



ANNO TRICESIMO NONO

# GEORGI III. REGIS.

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## Cap. 6.

An Act to enable the Lords of the Manor of *Brixham* in the County of *Devon* to repair and enlarge or rebuild the Pier or Quay at *Brixham Quay* within the said Manor, to improve the Harbour there, to regulate the Moorings of Vessels therein, and to establish a Market there.

[21st March 1799.]

**W**HEREAS the Pier or Quay at *Brixham Quay*, within the Harbour there, in the County of *Devon*, the Property of her Grace *Katharine* Duchess of *Bolton*, the Right Honourable *George Montague* commonly called *George* Lord Viscount *Hinchbrooke*, the Right Honourable *Henry* Earl of *Darlington* and Lady *Katharine* his Wife, and Lady *Amelia* Powlett, *Charles* Hayne, *John* Seale, *Philip* Gillard, *William* Gillard, Sir *Francis* Buller Baronet, *Samuel* Vittery, *Humphry* Bartlett, *Nicholas* Gillard, *Peter* Bartlett, *Elizabeth* Wheaton Widow, *Samuel* Youldon, *Andrew* Griffin Tucker, *Richard* Reeve, *John* Youldon, *Nicholas* Fennell, *Mary* Squire Spinster, *William* Eames and *Deborah* his Wife, and *William* Churchward, Lords and Ladies of the Manor of *Brixham* in the said County of *Devon* adjoining to *Torbay*, is become ruinous, and insufficient for the Accommodation and Protection of the Ships and Vessels resorting to the said Harbour for carrying on the Fishery

[Loc. & Per.]

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there



there established, and for other Purposes: And whereas the Rates and Dues now payable by the Owners and Masters of Ships and other Vessels are found inadequate to support and maintain the same: And whereas the Fishery, and other Trade and Commerce carried on at *Brixham Quay* aforesaid, and the Number of Inhabitants there, have lately much increased; and it would be a great Advantage and Accommodation to all Persons residing at or in the Neighbourhood of or trading to the said Harbour if the same were improved, and a regular Market established at *Brixham Quay*, and proper Powers given to regulate and controul the Moorings and Stations of Ships and Vessels in the said Harbour or Pier: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lords and Ladies, or the Lords and Ladies of the said Manor of *Brixham* for the Time being, shall be and is and are hereby authorized and empowered to put this Act into execution, and that from and after the passing of this Act it shall be lawful for the said Lords and Ladies of the said Manor for the Time being, and they are hereby authorized and empowered, from Time to Time, by Contract or otherwise, to cause the present Pier or Quay at *Brixham Quay* aforesaid to be repaired, enlarged, and rebuilt, or a new Pier or Piers, Quay or Quays, to be built there within the said Harbour of such Construction and Dimensions and in such Manner as they shall think proper, and also to alter and improve the said Harbour; and by Writing under their Hands, or under the Hands of the major Part of them, or of their Steward or Stewards of the said Manor for the Time being, duly authorized for that Purpose, to appoint such Harbour Master, Quay Master, Clerk of the Market, and all other Officers, and also to remove or displace any such Officer or Officers, and appoint others in his or their Stead, as she, he, or they shall judge necessary or expedient for effecting the Purposes of this Act: Provided always, that such Harbour Master, Quay Master, and Clerk of the Market so to be from Time to Time appointed shall always be taken and chosen from and out of the Inhabitants resident at *Brixham Quay* aforesaid, and be a Person or Persons following or employed or concerned in the carrying on the Fishery there.

Lords of the Manor of Brixham empowered to improve the Quay and Harbour.

To appoint Officers.

Regulations as to mooring Vessels.

II. And for preventing any Injury being done to the said Pier or Quay, or to Ships or other Vessels within the same, be it further enacted, That the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or any Officer or Officers to be appointed by virtue of this Act, shall and may, and he or they, or any or either of them, is and are hereby authorized and empowered from Time to Time to order and require all Persons having the Command or Rule or Direction of any Ship or other Vessel entering into or being within the said Harbour, Pier, or Quay, to station, lay anchor, or moor such Ship or other Vessel in such Place or Places within the said Harbour, Pier, or Quay, and in such Manner, as such Officer or Officers shall from Time to Time order and direct, so that no undue Preference shall be given to any Person in the mooring or remooring of any Ship or other Vessel; and in case any Person having the Command of any such Ship or Vessel shall wilfully station, lay anchor, or moor any Ship or Vessel within the said Harbour or Pier, contrary to the Order and Requisition of the said Lords

or



or Ladies, or the Lords and Ladies of the said Manor for the Time being; or of such Officer or Officers as aforesaid, such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds.

III. And in order to defray the Expence of enlarging or new building the said Pier or Quay, and of maintaining and supporting the same, be it further enacted by the Authority aforesaid, That instead of the Rates, Dues, and Tolls which have been heretofore demanded, taken, and received, and which are hereby declared to be from henceforth extinguished and abolished, it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or any Officer or Officers to be appointed as aforesaid, to ask, demand, take, and receive from Time to Time, for all Ships, Boats, or other Vessels of whatsoever Description which shall from henceforth come into or otherwise make use of the said Harbour, Pier, or Quay, or shall lie within the same, or shall fasten thereto, or to any Part thereof, and for all Goods, Wares, and Merchandize, and other Things landed or shipped on or from the said Pier or Quay, or the Beach there called *Briham Beach*, the Rates, Duties, and Tolls mentioned and specified in the Schedule hereunto annexed, or such other Rates, Duties, and Tolls as shall be from Time to Time appointed to be paid, in manner and subject to the Restrictions herein after mentioned, by the said Lords and Ladies, or the Lords and Ladies of the said Manor, or their Steward or Stewards for the Time being.

New Quay Rates granted.

Orders of the Mayor of Bristol empowered to improve the Harbour.

Officers of the

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

For ascertaining the Rates.

Orders of the Mayor of Bristol empowered to improve the Harbour.

Vessels in His Majesty's Service exempted from the Rates.

V. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said

For recovering the Rates.



said Manor for the Time being, or any such Officer or Officers as aforesaid, either to go on board any Ship, Boat, or other Vessel in respect of which or of the Cargo thereof the Master or Owners are made liable to any of the Tolls or Dues hereby granted or made payable, and to demand, collect, and receive the said Tolls, Rates, or Duties, or otherwise to demand the same publicly on the said Quay or Pier, and in case of Nonpayment thereof upon Demand made on board such Ship or other Vessel, or on the said Quay or Pier, to take, seize, and distrain any such Ship or other Vessel, and all or any Tackle, Apparel, or Furniture thereto belonging, or the Cargo thereof, or which shall have been landed therefrom, or any Part thereof respectively, and the same to detain and keep until he, she, or they shall be fully satisfied and paid the said Tolls, Rates, or Duties; and in case of Neglect or Delay in the Payment of any of the said Tolls, Rates, or Duties for Five Days after such Seizure or Distress made, that then the Person or Persons so levying or distraining may cause such Ship, Boat, or other Vessel, or other Goods and Things so distrained, or any Part thereof, to be sold for the Payment of the Tolls, Rates, or Duties so neglected or delayed to be paid as aforesaid, and for which such Seizure or Distress shall have been so made as aforesaid, together with the reasonable Costs and Charges of taking, keeping, and selling such Distress respectively, rendering to the Master or other Person having the Rule or Command of such Ship or other Vessel, or being the Owner or Proprietor, or in Possession of any such Goods or other Things, the Overplus (if any), on Demand, after deducting the reasonable Charges of such Seizure, Distress, and Sale as aforesaid.

For indemnifying certain Persons who shall pay the Rates.

VI. And be it further enacted by the Authority aforesaid, That if the Master or any other Person of or belonging to any Ship, Boat, or other Vessel shall pay to any such Officer or Officers to be appointed as aforesaid any Rates or Duties herein made payable by any other Person or Persons in respect of the Cargo of any such Ship, Boat, or other Vessel, (and which such Master is hereby required, directed, and authorized to pay as aforesaid,) or if any of the said Tolls, Rates, or Duties shall by virtue of this Act be levied upon the Goods, Chattels, or Property of any Person or Persons other than such as are herein-before directed or made liable to pay the same, then in every such Case the Master or other Person so paying such Tolls, Rates, or Duties, or the Person or Persons upon whose Goods, Chattels, or Property any such Tolls, Rates, or Duties shall be so levied, shall and may recover the Sums so paid or levied respectively from the Person or Persons liable to pay the same, together with all Costs and Expences attending the Recovery thereof, either in the like Manner as any Penalty is hereby authorized or directed to be recovered, or otherwise by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Regulations as to removing Goods landed on the Wharf.

VII. And be it further enacted, That all Goods, Wares, and Merchandize that shall be landed on the said Pier or Quay, or on any Wharf to be built on the said Pier or Quay, or in pursuance of this Act, shall be removed and taken therefrom within the Space of Twenty-four Hours, to be computed from the Time of such landing; and if any Goods, Wares, or Merchandizes so landed shall remain longer upon the said Pier or Quay or Wharf than the Space of Twenty-four Hours, that then and



in every such Case the respective Owners or Persons having Charge of such Goods, Wares, or Merchandize shall pay the Quay Master, or such Officer of the said Pier or Quay for the Time being, for the Use of the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, over and above the several Rates and Sums of Money specified in the Schedule hereunto annexed, the Sum of One Shilling *per* Ton for such Goods, Wares, or Merchandize so remaining on the said Pier or Quay or Wharf for a longer Time than Twenty-four Hours as aforesaid, and likewise the further Sum of One Shilling *per* Ton for every succeeding Twenty-four Hours that such Goods, Wares, or Merchandize shall so remain upon the said Pier or Quay or Wharf, to be recovered in the same Manner as the other Tolls, Rates, or Dues hereby made payable are to be recovered; and in case any of the Articles landed on the said Pier or Quay shall be Gunpowder, Tar, Pitch, Hemp, Flax, Wood, Spirituous Liquors, Turpentine, Hay, Straw, Tallow, or many other combustible Goods or Things, then such combustible Goods or Things shall be removed and taken away as aforesaid within the Space of Twelve Hours, to be computed from the Time that such Ship or Vessel shall come within the said Harbour or Pier, and in default thereof every such Ship or Vessel shall pay unto the Quay Master, or other Officer of the said Pier or Quay, for the Use of the said Lords and Ladies, for the Lords and Ladies of the said Manor for the Time being, Ten Shillings *per* Ton, over and above the several Tolls, Rates, and Duties specified in the Schedule hereto annexed, for every succeeding Twelve Hours that the same shall so remain, and so in proportion for less than a Ton; the same to be paid by the respective Owners or Persons having Charge of such combustible Goods or Things, and to be recovered in the same Manner as the other Tolls, Rates, or Dues hereby made payable are to be recovered; and if such combustible Goods or Things cannot be removed as aforesaid by Daylight, then and in every such Case the Owner or Owners or Persons having Charge of such Goods and Things shall be obliged to set and maintain, at his and their Expence, One or more sober and careful Person or Persons to guard and watch over the same such and so many Hours, according to the Season of the Year, as such Quay Master or other Officer shall order and direct; and in case the Owner or Owners or Persons having Charge of such Goods and Things, or the Master or Masters of any Ship or other Vessel shall make default herein, such Owner or Owners, Master or Masters, or other Person or Persons, shall forfeit and pay for every Offence, Neglect, or Refusal a Sum not exceeding Ten Pounds nor less than Forty Shillings.

**VIII.** And be it further enacted, That it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or her, his, or their Steward duly authorized as aforesaid, to reduce and lessen the Duties and Rates by this Act granted, or such of them, or such Part or Parts thereof, and for such Time or Times, as he, she, or they shall think proper, and so from Time to Time, as often as he or they shall think fit, to advance and raise the same again, or any Part or Parts thereof, to any Sum or Sums of Money not exceeding the Rates and Duties respectively specified in the Schedule hereto annexed; and any such Officer or Officers as aforesaid shall have the like Power of levying and recovering the said Tolls, Duties, and Rates so reduced and

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lessened, or advanced and raised again, or any of them, or any Part thereof, as is herein-before given for levying and recovering the Tolls, Duties, and Rates herein-before granted.

For prevent-  
ing Damage  
to the Har-  
bour by Bal-  
last, &c.

IX. And be it further enacted, That if any Person shall, from and after the passing of this Act, empty or throw any Stones, Ballast, Earth, Rubbish, or any other Thing into the said Harbour or Pier, contrary to or without the Direction or Consent of the Quay Master to be appointed as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings; and if any Person shall take any Ballast or Stone from the said Harbour or Pier without the Consent of the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or his or their Steward or Quay Master, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Persons de-  
stroying the  
Works de-  
clared guilty  
of Felony.

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

For establish-  
ing a Market.

XI. And whereas it would be a great Accommodation and Benefit as well to the Inhabitants of *Brixham Quay* as to Persons resorting to the said Pier or Quay, and to the neighbouring Country, that a fixed and a regular Market or Shambles for exposing to Sale Cattle, Butcher's Meat, Corn and other Grain, and all other Provisions and Victuals, (except Fish,) should be established; be it therefore enacted, That it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, and he, she, or they is and are hereby empowered and authorized, to establish and hold, or cause to be established and holden, a Market for selling or exposing to Sale such Articles as aforesaid at such Time or Times, and in such Place or Places at *Brixham Quay* aforesaid, as he, she, or they shall appoint for that Purpose; and from and after such Time as the said Market shall have been so established no other Market or other Place shall be used for Sale of such Articles as aforesaid at *Brixham Quay* aforesaid, except on the Days when the said Market shall not be held.

Penalty on  
Persons ex-  
posing Goods  
to Sale out of  
the Market  
on Market  
Days.

XII. And be it further enacted, That in case any Person shall, from and after such Time as the said Market shall have been established and used as a Market (except on the Days when such Market shall not be held as aforesaid), sell or expose to Sale any Cattle, Butcher's Meat, Butter, Poultry, Eggs, Corn or other Grain, Garden Stuff, Roots, Vegetables, or other Victuals or Provisions, (Fish excepted,) in any Part or Place



Place at *Brixham Quay* aforesaid, other than in the said Market, and shall be thereof convicted before any One or more Justice or Justices of the Peace for the said County of *Devon*, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

XIII. And be it further enacted, That there shall be paid to the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or to his, her, or their Steward or Stewards for the Time being, or to the Person or Persons by him or them respectively appointed to receive the same, by all and every the Person and Persons holding, using, or occupying any Stall, Shed, or Standing, or selling or offering or exposing to Sale any Cattle, Butcher's Meat, or other Goods, Articles, or Things as aforesaid, in the said intended Market, from and after the Time the said Market shall have been opened and used as such, the several Tolls following; (that is to say,)

For every Bull, Steer, Cow, or Heifer offered alive for Sale, the Sum of Sixpence :

For every Horse, Mare, Gelding, or Colt offered for Sale, the Sum of One Shilling :

For every Score of Sheep or Lambs offered alive for Sale, the Sum of One Shilling and Eight-pence, if the same shall be sold; and if not sold, the Sum of One Shilling and Four-pence; and in those Proportions for less than a Score :

For every Swine or Hog offered alive for Sale, One Penny :

For the Carcase of every Bull, Steer, Ox, Cow, or Heifer offered for Sale, One Shilling; and for the Carcase of every Calf, Sheep, Hog, or Lamb offered for Sale, Sixpence :

For every Bushel, or less Quantity than a Bushel, of Corn, Green Peas, Beans, or other Things usually sold by Measure, offered for Sale in the said Market, the Sum of One Penny :

For every Pannier, Basket, Firkin, Barrel, Tub, or Mound of Fruit, or other Goods or Articles offered for Sale in the said Market, the Sum of One Penny :

For every Horse Load of Cabbage Plants, Two-pence :

For every Cart Load of Cabbage Plants, Sixpence :

And for every Shed or Standing for each Market Day, the Sum of One Shilling.

And in case any Person holding, using, or in any Manner occupying any of the said Sheds, Stalls, or Standings, or selling or exposing to Sale any Cattle, Butcher's Meat, or any other Goods or Articles as aforesaid, in the said intended Market, shall refuse to pay the several Sums or Tolls aforesaid, or any or either of them, or any Part thereof, that then and in such Case, and as often as it shall so happen, it shall be lawful for the said Lords and Ladies, or Lords and Ladies of the said Manor for the Time being, and his and their Steward or Stewards respectively, or the Person or Persons by him, her, or them respectively appointed to receive the same for the Time being, to levy the same by Distress and Sale of all or any of the Cattle, Goods, Articles, and Things so exposed to Sale, and the said Distress and Distresses so to be taken to sell immediately, rendering the Overplus, (if any there be,) after deducting the Expence of such Distress and Sale, to the Person or Persons whose Property such Cattle,

Market Tolls

For recovering the Market Tolls.



Cattle, Goods, Articles, or other Things were at the Time of every such Distress; and that any Dispute or Difference that shall or may arise touching the same shall and may be settled and determined by any One or more Justice or Justices of the Peace for the said County of *Devon*, who shall and is or are hereby empowered, by Warrant under his or their Hand and Seal or Hands and Seals, to summon the Parties to appear before him or them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Costs, not exceeding Five Pounds, as to him or them shall in his or their Discretion seem meet, and by Warrant under his or their Hand and Seal, or Hands and Seals, levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale.

For establish-  
ing Standard  
Weights and  
Measures.

XIV. And be it further enacted, That it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, to erect and appoint a certain public Weighing House or Place at or near the said Market for weighing such Meat, Goods, Articles, and Things as shall be bought or sold by Weight in the said Market, and he and they shall and is and are hereby required to keep good and sufficient Standard Weights, Scales, Steelyards, and Measures, and to appoint the Clerk or Clerks of the said Market, or any other proper Person or Persons, to attend the same on every Market Day from Eight of the Clock in the Morning until Eight of the Clock at Night, during all which Time, and no longer, the said Market on each Market Day shall be holden, continue, and endure; and that all and every Person and Persons selling Meat or other Things by Weight or Measure in the said Market shall weigh and measure the same in and by the said Weights, Measures, Scales, or Steelyards as aforesaid, if required by the Buyer or Buyers thereof to be so weighed or measured; and in order to defray the Expences of providing the Weights, Scales, Steelyards, and Measures as aforesaid, and proper Persons to attend the same, there shall be paid, by the Seller of such Meat and other Thing, to the Clerk of the said Market, or other Person or Persons appointed to receive the same, the Sums of Money following; (that is to say,)

Tolls for  
providing  
Weights and  
Measures.

For every Piece of Meat or other Thing not weighing Twenty Pounds, One Halfpenny, and no more:  
For every Piece of Meat or other Thing weighing between Twenty and Sixty Pounds, Two-pence, and no more:  
For every Piece of Meat or other Thing weighing above Sixty Pounds, the Sum of Four-pence, and no more, by the Hundred Weight; and in that Proportion for any greater or less Quantity than an Hundred Pounds Weight:

And for all Goods, Articles, and Things sold by Measure there shall be paid by the Seller thereof to the Clerk of the said Market, or other Person or Persons appointed to receive the same, the Sums of Money following; (that is to say,)

For any Quantity not exceeding One Bushel, the Sum of One Penny; and the further Sum of One Penny for any Quantity more than One Bushel,



Bushel, and not exceeding Two Bushels, the like further Sum of One Penny for every further Bushel, or any Quantity less than a Bushel beyond the former Bushel:

And if any Seller of Meat, or any Seller or Dealer in other Goods, Articles, or Things in the said Market, shall refuse or neglect to weigh or measure by and with the said public Scales, Steelyards, Weights, and Measures as aforesaid, or to pay for the same respectively at the Rate aforesaid, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect a Sum not exceeding Ten Shillings nor less than Five Shillings,

XV. And for the further and more effectually carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, either by themselves, or his, her, or their Steward or Stewards for the Time being, duly authorized as aforesaid, at any Time or Times hereafter to make, ordain, and establish such reasonable Orders, Rules, and Bye Laws for the better regulating, governing, and managing the said Market so intended to be established as aforesaid, and all Erections, Buildings, Works, Matters, and Things which shall or may, at any Time or Times from and after the passing of this Act, be established, erected, built, made, or done by virtue of or in pursuance of this Act, and also for the better regulating of all Officers to be appointed or employed by virtue of this Act, and all other Persons having any Concern with the said Market, Harbour, or Pier, and also for the better regulating, governing, and managing of all or any of the Carts, Drays, Wheel or other Carriages, and of Horses or other Beasts of Draught or Burthen, and employed for the carrying or removing of Goods, Wares, and Merchandize meant or intended to be exported out of or imported into the said Harbour, or the said Pier or Quay, or for the carrying or removing Wood and all other Materials to be used or employed in or about the building or repairing of any Ship or other Vessel which shall or may be built or repaired within the said Pier, or in or about the building or repairing any of the Works to be built, erected, mended, or repaired in pursuance of this Act, or any other Improvement to be made in pursuance thereof; and likewise for better regulating, governing, managing, or ordering of all and every or any Person or Persons who shall or may be employed as the Driver or Drivers of any Cart, Dray, Wheel or other Carriage, or of any Horse, or of any other Beast of Draught or Burthen which shall be used or employed as before mentioned; and further, for better governing and regulating all Persons to be employed in or about the loading, unloading, carrying, or conveying all or any Goods, Wares, or Merchandize to and from any Ship or Vessel lying or being within the said Harbour or Pier, or to be employed in or about all or any of the Works aforesaid, in all respects whatsoever, as in the Judgment of the said Lords and Ladies, or the Lords and Ladies of the said Manor, or his, her, or their Steward for the Time being, shall seem fit, just, and reasonable; and also from Time to Time, as Occasion shall be, to repeal and amend or alter such Rules, Orders, Regulations, and Bye Laws as to him or them shall seem meet and requisite; and also to fix and appoint reasonable pecuniary Penalties, not exceeding the Sum of Forty Shillings, for each Non-observance, or

Power to establish Bye Laws for the better Regulation of the Market and Harbour.

and also of the said Market and Harbour.

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Non-performance, or other Breach of all or any of such Rates, Regulations, Orders, or Bye Laws, or any of them, to be recovered as herein directed; which Rules, Regulations, Orders, and Bye Laws the said Lords and Ladies, or the Lords and Ladies of the said Manor, or his, her, or their Steward for the Time being, shall from Time to Time cause to be printed and to be distributed within the said Manor of *Brixham*, and to be hung up in the said Market or in some other conspicuous Place within the said Manor.

Bye Laws to be confirmed by the Assizes or Quarter Sessions.

XVI. Provided always, and be it further enacted, That no Rules, Orders, or Bye Laws which shall be made as aforesaid, pursuant to the Powers hereby given for that Purpose, shall be put into execution, or have any Force, Operation, or Effect, until such Rules, Orders, or Bye Laws respectively shall have been produced at the Assizes or General Quarter Sessions of the Peace to be holden for the said County of *Devon*, and the same shall have been approved and confirmed by the Judge or Judges of Assizes, or the Justices of such Quarter Sessions, or the major Part of them, for the Time being, by Writing under his or their Hand or Hands.

Power to borrow Money on Security of the Tolls.

XVII. And be it further enacted by the Authority aforesaid; That it shall and may be lawful for the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or such or so many of them as shall meet together in Person, or by any Agent lawfully authorized for that Purpose, in pursuance of a Notice to be given as hereinafter mentioned, to borrow such Sum or Sums of Money, not exceeding the Sum of Six thousand Pounds, as may be necessary for the Payment of the Costs and Expences of obtaining and procuring this Act, and of enlarging and making the said Harbour, Pier, and Quay, and erecting and making the said Market and a Market House, and to mortgage the Tolls, Dues, and Profits aforesaid for the Repayment of the Money so borrowed and the Interest thereof; and that such Persons so assembled and met together, or the major Part of them, shall have full Power and Authority to make Rules and Bye Laws and to put and carry this Act into execution in all respects whatsoever: Provided always, that all Tolls, Dues, and Profits arising or to be raised from the said Harbour, Pier, and Quay, and Market, after Payment of the Money so to be borrowed and the Interest thereof, together with all Fines, Forfeitures, and Penalties to be levied, had, or received under or by virtue of this Act (otherwise than such Part thereof as is herein-after directed to be paid to the Informer or Prosecutor for any Offence committed against this Act), shall be paid over to the Quay Master for the Time being, to be laid out in the Support, Repair, and Improvement of the said Harbour, Pier, or Quay, Market, or Market House; any thing herein-before contained to the contrary notwithstanding.

How the Monies are to be applied.

Notice to be given of Meetings.

XVIII. And be it further enacted by the Authority aforesaid, That before any Meeting shall be held for the Purpose of putting this Act into execution, or of raising or borrowing any Money, or for making any Rules, Regulations, or Bye Laws concerning the said Harbour, Pier, Quay, or Market, One Week's previous Notice at the least shall be given in the Parish Church of *Brixham* immediately after Divine Service



vice in the Afternoon on a Sunday, stating the Purpose for which, and the Time and Place at which such Meeting is intended to be holden.

XIX. Provided also and it is hereby further enacted, That all and every Person and Persons who shall or may be appointed to the Office of Harbour or Quay Master, under or by virtue of the Authority of this Act, shall, before he or they shall take on himself or themselves the said Office, enter into and give such Security for the due and faithful Discharge of the same, and honestly accounting for all Sum or Sums of Money received and paid by him or them as such Quay Master, as the said Lords and Ladies, or the Lords and Ladies of the said Manor for the Time being, or his, her, or their Steward or Stewards, shall think right and approve of; any thing herein contained to the contrary notwithstanding.

Officers to give Security.

XX. And be it further enacted, That all Penalties and Forfeitures for Offences against this Act, and against any Rule, Bye Law, or Order to be made as aforesaid (the Manner of levying and recovering whereof is not hereby otherwise directed), shall, upon Proof of the respective Offences before any Justice of the Peace for the said County, either by the Confession of the Party offending, or by the Oath of any Officer or Officers to be appointed by virtue of this Act, or any Inhabitant of the said Manor, or other credible Witness (which Oath any such Justice of the Peace is hereby required and empowered to administer), be recovered and levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus, after such Penalties and Forfeitures, and after the Charges of such Distress and Sale, shall be paid and deducted, shall be returned upon Demand, to the Owner or Owners of such Goods and Chattels, and the Money arising by such Penalty and Forfeitures (except where the Application thereof is hereby otherwise directed) shall be paid and applied in manner following; (that is to say,) one Half thereof to the Person or Persons who shall inform or sue for the same, and the other Half thereof to be paid to the Quay Master, or other proper Officer for the Time being, having the Direction of the Repairs of the said Pier or Quay, for and towards such Repairs, and other the Purposes of this Act; and in case sufficient Distress shall not be found, or any such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol for the said County, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

How Penalties and Forfeitures shall be recovered and applied.

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

Form of Conviction.

Devon. **B** E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ is convicted before \_\_\_\_\_

of



of His Majesty's Justices of the Peace for the County of Devon, by virtue of an Act of Parliament made in the Year of the Reign of King George the Third, [here set forth the Title of this Act, specifying the Offence and the Time and Place when and where the same was committed, as the Case shall be.] Given under our Hands and Seals [or my Hand and Seal] the Day and Year first above written.

Appeal to the Quarter Sessions.

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

Distress not to be unlawful for Want of Form, &c.

XXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same deemed a Trespasser or Trespassers (*ab initio*) on account of any Irregularity afterwards done by the Party distraining, but the Person or Persons thereby aggrieved may recover Satisfaction for the special Damage only in an Action on the Case; and that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any Action, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he or they shall see fit, whereupon such Proceedings, Order, and Judgment shall be had and given by such Court as in any Action where the Defendant is allowed to pay Money into Court; and also that no Order made touching any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offenders against this Act, shall be quashed for Want of Form, or removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act until after the Expiration of Thirty Days Notice shall

Limitation of Actions.

be



be thereof given in Writing to the Lords or Ladies of this Manor, or his or their Steward for the Time being, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after any Fact committed for which such Action or Suit shall have been brought; and every such Action or Suit shall be brought, laid, and tried in the County of *Devon*, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matters in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or such Action or Suit shall be commenced after the Time before limited for bringing the same, or without Notice given, or after a sufficient Tender of Amends as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance in such Action or Suit after the Defendant's Appearance, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suits in any other Cases by Law.

XXIV. And be it also enacted, That the Oath of the Officers and other Persons to be appointed or employed by virtue of this Act shall be deemed valid, and be taken in Proof of and against all Matters and Questions arising under or by means of this Act, in the same Manner, to all Intents and Purposes, as if he or they had not been so appointed; any thing herein contained to the contrary in anywise notwithstanding. Officers may be Witnesses.

XXV. Saving and always reserving to the King's most Excellent Majesty, His Heirs and Successors, and the Duke of *Cornwall*, his Heirs, Successors, Lessees, and Tenants, and to all and every Bodies Politic and Corporate, and other Person and Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest (other than those meant and intended to be barred and regulated by this Act) as they, and every or any of them, had and enjoyed of, in, to, or out of the said Manor and Premises, or any Part thereof, before the passing of this Act, or could or might have had and enjoyed in case this Act had not been made. General Saving.

XXVI. And be it further enacted, That the said Act shall be considered and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Public Act.



The SCHEDULE referred to by this Act;

ASCERTAINING

The Tolls, Rates, and Dues to be paid to the Quay Master or other Officer to be appointed under or by virtue of this Act, for the several Matters and Things therein referred to.

Quay Tolls.

FOR every Coasting or Fishing Sloop, Yatch, or other Vessel belonging to the said Harbour, the yearly Sum of Sixpence per Ton per Annum, agreeable to her Measure :

For every Ship, Boat, or Vessel that shall be laid up unemployed within the said Pier or Harbour, for any Time exceeding Two Months, the Sum of One Penny per Ton for every Month she shall lay after the first Two Months :

For every Man or Boy, not exceeding the Age of Sixty Years, and employed in any Boat or Vessel belonging to the said Harbour, the yearly Sum of Two Shillings and Sixpence :

For every Sailor's Chest landed within or shipped from the said Pier or Harbour, the Owner of such Chest not being an Inhabitant of Brixham, the Sum of Sixpence :

For every Ton of Goods, Articles, or Things, except Coals, Culm, or such Fish as shall be caught on the Coast, which shall be landed or shipped from the said Harbour by any Ship, Boat, or Vessel, reckoning Household Furniture Forty Feet to the Ton, the Sum of Sixpence :

For every Ship or other Vessel discharging or taking in Ballast per Ton, for every Ton the Sum of Four-pence :

For every open Boat coming within the said Pier or Harbour to land or ship any Goods, each Time, (not to pay more than Twice in every Day,) the Sum of One Shilling :

For every Ship or Vessel putting into the said Pier or Harbour, each Time, to pay the Sum of One Penny per Ton for every Ton the said Ship or Vessel shall measure :

For every Quarter of Coals or Culm landed or shipped on the said Pier or Quay within the said Harbour, the Sum of Two-pence, and for every Twenty-four Hours the same shall be left on the said Pier or Quay, One Penny in addition, and so in proportion for any Twenty-four Hours :

For every Thousand of Slate landed or shipped from the said Quay or Harbour, the Sum of Three-pence :

For every Ton of Bricks, reckoning Five hundred to the Ton, the Sum of One Shilling :

For every Bundle of Butt Hoops containing Two Dozen, and in that Proportion, the Sum of One Penny :

For every Bundle of other Hoops of a less Size, and in that Proportion, the Sum of One Halfpenny :

For



For all Goods, Wares, and Merchandize, Articles and Effects, that shall be shipped or landed from the said Pier or Harbour by the Ton Weight or Measure, according to the Nature of such Articles respectively, subject nevertheless to the Regulations and Provisions of this Act, the Sum of One Shilling.

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

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