the Time being to the said Company, or left at his last or usual Place of Abode, or on any Director of the said Company, or left at his last or usual Place of Abode, or at the Office of the said Company, and such Service shall be deemed

deemed and taken to be good and valid Service of such Notices, Writs, and other Proceedings at Law or in Equity on the said Company.

CXIV. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon any Corporation or any Person whomsoever, under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Clerk for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

Declaring what shall be good Service of Notice by the Company.

CXV. And be it further enacted, That unless the said Company shall within the Space of Two Years, to be computed from the passing of this Act, agree for or cause to be valued, and pay or caused to be paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of making and improving the said Harbour and other Works hereby authorized, (save and except the aforesaid Thirty Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands hereby authorized to be taken or used for making the said Harbour or other Works,) then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent of the Owners and Occupiers thereof respectively.

If Land not contracted for within Two Years, Power of purchasing to cease.

CXVI. And be it further enacted, That in case the said Harbour and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then, and from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Harbour and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace for the said County of *Devon* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath or (in the Case of Quakers) Affirmation to be produced before such Justices for that Purpose.

If Harbour not completed in Seven Years Powers to cease, except as to such Part (if any) as shall be completed.

CXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to exhibit or alter any Light or Beacon for the Guidance of Ships and Vessels resorting to or using the said Port and Harbour, without having from Time to Time first obtained the Sanction in Writing of the Corporation of *Trinity House* of *Deptford Strond* as to the Description and Power of any such Light, and the Character of any such Beacon, and the Mode of exhibiting the same respectively.

Lights or Beacons not to be exhibited without the Sanction of the Trinity House of Deptford Strond.

CXVIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice or derogate from

Saving the Rights of Trinity House.

from any of the Rights or Privileges of the Corporation of *Trinity House of Deptford Strond.*

Saving the Rights of the Lords of the Manors of Sidmouth and Salcombe Regis.

CXIX. Provided further, and be it further enacted, That nothing herein contained shall extend or be construed to extend to restrain, hinder, or prevent the Lord or Lady, Lords or Ladies of the Manors of *Sidmouth* and *Salcombe Regis*, or either of them, his, her, or their Heirs or Assigns, from exercising any Manorial or other Right or Rights vested in him, her, or them, or to which he, she, or they is or are entitled, in such Manner, to all Intents and Purposes, as if this Act had not passed, so as not to prevent, hinder, or obstruct the carrying of the several Powers and Authorities given by this Act into execution.

Public Act.

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

The SCHEDULES referred to by the foregoing Act.

Schedule (A.)

HARBOUR DUES On Tonnage of Vessels frequenting the Port in Trade.	Per Ton.		
Tonnage on Vessels independent of Cargo.			
Foreign, to unload or load within the Limits, to pay	£	s.	d.
British, from Foreign, to unload or load, ditto	0	1	3
British, coastwise Traders ditto	0	0	9
Colliers ditto	0	0	6
Colliers loaded with Limestone, Lime, Sand, Manure, Ballast, or any Description of Compost for Land within the Limits, to pay	0	0	4
And for every other Vessel loaded with the above, ditto	0	0	4
For every Vessel running into or under Shelter of the Harbour by Stress of Weather, and not unloading, of less Burthen than 20 Tons	0	0	4
From 20 to 60 Tons	0	0	5
From 60 to 100 Tons	0	0	6
From 100 to 120 Tons and upwards	0	0	7
For every Vessel coming into or under Shelter of the Harbour, for Shelter or in Distress, lying longer than 7 Days after the Weather abates and the Wind permits, unless for the Purpose of Repairs, per Ton per Day	0	0	2

Schedule (B.)

	Per Annum.		
For every Fishing Boat or Vessel kept or laid up in or under the Shelter of the Harbour, of less Burthen than 2 Tons and not exceeding 3 Tons	£	s.	d.
Above 3 Tons and not exceeding 6 Tons	0	5	0
For every Pleasure Boat or Vessel under 10 Tons	1	0	0
Above 10 Tons and not exceeding 20 Tons	2	0	0
Above 20 Tons and not exceeding 60 Tons	3	0	0
Above 60 Tons	4	0	0
For every Passenger coming to or going from the said Harbour	0	1	0
For every Person embarking	0	0	2
For every Person who enters the Pier, except those who embark, 1d. each Time, or 2d. the whole Day.			

[Local.]

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Schedule (C.)

	£	s.	d.
For every other Fishing Boat or Vessel, for each Time it shall go out of the said Harbour, having loaded or unloaded therein, or within the Limits thereof, of less Burthen than 2 Tons and not exceeding 3 Tons	0	0	6
Above 3 Tons and not exceeding 6 Tons	0	1	0
Above 6 Tons and not exceeding 10 Tons	0	1	6
Above 10 Tons and not exceeding 20 Tons	0	2	0
Above 20 Tons and not exceeding 30 Tons	0	3	0
Above 30 Tons and not exceeding 40 Tons	0	3	6
Above 40 Tons	0	4	0
For every Fishing, Pleasure Boat, or Vessel coming into the said Harbour, not loading or unloading therein, and lying longer than 12 Hours, unless prevented from departing by Wind or Weather, per Ton per Day	0	0	2
For every Boat or Vessel of the above Description, coming in and going out again within the Time specified above, for each Time	0	1	0

Schedule (D.)

Rates and Duties for Goods imported into or exported from any Place within the Limits of the said Harbour.

	£	s.	d.
For every Quarter of Wheat, Wheat Meal, Malt, Peas, Tares, Mustard Seed, and Seeds of every other Denomination	0	0	4
For every Quarter of Beans, Rye, and Oats, and so in proportion	0	0	4
For every Butt, Pipe, Puncheon, or Piece of Wine, Sweet Oil, or Spirits	0	3	0
For every Hogshead of Wine, Oil, or Spirits	0	1	6
For every Butt of Ale or Porter	0	3	0
For every Hogshead of Ale or Porter	0	1	6
For every Puncheon of Ale or Porter	0	3	0
For every Barrel of Ale or Porter	0	1	6
And less Casks in proportion.			
For every solid Hogshead of Sugar, per 100 Weight	0	0	2
For every Hogshead or Package of Loaf or Lump Sugar, per 100 Weight	0	0	2
For every Quarter Cask of Wine, Sweet Oil, or Spirits	0	1	0
For every Barrel, whether wet or dry	0	0	6
For every Half Barrel, whether wet or dry	0	0	4
For every smaller Cask, of whatsoever Denomination, whether wet or dry	0	0	2
For every Butt empty (not on Return)	0	0	3
For every other Cask (not on Return) in proportion.			
For every Vat, Butt, or Puncheon packed with Goods	0	2	6
For every Hogshead or other Cask packed with Goods	0	1	3
For every Sugar Hogshead packed with Goods	0	2	0
For every smaller Cask packed with Goods	0	1	0

	£	s.	d.
For every Vat or Cask of Tallow not exceeding 600 Weight	0	0	9
For every large Vat or Cask of Tallow, per 100 Weight	0	0	2
For every Bale or Truss (great)	0	0	8
For every Bale or Truss (small)	0	0	4
For every Pack of Wool, Yarn, or Cotton, containing 240lbs. Weight	0	1	6
For every larger or smaller Package in proportion.			
For every small Frail, Maund, or Basket	0	0	2
For every great Frail, Maund, or Basket	0	0	4
For every Piece of Ordnance, Brass or Iron, per 100 Weight	0	0	2
For every Anchor, per 100 Weight	0	0	2
For every 100 Weight of Iron, wrought or unwrought	0	0	2
For every 100 Weight of Lead	0	0	2
For every 100 Weight of Tin	0	0	2
For every Ton of Salt	0	2	0
For every 100 of Cod Fish, called Sized Fish	0	1	0
And so in proportion.			
And the small Sort	0	0	6
For every Load of Lime of 28 Bushels	0	1	8
For every 100 of One Inch and Quarter Deal Boards, from 10 to 14 Feet in Length	0	2	6
For every 100 of Two Inch and Half Deal Boards, from 10 to 14 Feet in Length	0	3	6
For every 100 of Three Inch Deal Boards	0	4	0
And so in proportion for greater Lengths.			
For every 1,000 Barrel Boards and Staves	0	2	6
For every 100 of Petersburgh Battens	0	3	0
For every 100 of Clove Boards or Battens	0	1	6
For every Mast of 10 Inches Diameter	0	1	8
For every Mast of 7 Inches Diameter, and under 10	0	1	0
For every smaller Mast in proportion.			
For every Spar of 10 Inches Diameter	0	0	10
For every Spar of 7, 8, and 9 Inches Diameter	0	0	6
For every Spar of 4, 5, and 6 Inches Diameter	0	0	3
For every Score of smaller Spars	0	0	10
For every Load of Oak or Elm Boards	0	2	6
For every 1,000 of cleft Pale	0	2	0
For every Ton of Oak, Elm, or other Timber	0	2	6
For every Load of Posts and Rails, or separately	0	2	3
For every Bundle of Wood or Iron Hoops	0	0	1½
For every 20 Bundles of Laths	0	0	10
For every Fathom of 6 Feet Lath Wood	0	1	6
For every Ton of Plaster of Paris	0	1	6
For every Ton of Roman Cement	0	1	6
For every Ton of any other Cement	0	1	6
For every Ton of Iron Pipes	0	3	6
And so in proportion for a smaller Quantity.			
Bark, per Ton	0	1	6
For every Ton of Coals or Culm	0	2	6
Copper Sheathing, and all other Copper, per 100 Weight	0	2	6
For every Ton of Soap Rock or other Clay	0	2	6
For every Fathom of Five Feet Lath Wood	0	1	3

	£	s.	d.
For every Cord of Fire Wood	0	0	6
For every 100 Faggots	0	1	0
And so in proportion for a smaller Quantity.			
For every 1,000 Weight of hard Wood, cloven or not	0	1	0
For every smaller Weight in proportion.			
For every Millstone (great)	0	2	0
For every Millstone (small)	0	1	6
For every Tombstone	0	3	0
For every Tombstone (Marble)	0	6	0
For every Monument	0	6	0
For every Monument (Marble)	0	9	0
Cork, per 100 Weight	0	0	2
Hair of all Sorts, per 100 Weight	0	0	2
For every Corpse	0	10	0
For every small Trunk, Chest, or Box	0	0	3
For every great Trunk, Chest, or Box	0	0	6
Whiting, per 100 Weight	0	0	1
For every small Bundle or Parcel	0	0	1
Paper, per 100 Weight	0	0	2
For every Bag of Hops	0	1	6
For every Pocket of Hops	0	0	9
Rushes, per 12 Bundles	0	0	2
For every 1,000 of Bricks, and so in proportion	0	2	6
For every 1,000 of plain Tiles, and so in proportion	0	1	0
For every 1,000 of Top, Ridge, Gutter, or Pantiles, and so in proportion	0	1	6
For every 1,000 of Mathematical Tiles	0	2	0
For every 1,000 of Paving Tiles	0	2	0
For every 100 of flat Paving Stones (large)	0	2	0
For every 100 of flat Paving Stones (small)	0	1	6
For every Ton of Sand or Shingle taken within or outside the Harbour for Ballast	0	0	9
For every Ton of Marble	0	3	0
For every Ton of Portland, Purbeck, or other Stone	0	1	6
For every Marble Slab, polished, per Ton	0	6	0
For every Marble Chimney Piece, polished, per Ton	0	6	0
For every large Grindstone	0	0	6
For every small Grindstone	0	0	4
For every Ton of Freestone, rough or hewn	0	1	0
For every Vessel above 15 Tons watering at the said Harbour	0	1	6
For every 100 Weight of Cheese	0	0	3
For every Barrel of Fish or Train Oil	0	0	6
And so in proportion for every greater or smaller Cask of Fish and Oil.			
For every Barrel of Pitch or Tar	0	0	6
For every Barrel of Red Herrings	0	0	6
For every Barrel of Pilchards	0	0	6
For every Ton of Potatoes, Apples, or Pears	0	1	6
For every 100 Weight of Hemp	0	0	2
For every 100 Weight of Cordage	0	0	3
For every 100 Weight of Blocks	0	0	3

	£	s.	d.
For every Bolt of Canvas, Nos. 1, 2, and 3	0	0	2
For every other Bolt of Canvas in proportion			
For every Horse or Bullock	0	1	0
For every 4-wheeled Carriage	0	5	0
For every 2-wheeled Carriage	0	3	0
For every Sedan Chair	0	1	0
For every Bath Chair	0	1	0
For every Sack of 5 Bushels of Flour	0	0	3
For every Bag of Bran of 8 Bushels	0	0	6
For every Ton of Kelp	0	1	6
For every Ton of Brill	0	2	0
For every Load of Hay, per Ton	0	1	0
For every Load of Straw, per Ton	0	1	0
For Oil Cakes, per Ton, and so in proportion	0	1	6
For every Bushel of Onions	0	0	2
For every Bushel of Oysters	0	0	2
For every Firkin or small Barrel of Oysters	0	0	2
For every Hide, raw	0	0	2½
For every Hide, tanned	0	0	6
For every Dozen of Goat, Calf, Sheep, or Lamb Skins	0	1	9
For every 100 Weight of Wrought Pewter	0	0	8
For every 100 Weight of Old Pewter	0	0	4
For every Calf	0	0	6
For every Dog	0	0	6
For every Fox, Deer, &c.	0	1	0
For Hares and Pheasants, and all other Game, per Head	0	0	2
For every Bag of Feathers (large)	0	0	9
For every Bag of Feathers (small)	0	0	5
For every Crate of Glass Ware, per Ton	0	3	6
For every Crate of Earthenware (large), per Ton	0	2	6
For every Crate of Earthenware (small) in proportion.			
For every Stove	0	0	3
For every large Range or Grate	0	0	6
For every small Range or Grate	0	0	3
For every Chest of Drawers, double	0	0	8
For every Chest of Drawers, single	0	0	4
For every Mahogany or other Chair	0	0	2
For every Side of Bacon	0	0	6
For every Billiard Table	0	5	0
For every Dining Table	0	1	0
For every Card or Pembroke Table	0	0	4
For every other Table	0	0	3
For every Mahogany Bedstead	0	0	4
For every other Bedstead	0	0	3
For every Sofa	0	1	0
For every Harpsichord	0	4	0
For every Spinette, or Pianoforte	0	4	0
For Wine in Bottles, per Dozen	0	0	4
For every Score of Sheep	0	1	2
For every Score of Lambs	0	1	2
Or less than 1 Score, per Head	0	0	1
For every Pig	0	0	3

[Local.]

57 L

	£	s.	d.
For every Barrel of Anchovies, or Ashes, per 100 Weight	0	0	6
And so in proportion for a less Weight.			
Alum, per 100 Weight	0	0	2
Beef or Pork, per Barrel or Tierce	0	0	4
Butter, per 100 Weight	0	0	2
Biscuit, per 100 Weight	0	0	2
Bottles, per Dozen (empty)	0	0	1
Bottles in Hamper (full)	0	0	4
Hair Brooms and Mops, per Dozen	0	0	1
Brushes, small	0	0	0 $\frac{1}{2}$
Barilla Pot-Ashes, per Ton	0	3	0
Scotch Barley, per Quarter	0	0	6
Boxes (heavy) per 100 Weight	0	0	4
Boxes, flat (double)	0	0	4
Boxes, flat (single)	0	0	2
Boxes, flat (small)	0	0	1
Candles, per 100 Weight	0	0	3
Currants, per Butt, per 100 Weight	0	0	2
Currants, per Half Butt } per 100 Weight	0	0	2
Currants, per Carteel }			
And so in proportion for a less Quantity.			
Coffee, per 100 Weight	0	0	4
Colours, per 100 Weight	0	0	3
White Lead, per 100 Weight	0	0	3
Chains, per Ton	0	4	0
Cider, per Pipe	0	2	6
Cider, per Hogshead	0	1	3
Cider, per Half Hogshead	0	0	8
Carboys, each	0	0	3
Gunpowder, per 100 Weight	0	1	0
Gypsum, per Ton	0	0	4
Hemp, per Ton	0	2	0
Iron Pots (each)	0	0	1
Mahogany, per Foot	0	0	0 $\frac{1}{2}$
Veneers, for every 20 superficial Feet	0	0	2 $\frac{1}{2}$
Molasses, per Puncheon	0	1	0
Molasses, per Half Puncheon	0	0	6
Mustard, per Barrel, 36lbs.	0	0	4
Nuts, per Bag	0	0	3
Oatmeal, per Sack	0	0	4
Oil, per 100 Weight	0	0	3
Oil, per Chest	0	0	6
Oil, per Half Chest	0	0	3
Oranges and Lemons, per Chest	0	0	4
Oranges and Lemons, per Box or Half Chest	0	0	2
Paper Stuff, per Ton	0	1	3
Plums, per Box	0	0	2
Small Parcels and Bale Goods, to 28lbs. each	0	0	2
Small Parcels and Bale Goods, to 84lbs. each	0	0	6
Small Parcels and Bale Goods, to 112lbs. each	0	0	8
Small Parcels and Bale Goods, above 100 Weight, and Things not specified, per 100 Weight	0	0	3

	£	s.	d.
Rice, per Barrel	0	0	6
Rice, per Half Barrel	0	0	3
Raisins, per 100 Weight	0	0	2
Raisins, per Basket, per 100 Weight	0	0	2
Rosin, per Barrel, per Ton	0	1	8
Rosin, per Ton	0	1	8
Soap, per 100 Weight	0	0	2
Starch, in Chests, per 100 Weight	0	0	2
Flax, per Ton	0	2	0
Pipe Staves, per 100	0	0	4
Hogshead Staves, per 100	0	0	3
Barrel Staves, per 100	0	0	2
End Staves, per 100	0	0	2
Shot, per Bag	0	0	2
Salt Fish, per Cwt.	0	2	0
Sacks or Bags, large, per Bundle of No. 12	0	0	4
Tea, per Chest	0	1	0
Tea, per Half Chest	0	0	8
Tea, per Quarter Chest	0	0	4
Tobacco and Snuff, per 100 Weight	0	0	3
Timber, per Load of 50 Cubic Feet	0	2	0
Tin Plates, per Box	0	0	2
Turpentine and Varnish, per Barrel	0	0	4
Vinegar, per Hogshead	0	1	0
Vinegar, per Half Hogshead	0	0	6
Large Slate, more than Half an Inch thick, per 100 Weight	0	0	6
For every Basket of Fish, or Patt of Fish, or of any other Article	0	0	1
All Packages not ascertained as to Size or Weight to pay a Tenth Part of the Freight.			
For all weighable Goods not enumerated or particularly set forth in the above Schedule, to pay, per Ton	0	3	0

Schedule (E.)

Rates of Wharfage.

	£	s.	d.
For Coke, Coals, Culm, Ashes, Breeze, and all Sorts of Manure lying upon or at any Wharf, for any Time not exceeding the Space of 14 Days, per Ton	0	0	6
For the same, lying longer than 14 Days, per Ton, per Week	0	0	6
For Stone of all Descriptions, for 14 Days or less, per Ton	0	0	6
For the like, for any Time exceeding 14 Days, per Ton, per Week	0	0	6
For Timber of all Descriptions, for 14 Days or less, per Load of 50 Cubic Feet	0	1	6
For the like, for any Time exceeding 14 Days, per Week	0	1	6
For Iron, Brass, Copper, and all other Minerals, for 14 Days or less, per Ton	0	1	0

	£	s.	d.
For the like, for any Time exceeding 14 Days, per Ton, per Week -	0	1	0
For Hemp, Flax, Pitch, Tar, Rosin, for 14 Days or less, per Ton -	0	2	0
For the like, for any Time exceeding 14 Days, per Ton, per Week -	0	2	0
For Grain and Seeds of all Descriptions, for 14 Days or less, per Quarter -	0	0	2
For the like, for any Time exceeding 14 Days, per Quarter, per Week -	0	0	2
For Meal and Flour, for 14 Days or less, per Sack -	0	0	2
For the like, for any Time exceeding 14 Days, per Sack, per Week -	0	0	2
For Bran or Pollard, for 14 Days or less, per Quarter -	0	0	1
For the like, for any Time exceeding 14 Days, per Quarter, per Week -	0	0	1
For Hops, Wool, and Rags, for 14 Days or less, per Ton -	0	1	6
For the like, for any Time exceeding 14 Days, per Ton, per Week -	0	1	6
For Lime, and Stone for Building, for 14 Days or less, per Ton -	0	1	0
For the like, for any Time exceeding 14 Days, per Ton, per Week -	0	1	0
For all other Goods, Wares, and Merchandize, not before enumerated, for 14 Days or less, per Ton -	0	2	6
For the like, for any Time exceeding 14 Days, per Ton, per Week -	0	2	6

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Time limited
by recited
Act extended
for Five
Years.

Term by the Justices of the Peace for the County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Eight Years, or within Six Calendar Months next after the Expiration thereof: And whereas the said Commissioners have proceeded in the Execution of the said recited Act, and have made great Progress in the cutting, making, forming, and completing the said Canal and other the Works in and by said Act authorized to be made, and have entered into Contracts in relation to the same; but in order to complete the said Canal and other the Works contemplated by the said Act it is necessary that further Time should be granted for that Purpose; but 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 the Time limited by the said recited Act for the Completion of the said Canal and the Works authorized to be made under the said recited Act shall be and the same is hereby extended for the further Term of Five Years.

If the Canal
be not com-
pleted within
Five Years
Powers of the
recited Act
to cease as to
unfinished
Part.

II. Provided always, and be it further enacted, That in case the said Canal and other Works authorized by the said Act to be made shall not be made and completed within the said Term of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges by the said recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto, or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

Expences of
Act.

III. And be it further enacted, That the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be defrayed out of the Monies received or to be received by the said Commissioners under the Authority of the said recited Act and this Act or either of them, in preference to any other Payment.

Public Act.

IV. 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.

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