



ANNO SEXTO

GEORGII IV. REGIS.

Cap. cc.

An Act for making and constructing a Harbour and other Works in the Parish of *Sidmouth* in the County of *Devon*. [6th July 1825.]

WHEREAS the Formation of a Harbour, by the Construction of a Pier and other Works upon certain Land at a Place called *Chit Rock*, in the Parish of *Sidmouth* in the County of *Devon*, with proper Quays, Wharfs, Landing Places, Warehouses, and other Works, will be not only beneficial to the Commercial Interests of the Inhabitants of *Sidmouth* and its Neighbourhood, but also the Means of preserving the Lives and Property of many of His Majesty's Subjects, by affording Safety to Vessels resorting thereto; 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 *Thomas Jenkins, J. G. Jenkins, Henry Donne, William Andrews, Samuel Cartwright, William Moore, Moses Gutteres, John Rooks, William Rogers, Francis Pitcher, Edward Tribe, and James V. Lane*, and their several and respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of any Share or Shares in the Undertaking hereby authorized to be carried into Execution, shall

[Local.]

68 L

shall

Proprietors
incorporated.

shall be and they are hereby united into and declared to be a Company, for the constructing, making, completing, maintaining, and supporting the said Harbour at *Sidmouth*, and all Piers, Quays, Wharfs, Buildings, and such other Works, Requisites, Matters, and Things as shall or may be necessary for the constructing, completing, and maintaining the same, for the Accommodation of Vessels resorting to the same, and for the other Purposes of this Act, according to the Directions and subject to the several Provisions, Regulations, and Restrictions herein-after contained; and shall for the Purposes of this Act be one Body Politic and Corporate by the Name and Style of "The *Sidmouth* Harbour Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony or Misdemeanor, or other Offence indictable by the Laws of this Realm; and by that Name and Description may and shall have full Power and Capacity to purchase, take, have, hold, and enjoy any Messuages, Lands, Tenements, and Hereditaments whatsoever, to the Use of themselves and their Successors, for the Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or any of them, and also to sell any of the Messuages, Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

The whole of the probable Expence of making the Harbour, &c. to be subscribed before the Act is put in force.

II. And whereas the probable Expences of making and completing the several Works herein-before described, and intended to be carried into Effect under the Authority of this Act, will, according to an Estimate made thereof, amount to the Sum of Nineteen thousand one hundred and forty Pounds or thereabouts, and the Sum of Fifteen thousand three hundred and twenty Pounds, being more than Four-fifth Parts thereof, has already been subscribed for defraying such Expences, by several Persons, under a Contract binding themselves, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore further enacted, That the whole of the said Sum of Nineteen thousand one hundred and forty Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors to raise Money among themselves, for making and completing the Harbour, in Shares of 100*l.* each.

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated as aforesaid, to apply a competent Sum of Money for making, maintaining, and improving the said Harbour, and all the Piers, Quays, Wharfs, Warehouses, Buildings, and other Works, Conveniences, Matters, and Things belonging or requisite thereto, not exceeding the said Sum of Nineteen thousand one hundred and forty Pounds in the whole, and the same shall be divided into Shares of One hundred Pounds each, which Shares shall be numbered in numerical Progression; and no Person subscribing to the said Capital Sum, or becoming a Proprietor in such Undertaking, shall become a Proprietor of less than One Share or more than Fifty 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 the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally subscribe and contribute; and all Bodies

Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, and shall pay such Sum or Sums as shall be demanded on account thereof, according to the Provisions in that Behalf herein-after contained, towards forming, carrying on, and completing the said Harbour, Pier, Quays, Wharfs, and Works, and other the Purposes of the said Undertaking, shall be entitled to and receive the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, out of the Profits and Advantages that shall and may arise and accrue by the Rates and Duties, and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act, after the several Disbursements herein respectively provided for; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall respectively bear and pay such proportionable Sums towards carrying on the same in manner herein directed and applied.

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

Shares to be
Personal
Estate.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for or hold One or more Share or Shares in the said Undertaking, not exceeding Four Shares altogether, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have One Vote in respect of such Share or Shares in the General and Special General Assemblies to be holden as herein appointed for carrying on the said Undertaking; and every Body Politic, Corporate, or Collegiate, and every Person who shall have subscribed or undertaken for or hold Five or more Shares in the said Undertaking, not exceeding Nine Shares altogether, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have Two Votes in respect of such Shares, at such General and Special General Assemblies; and every Body Politic, Corporate or Collegiate, and every Person who shall have subscribed or undertaken for or hold Ten or more Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have Three Votes in respect of such Shares, but no Person shall have more than Three Votes at such General and Special General Assemblies; which Vote or Votes may be given by such Proprietor or Proprietors, or by his, her, or their Proxy or Proxies, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or (as the Case may be) the Hand of such Person (every Proxy being a Proprietor in the said Undertaking); and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing the Votes in manner aforesaid, whether given in Person or by Proxy; and the Appointment

Subscribers
to have a
Vote.

of

of such Proxies shall be in the Form or to the Effect following; (that is to say),

Form of
constituting
Proxies.

‘ I [or We, if a Body Politic, Corporate, or Collegiate Aggregate]
‘ of Sidmouth Harbour in the County of Devon, now holding One Share
‘ [or Shares] therein [as the Case may be], do hereby nominate,
‘ constitute, and appoint C. D. of to be my [or our]
‘ Proxy, in my Name [or our Names] and in my [or our] Absence to
‘ give my [or our] Assent or Dissent to any Business, Matter, or Thing
‘ relating to the said Undertaking that shall be mentioned or proposed at
‘ any General or Special General Assembly of the said Company of
‘ Proprietors, in such Manner as he the said C. D. shall think proper,
‘ according to his Opinion and Judgment, for the Benefit of the said
‘ Undertaking, or any thing appertaining thereto, until I [or we] shall
‘ revoke this Appointment, by Notice in Writing under my Hand [or
‘ our Common Seal] to the Clerk of the said Company of Proprietors.
‘ In witness whereof I [or we] have hereunto set my Hand [or our
‘ Common Seal] the Day of .’

Power to
raise Money
by Mortgage.

VI. Provided always, and be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for making, completing, maintaining, and improving of the said Harbour, Pier, Wharfs, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise any further Sum of Money, not exceeding Ten thousand Pounds, by Mortgage of the said Undertaking, and to make an Order or enter into a Resolution to that Effect at a Special Assembly of the said Proprietors to be called for that Purpose, of which Assembly Fourteen Days previous Notice shall be given in some One public Newspaper circulated in the said County of Devon, mentioning the Time and Place of such Assembly, then and in such Case it shall be lawful for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest all or any Part of the said Sum of Ten thousand Pounds, or any Part thereof, on the Credit of the said Harbour, Pier, Quays, Wharfs, and other Works, and the Rates and Duties thereof, and to assign the Property of the said Undertaking, and the Rates and Duties arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates and Duties), as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his or their Trustee or Trustees, who shall advance and lend the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of King
‘ George the Fourth, intituled *An Act [here set forth the Title of this
‘ Act]*, we the Sidmouth Harbour Company, incorporated by and under
‘ the said Act, in consideration of the Sum of to
‘ us in hand paid by A. B. of do hereby bargain, sell,
‘ and assign unto the said A. B., his Executors, Administrators, and
‘ Assigns, all and singular the Harbour Dues and other Rates arising and
‘ payable to us by virtue of the said Act, and all our Estate, Right, Title,
‘ and

and Interest of, in, and to the same; to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of _____ with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____

And all Persons to whom such Assignments shall be made shall be equally entitled, one with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom the same shall be made, the Sum of Money borrowed, and the Rate of Interest, shall, within Twenty-one Days from the Date of every such Assignment, be entered in one or more Book or Books to be kept by the Clerk to the said Company of Proprietors, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; which Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignments shall be made as aforesaid, or who shall be entitled to the Money due thereon, and his, her, or their Executors, Administrators, Successors, and Assigns, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following; (that is to say),

I *A. B.* of _____ in consideration of the Sum of _____ paid to me by *C. D.* of _____ do hereby transfer a certain Mortgage, made by the *Sidmouth* Harbour Company to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and all Interest now due and to become due thereon, and all my Right of Property therein, to the said *C. D.*, his Executors, Administrators, and Assigns. Dated this _____ Day of _____

Form of Transfer.

And every such Transfer shall, within Twenty-one Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in preference to Dividends.

VII. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged

Six Months Notice to be given of pay-

ing off
Money due
on Mort-
gages.

discharged (save and except with the Consent or Consents of the Person or Persons to whom the same shall be then due) unless Six Calendar Months previous Notice, signed by the Clerk to the said Company of Proprietors, shall have been given to the Person or Persons to whom such Sum or Sums of Money shall be then due and payable, of such their Intention to pay off and discharge the same.

Mortgagees
or Assignees
not to vote
on account
of having
lent Money.

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

First and
other Gene-
ral Meetings
of the Com-
pany.

IX. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the *York Hotel*, in the Town of *Sidmouth* aforesaid, upon the Fourth *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Twelve at Noon, and all future General Assemblies of the said Company (except such Special General Assemblies as herein-after mentioned) shall be held on such *Tuesday* in the Month of *August* in every Year, at the Hour of Twelve at Noon, and at such Place or Places in the said Town of *Sidmouth* as the said Company of Proprietors at their preceding General Assembly shall from Time to Time direct and appoint, and in default of such Direction or Appointment, on the Fourth *Tuesday* in the Month of *August* in every Year, in the said Town of *Sidmouth*; of which General Assemblies Fourteen Days previous Notice at the least shall be given, by public Advertisement in some Newspaper or Newspapers usually circulated in the said County of *Devon*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors, at such respective General or Special General Assemblies, shall and may appoint a Chairman, and such Chairman shall vote not only as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; and the said Company of Proprietors, at their First General Assembly, shall and may choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed, in their own Right, of Stock to the Amount of Five Shares at the least in the said Undertaking, Directors to manage the Affairs of the said Company of Proprietors as herein directed, and to direct the Receipt and Payment of all Monies, and to adjust all Accounts in respect thereof; the said Directors to consist of Five Persons; and the said Company of Proprietors shall have Power and Authority, at any General Meeting, to remove and displace any Person or Persons who shall have been chosen a Director or Directors, or any Officer or Officers under them, and to appoint another or others in their Stead.

May elect
Directors.

Auditing
Accounts,
&c.

X. And be it further enacted, That the said Company of Proprietors, at every or any such General Assembly to be held in the Month of *August* as aforesaid, shall have Power to call for, examine, and inspect, audit and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other

other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Harbour, and the several Works thereto belonging; and the said Company of Proprietors shall, at every yearly Assembly to be holden in the Month of *August* as aforesaid, declare the Amount of the Dividend (which shall be paid out of the clear Profits arising from the said Undertaking) unto the several Proprietors on their respective Shares therein; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought proper and convenient.

XI. And be it further enacted, That the said Company of Proprietors, at every or any General Assembly, shall have Power and Authority to revoke, alter, amend, or change any of the Rules, Orders, and Directions prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of meeting, and voting and appointing Directors, only excepted), and shall have Power to make such Bye Laws, new Rules, Orders, and Regulations for the good Government of the said Company of Proprietors, and of the said Directors, and of the Clerks, Collectors, Treasurer, Harbour Masters, Officers, Assistants, Servants, Workmen, and others appointed or employed under or by virtue of this Act, and for better regulating the said Harbour, and the mooring or stationing of the Vessels therein, and the said Pier, and for well governing or discharging and managing the Officers and Crews of such Vessels as may resort to or seek shelter in or use the said Harbour, Piers, Quays, Wharfs, or Landing Places, and for the better regulating and managing the several Works, Matters, and Things by this Act authorized and directed to be made, done, and constructed, as well while the same are in progress as after they shall be finished, and for the whole complete and total Superintendence and Management of the said Work, as to the said General Assemblies shall seem meet; and to impose and inflict such reasonable pecuniary Fines or Forfeitures upon all Persons who shall offend against any such Bye Laws, Rules, Orders, and Regulations, as to such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any one Offence, to be recovered in manner herein-after mentioned; which said Bye Laws, Rules, Orders, and Regulations, and all Alterations thereof, being reduced into Writing, shall be binding upon and observed by all Parties using or in any way concerned in the said Harbour, and the Pier, Quays, Wharfs, and other Works thereof, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said Harbour and Works, or to the Conduct and Behaviour of Sailors, Bargemen, Boatmen, Watermen, Fishermen, Porters, Carters, Carmen, and others carrying Goods within or upon or otherwise using the same, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Harbour and Works, or of the Persons resorting to or making use thereof, shall be painted on Boards in large Characters, and be affixed and continued in some conspicuous Place or Places upon

Power to
make and
change Bye
Laws, &c.

or

or near adjoining to the said Harbour, Pier, Quays, or Wharfs thereto belonging, and renewed as often as the same shall be obliterated or defaced.

Authenti-
cated Bye
Laws to be
Evidence.

XII. Provided always, 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, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, 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 Pier, Quays, and Wharfs thereto belonging, in manner aforesaid.

General
Assemblies
to consist of
Five Persons
holding
Twenty-five
Shares.

XIII. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Five Persons present who shall be possessed of or entitled unto at least Five Shares each in the whole in the said Undertaking, either as Principals or Proxies, no Choice of any Directors or other Officers or Servants of the said Company, nor any other Matters or Things to be taken into Consideration or done at such stated General Assembly, shall be made or done at that Time, but in such Case there shall be another General Assembly of the said Company of Proprietors, at the same Place and Hour, upon that Day Fortnight, and so from Time to Time until there shall be such Persons present at such Assembly having such Number of Shares as aforesaid, and such Choice, Matters, or Things shall then take place and be determined upon and done; and the Persons then chosen to be such Directors, or other Officers or Servants, shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by any such stated General Assembly on the Days first appointed for holding the same, and the other Matters and Things then determined upon or done shall be as valid as they would have been had they been determined upon or done at any such stated General Assembly on the Day first appointed for holding the same: Provided always, that Fourteen Days previous Notice at the least shall be given of every such second or subsequent or adjourned Assembly, in the same Manner as Notice is herein-before directed to be given of the original General Assembly.

Meetings of
Proprietors
may be spe-
cially con-
vened.

XIV. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special General Assembly of the said Company of Proprietors is necessary to be held, it shall and may be lawful to and for any Number of the said Proprietors, not less than Five, who may be possessed or entitled unto Five Shares each at the least in the whole in the said Undertaking, to cause

Twenty-one Days Notice at the least to be given thereof in one of the Newspapers usually circulated in the said County of *Devon*, or in any other Manner, as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held, which Place shall be within the said Town of *Sidmouth*; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the Part of them having the greater Number of Votes (whether as Principals or Proxies) according to the Provisions herein-before in that Behalf contained, met together at every such Special General Assembly (provided such Proprietors so met together shall not be less than Five, and holding at least Five Shares each in the whole in the said Undertaking, as Principals or Proxies), shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly.

XV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Assembly, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Rates and Dues, Harbour Master or Harbour Masters, and such other Agents, Officers, and Servants as may from Time to Time appear necessary, and to allow them respectively such Salaries, Allowances, or Recompence for their Time and Trouble, as to the said General Assembly shall seem meet; and in case any such Treasurer, Clerk, Collector, Receiver, Harbour Master, or other Agent, Officer, or Servant, shall die, or quit the Service of the said Proprietors or of the said Directors, or by reason of any Negligence, Misconduct, or Inability in any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or Servant to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall be lawful for the Proprietors assembled at any such stated or special General Assembly as aforesaid, or for the said Directors, to remove any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or other Servant; and in case any such Treasurer, Clerk, Collector, Receiver, Harbour Master, Agent, Officer, or other Servant shall so die, be removed from or quit the Service of the said Company of Proprietors or of the said Directors, then it shall be lawful for the said Company of Proprietors, at their said General or Special General Assemblies, or for the said Directors, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors or of the said Directors; but in case any such new Appointments shall be made by the said Directors, the same shall only continue until the next General or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such General or Special General Assembly may think proper.

General
Assembly of
Proprietors
to elect and
appoint
Officers.

Clerk and
Treasurer
not to be the
same Person.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, 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, the Treasurer for the Purposes of this Act, or to appoint the 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, the Clerk of the said Company; and if any Person shall act in both the Capacities 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 act as Treasurer, or being the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered 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, or more than One Impar lance, shall be allowed.

Treasurer
and Collec-
tors to give
Security.

XVII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, Harbour Master, or other Agents, Officers, and Servants to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for faithfully accounting for all the Monies received by them, or Services to be performed by them in exercise of their said Offices, as to the said Company of Proprietors or the said Directors shall seem meet.

Books to be
kept, in
which the
Names of
the Proprie-
tors, &c. are
to be entered.

XVIII. And be it further enacted, That the said Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Directors respectively; and each of the said Proprietors of the said Undertaking shall and may, at all convenient Times, have recourse to and peruse and inspect the same, and also the Books of Account of the Treasurer or Treasurers, Collector or Collectors of the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words to be copied the Sum of Sixpence; and if any such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors to the said Company or Directors, shall not permit or shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect or peruse such Book or Books, or Proceedings or Account, at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XIX. And be it further enacted, That no Member of the said Directors shall have more than One Vote in any Meeting of the said Directors, except the Chairman, who shall be chosen by and out of the said Directors, and who, in case of an Equality of Votes upon any Question which may be agitated at any Meeting of the said Directors, shall have the casting Vote, although he may have given One Vote before; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Directors, may be exercised by the major Part of them present at their respective Meetings (the whole Number present being not less than Three); the said Directors shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and, if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Directors shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; but no Person holding any Place, Office, or Employment under the said Company, or concerned or interested in any Contract or Contracts with the said Company, shall be capable of being chosen to serve as a Director during the Time of his Continuance in such Place, Office, or Employment, or during the Time of his being concerned in such Contract or Contracts.

Regulations
respecting
Directors.

XX. And be it further enacted, That in order to defray the Expences of the Meetings of the said Directors, the said Directors shall from Time to Time receive, out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such General Assemblies; and the said Directors (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall have full Power and Authority to contract for and purchase Lands, Messuages, Tenements, Hereditaments, and Materials for the Use of the said Undertaking, to employ, order, direct, and dismiss the Workmen, to make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making, completing, and improving the said Harbour, and the Pier, Quays, Wharfs, Warehouses, and other Works, Matters, and Things hereby authorized to be made, and all and every Part and Parts thereof, and to do, execute, and perform all other Matters and Things whatsoever necessary and expedient to be done in and about the said Undertaking, and which the said Company of Proprietors are by this Act empowered to do, save and except such Matters and Things as are hereby directed to be done by the Proprietors at their General Assemblies as herein mentioned; and the said Directors shall by themselves, or their Clerk or Clerks aforesaid, keep a full and true Account of all Money disbursed and Payments made by the said Directors, and by all and every Person and Persons employed by or under them, and of all and every Sums and Sum of Money which they shall receive in behalf or in respect of such Harbour and other Works, from any Collector or Collectors of the said Rates or Duties, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly by themselves, or their Clerk or Clerks as aforesaid, write, insert, and enter, in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require)

Expences of
Meetings of
Directors.

Powers of
Directors.

require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors: Provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto as herein-before mentioned, for his or her Inspection.

Directors to
make Calls
on Shares.

XXI. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to or Proprietors of the said Undertaking, in order to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds Share in the said Undertaking; provided always, that no such Calls shall be made but at the Distance of Three Calendar Months at the least from each other; and provided also, that Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some One or more Newspaper or Newspapers usually circulated in the said County of *Devon*, and by Letter to be signed by the Clerk to the said Company, addressed to the respective Subscribers at his, her, or their Place of Abode as the same shall stand described or recorded in the Books of the said Company of Proprietors; all which Money to be so called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid, and applied in such Manner as the said Company of Proprietors or the said Directors shall from Time to Time order and direct; and all and every Owners or Owner, Proprietors or Proprietor of any Share or Shares in the said Undertaking, shall and they are hereby required to pay the Sum or Sums by them respectively subscribed, or such rateable Proportions thereof as shall be called for as aforesaid, at such Times and Places, and in such Manner as the said Directors shall from Time to Time appoint and direct; and if any Proprietor or Proprietors shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money, so to be called for as aforesaid, at the Time and Place to be appointed as aforesaid, or within Thirty Days next ensuing, he, she, or they so neglecting or refusing shall forfeit and pay a Sum not exceeding Twenty Shillings for every Share; and in case such Proprietor or Proprietors shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Three Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall, at the Option of the said Company of Proprietors, forfeit his, her, and their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof, all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Proprietors assembled at the said stated or Special General Assemblies, be sold by public Auction or private Contract, and applied in manner by this Act directed; and the said Company of Proprietors shall, by Writing or Writings under their Common Seal, assign, and transfer such forfeited Share or Shares unto the Person or Persons who shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and such Assignment and Transfer shall be good, valid, and effectual

Shares may
be forfeited,
if Calls not
paid within
Three
Months:

effectual against the Owner or Owners of all and every such Shares or Share so forfeited to or vested in the said Company of Proprietors, and sold as aforesaid, and all Persons claiming under him or them: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice shall have been given to, or Notice left at or sent by the Post, addressed to the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and the same Share or Shares shall likewise be declared to be forfeited at some stated or special General Assembly of the said Company of Proprietors, within Six Calendar Months next after such Forfeiture shall have been incurred: 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 or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the said Company, with regard to any Call or Calls for Money subsequent to the Declaration of such Forfeiture, or the future carrying on and Management of the said Undertaking; but no such Share or Shares shall be forfeited, if the Owner or Owners thereof, at or before such stated or special General Assembly, pay or tender to the Treasurer or Clerk to the said Company of Proprietors 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.

but no Advantage to be taken of Forfeiture without personal Notice.

Forfeiture of Shares to be an Indemnity to Persons forfeiting; but Shares not to be forfeited if Arrear and Interest be paid or tendered at, or before General Assembly.

XXII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If the Purchase Money shall be more than sufficient to pay the Arrears of Calls, &c. the Surplus shall be paid to the Owner.

XXIII. And be it further enacted, That if any Proprietor or Proprietors shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, at the Time and Place appointed for that Purpose, it shall be lawful for the said Company of Proprietors (in case they shall think fit) to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and in every such Action it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors

Company may sue for Calls not paid at the Time appointed.

of such or so many Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, or for such and so many Call or Calls for such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or any other Matters whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Share of One hundred Pounds, or was made within the Period of Three Calendar Months from the last preceding Call, or without Notice given as aforesaid.

Shares may
be sold.

XXIV. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, or Successors, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer or Conveyance of which Share or Shares shall be in the Form or to the Effect following; (that is to say),

Form of
Conveyance.

‘ I A. B. of [or, in case such Share or Shares shall
‘ be held by a Body Politic, Corporate, or Collegiate Aggregate, We],
‘ in consideration of the Sum of paid to me [or
‘ us] by C. D. of do hereby bargain, sell, assign;
‘ and transfer to the said C. D. the Sum of Share
‘ or Shares in the Undertaking called “The Sidmouth Harbour Com-
‘ pany,” and in the Works and Premises belonging to the said Company
‘ (being Number of the Shares in the said Undertaking), to
‘ hold to the said C. D., his Executors, Administrators, and Assigns, sub-
‘ ject to the same Rules, Orders, and Restrictions, and on the same Con-
‘ ditions subject to and on which I held the same immediately before the
‘ Execution thereof; and I the said C. D. do hereby agree to take and
‘ accept the said Share or Shares, subject to the same Rules,
‘ Orders, Restrictions, and Conditions. As witness our Hands and Seals,
‘ the Day of

And on every such Sale, the Transfer or Deed of Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Approbation and Sale and Transfer for the Use of the said Company, and shall have testified or endorsed the Entry of such Memorial on the said Transfer or Deed of Conveyance, for which Entry and Endorsement no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is or are hereby required to make an Entry of such Memorial accordingly; and until such Memorial shall

shall have been so entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of a Share or Shares in the said Undertaking.

XXV. And be it further enacted, That after any Call for Money shall have been made by the said Directors as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall be possessed of in the said Undertaking, upon pain of forfeiting his, her, or their Share or respective Shares therein to the said Company of Proprietors, in trust for the Benefit of all the rest of the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer or Treasurers of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in manner before directed.

After a Call
no Share to
be sold until
Money paid.

XXVI. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before a Master or Master Extraordinary in Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Devon* (and the said Master or Master Extraordinary in Chancery and Justices of the Peace are hereby authorized and empowered to swear any such Person to such Affidavit), and such Affidavit shall be transmitted (Postage or Carriage paid) to the Clerk or Clerks for the Time being to the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerks for the Entry of Transfer and Sale of Shares in the said Undertaking; and before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate thereof, or the Letters of Administration (in case the Owner or Proprietor shall have died intestate), shall be produced and shewn to the said Clerk or Clerks, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the said Letters of Administration, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects of the Deceased (as the Case may happen to be), before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace for the said County of *Devon*, and shall also be transmitted (Postage or Carriage paid) to the said Clerk or Clerks, who shall file and enter the same in manner herein-before mentioned; and for every such Entry the Clerk or Clerks of the said Company shall be entitled to receive from the Person or Persons claiming such Share or Shares

Regulations
as to the
Acquisition of
Shares,

by Marriage;

by Will, or in
a Course of
Adminis-
tration.

Shares by Marriage or Will, or in Course of Administration as aforesaid, the Sum of Two Shillings and Sixpence; and no more.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

XXVII. And for the better Security of the several Proprietors of the said Undertaking as to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their Second or some subsequent General Assembly, or as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall then be entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry made, to cause their Common Seal to be affixed thereto, and also shall cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered upon Demand to every such Proprietor, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, and the Number or Numbers thereof, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, or Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner or Owners, Proprietor or Proprietors of any of the said Shares from selling or disposing thereof; and in case any such Ticket or Instrument shall become defaced, worn out, or damaged, or shall, to the Satisfaction of the said Company, be ascertained to have been lost or destroyed, then and in such Case another Ticket or Instrument shall be made out and delivered by the Clerk on the same Terms and Conditions as aforesaid.

For enforcing Payment of Subscriptions.

XXVIII. And be it further enacted, That if the several Persons who have become Subscribers towards the Purposes of this Act, or any one or more of them, or any Person or Persons who shall hereafter become the Proprietor or Proprietors, by Purchase or otherwise, of any Share or Shares in the said Undertaking, shall after Thirty Days previous Notice in Writing, under the Hand or Hands of the Clerk or Clerks to the said Company, or one of them, given to him, her, or them personally, or left at or sent by the General Post to his, her, or their usual Place or Places of Abode, as the same may stand registered in the Books of the said Company, refuse or neglect to make Payment of the Sum or respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, at such Place or Places, and to such Person or Persons as the said Company shall authorize to receive the same, it shall be lawful for the said Company to bring or cause to be brought any Action or Actions of Debt or on the Case, or Bill, Plaint, or Suit, against the Person or Persons so refusing or neglecting as aforesaid, or his, her, or their Heirs, Successors, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection; or Wager of Law, nor more than One Imparlance, shall be allowed; and after the Proof of such Person or Persons hereof so subscribed or agreed to subscribe, and that

that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiff in all such Action and Actions, and Execution shall issue thereupon as the Case may require.

XXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Agents, Officers, Workmen, Servants, and others, to make, construct, erect, build, maintain, and from Time to Time support and keep in repair, at *Chit Rock* aforesaid, in manner by this Act directed, such Piers, Quays, Wharfs, and other Works, Buildings, Matters, and Things, as they shall deem necessary or expedient for the Formation of a commodious Harbour, and for making the same fit for the Reception, Accommodation, and Security of Ships, Barges, Boats, and other Vessels, and the Officers and Crews thereof, and for the more convenient loading and unloading of such Ships, Barges, and other Vessels; and also to erect and make, or cause to be erected and made, such Buildings and Warehouses for the Reception of Goods and Merchandize, and such Dwelling Houses and other Buildings, Accommodations, Matters, and Things, and in such Manner as the said Company of Proprietors shall deem necessary or expedient.

Company
may build
Quays, &c.

XXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make, maintain, and repair any public Carriage Road or Roads over the Common Land in the said Parish of *Sidmouth*, as an Approach or Approaches to the said intended Harbour.

For making
Approaches
to the Har-
bour.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Agents, Servants, and Workmen, as often as Occasion may require, to cleanse, scour, and deepen the said Harbour hereby authorized to be made, and also to cut through, remove, or take away all Obstructions and Impediments that may be found to arise therein or near thereto, or that shall or may interfere with or obstruct, or be likely to interfere with or obstruct the Navigation of the said Harbour; and in case the Owner or Owners of any Ship or Vessel, or the Person or Persons causing or making any such Obstruction or Impediment so removed by the said Company, their Agents, Servants, or Workmen, shall refuse or neglect to pay the Costs or Charges of removing the same, for the Space of Ten Days after the same shall have been demanded by any Agent, Officer, or Servant of the said Company, the same shall and may be recovered and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be recovered and levied.

Power to
scour the
Harbour as
often as ne-
cessary.

XXXII. And be it further enacted, That the said Company of Proprietors shall have full Power and Authority to contract and agree with the Owner or Owners, Occupier or Occupiers of all such Lands, Grounds, Buildings, or Hereditaments near or adjoining to the said intended Harbour, Pier, Quays, Wharfs, and other Works in the Parish of *Sidmouth* aforesaid, as they shall think necessary or proper to purchase and make use of in and about the Works of the same Harbour, Pier, Quays, Wharfs, and Premises, or for the Purpose of enlarging and improving the same, or otherwise for the Uses and Purposes of this Act.

Power to
purchase
Lands, &c.

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

XXXIII. And be it further enacted, That after any Lands, Grounds, Buildings, or Hereditaments shall be set out and ascertained for the Purposes aforesaid, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or 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 Dower or other Interest therein, and for every other Person or Persons whomsoever who is or are or shall be seised or possessed of or interested in any Lands, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all such Contracts, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say),

Form of Conveyance to the Company.

I *A. B.* of _____ in consideration of the Sum of _____ to be paid by the *Sidmouth* Harbour Company, do hereby grant and release unto the said Company all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Company and their Successors for ever, by virtue of and according to the true Intent and Meaning of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*]. In witness whereof, I have set my Hand and Seal this _____ Day of _____ in the Year of our Lord _____

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and shall be kept by the Clerk or Clerks to the said Company, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words, exclusive of the Stamp Duty.

Conveyance by Lords of Manors of Land taken from Commons to be sufficient.

XXXIV. 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 or Lady, Lords or Ladies of the Manor or Manors wherein the same shall be situate, shall be a good and sufficient Conveyance to the said Company of Proprietors, 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 or Waste Grounds had joined in and executed such Conveyance; and One-fourteenth Part of the Compensation to be paid for any such Commons or Waste Grounds as aforesaid shall be paid by the said Company of Proprietors to the said Lord or Lady, Lords or Ladies of the said Manor or Manors, and the

Remainder thereof to the Churchwardens of the said Parish of *Sidmouth*, to be by such Churchwardens received and applied for such general or public Purposes within the said Parish, as a Vestry of such Parish, to be convened by such Churchwardens for that Purpose, shall direct; any thing contained in this Act to the contrary notwithstanding.

XXXV. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell or convey Lands, Tenements, or other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments in, upon, or over which the said Harbour, Pier, Quays, Wharfs, and other Works hereby authorized are intended to be made, shall and may accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Hereditaments, and for Damages to be sustained by making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors and the said Parties interested in any such Lands, Grounds, Tenements, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury.

Satisfaction to be made.

XXXVI. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments 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 so settled by the said Company of Proprietors, or by a Jury as herein mentioned, and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and in every such Case the said Company of Proprietors are hereby empowered and required to issue a Warrant or Warrants under their Common Seal to the Sheriff of the said County of *Devon*, commanding him to summon a Jury in manner herein-after mentioned.

Damages not provided for to be settled.

XXXVII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments which the said Company of Proprietors are enabled to purchase and make use of for the Purpose of this Act, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for himself, herself, or themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Hereditaments of which he, she, or they

If Parties cannot agree Value to be ascertained by a Jury.

they is or are or shall be in Possession, and to the Interest which he, she, or they shall claim therein, then and in every such Case it shall be lawful for the said Company of Proprietors, or any Three of them, and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Common Seal to the Sheriff of the said County of *Devon*, commanding him to impanel and return a Jury of Twelve Persons, and which Jury the said Sheriff is hereby required to summon and choose accordingly, in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *England*; and every such Jury shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, 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 is hereby empowered and required, by a Summons or Notice under his Hand, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in question; which Jury, upon their Oaths (which Oaths, as well as the Oaths to the Person or Persons who shall be called upon to give Evidence, the said Sheriff is truly empowered to administer), shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary thereof notwithstanding: Provided always, that Twenty-one Days previous Notice in Writing at the least of the Day, Hour, and Place at which such Jury is required to be returned, be given to Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested or entitled, or claiming so to be, by leaving such Notice at the Dwelling House of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or at the Place of Residence of such Person or Persons interested or entitled, or claiming so to be, or of some Tenant or Occupier of the Hereditaments respectively intended to be valued.

In case of Nonpayment of Compensation for Damages by the Company, the same to be levied by Distress.

XXXVIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Company of Proprietors in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, or for any Damage or Injury done or committed by the said Company of Proprietors, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company of Proprietors to the Party or Parties

Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in such Demand the Order of such Justice or Justices shall be stated, 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 of Proprietors by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, or Injury as aforesaid; and in case any Overplus shall remain after Payment of any such Sum or Sums 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 of Proprietors, or their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

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

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

XL. And whereas a Survey has been made to ascertain the Practicability of making the said Harbour or Pier, and a Map or Plan, with a Book of Reference thereto, has been deposited with the Clerk of the Peace for the County of *Devon*; be it further enacted, That the said Map or Plan and Book of Reference thereto, shall remain in the Custody of the Clerk of the Peace for the County of *Devon*, to the End that all Persons shall have liberty, at all seasonable Times, to resort to and examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Examination, and for Copies or Extracts from the said Book of Reference the Sum of One Shilling 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 the Clerk of the Peace for the County of *Devon*.

XLI. And be it further enacted; That if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall

Fine upon Persons making Default.

[Local.]

68 Q

refuse

refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Sheriff; or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence; then and in such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering him the Overplus after such Penalty and the Charges of such Distress and Sale shall have been deducted; and every such Penalty shall go and be paid to the Person or Persons who shall appear to the said Sheriff to be injured by the Default of such Person so offending.

By whom
Expences of
Jury shall be
paid.

XLII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred by summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Persons 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 any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Devon*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Persons entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company of Proprietors, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence, or other Impediment or Disability as aforesaid, from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Devon* 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 when the Costs shall be payable by the Party or Parties 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 Party or Parties, as so much Money advanced for his, her, or their 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 Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after having been so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

XLIII. 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 Jury in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall have been so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, (but not before), it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate in Trust and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors and their Successors, 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 or Persons 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 and 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 of Proprietors, or any Person acting under their Authority, to dig or cut the Lands, Tenements, or other Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making, completing, or improving the said Harbour and other Works, or any of them, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon such Hereditaments for any of the Purposes of this Act before such Payment or Deposit into the Bank of *England* as aforesaid (as the Case may be) shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Hereditaments.

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

XLIV. And

Verdicts to
be recorded.

XLIV. And be it further enacted, That every Verdict shall be transmitted to and kept by the Clerk of the Peace or other Person having the Custody of the Records of the Quarter or General Sessions of the Peace for the said County of *Devon*, and shall be deemed to be Records of such Quarter or General Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words, exclusive of the Stamp Duty.

Application
of Compen-
sation when
amounting
to 200*l.*

1 G. 4. c. 35.

XLV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Feme Covert, or other incapacitated Person or Persons, such Money shall, if 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 His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the *Sidmouth* Harbour Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty 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, and without Fee or Reward; and shall when so paid in there remain, until the same shall by Order of the said Court, made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall have been so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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 Purpose aforesaid, the

Dividends

Dividends and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XLVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Directors, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 200*l.* and exceeding 20*l.*

XLVII. And be it further enacted, That when such Money so agreed or awarded to be paid as herein-before is mentioned shall amount to the Sum of Twenty Pounds only, or shall be less than that Sum, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Directors, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When not exceeding 20*l.*

XLVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue and for the Purposes of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Hereditaments to the Satisfaction of the said Company of Proprietors, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company of Proprietors to order the Sum or Sums of Money so awarded or assessed as aforesaid to

In case of not making out Titles, &c. the Money to be paid into the Bank.

be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out in the Public Funds, and to order Distribution thereof, and Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XLIX. And be it further enacted, That when any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless 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 entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

L. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, Body or Bodies Politic or Corporate, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be incurred in pursuance of this Act, or so much of the said Expences as the said Court may deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors,

prietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LI. And whereas in pursuance of the Provisions of this Act, or to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments which are or may be affected by the said Harbour, Pier, Quays, Wharfs, and other Works hereby authorized to be made, the said Company of Proprietors may purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to grant and convey to any Person or Persons whomsoever, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act; and such Conveyances from the said Company of Proprietors shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Buildings, or Hereditaments, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be so sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Buildings, and Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands, Buildings, and Hereditaments, shall first offer to sell the same to the Owner or Owners of the adjoining Lands and Hereditaments; and such Owner or Owners, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Twenty-one Days after such Offer shall have been made, the Price at which the same shall be resold (in case the Parties cannot otherwise adjust the same) being adjusted and settled by a Jury, in like Manner as the Price for any Land or Hereditaments to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to purchase the same, or shall be by any legal Disability incapacitated to become a Purchaser or Purchasers thereof, an Affidavit made and sworn to before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Devon*, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Owner or Owners did not agree or refused to purchase such Lands, Buildings, or Hereditaments, or was by such legal Disability incapacitated as aforesaid (as the Case may be), shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused, or of such Incapacity to purchase as aforesaid.

Company empowered to sell Land not wanted for the Purposes of this Act.

LII. Provided always, and be it further enacted, That if any of the Land or Ground intended to be taken or used for the Purposes of this

Omissions or Misnomers not to pre-
Act.

vent the Execution of this Act.

Act, shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Land or Ground described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Paper, or either of them, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act; but the Land or Ground, and every Part thereof, shall or may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named, in case it shall appear to any Two or more Justices of the Peace of the County wherein such Land or Ground shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Land or Ground had Notice that the same would be wanted for the Purposes thereof.

Harbour, &c. not to be subject to the Commissioners of Sewers.

LIII. And be it further enacted, That the said Harbour, Pier, Quays, Wharfs, and other Works hereby authorized to be made as aforesaid, or any of them, shall not be subject or liable to the Controul, Direction, Survey, or Order of Commissioners of Sewers, or to any Law or Statute relating to Sewers; any thing in any former Law or Statute to the contrary notwithstanding.

Commencement of the Harbour Duties.

LIV. 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 of Proprietors, and such Person or Persons as they shall appoint, to ask, demand, take, collect, receive, and recover to and for the Use and Benefit of the said Company of Proprietors, of and from all and every the Masters, Commanders, or Owners, or other Person or Persons having the Rule or Command of any Ship or Vessel, Bark, Barge, Keel, or Boat coming into or going out of the said Harbour, or importing into or exporting from the same Harbour any Kind of Goods, Wares, or Merchandize, the several Rates or Duties as respectively specified in the Rates of Wharfage and Schedules to this Act 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 the Sum or Toll specified in the Schedule B. to this Act annexed.

Exemption for Vessels in His Majesty's Service.

LV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service or Employ of the Customs or Excise or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores, or Matters imported

imported into or exported from the said Harbour for the Use of the Navy or Army, or otherwise in His Majesty's Service, or to any Yachts or Pleasure Boats or other Vessels belonging to the King's most Excellent Majesty, or any Member of the Royal Family, or any of the Passengers or Crew thereof respectively: Provided always, that if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

LVI. And be it further enacted, That it shall and may be lawful for the said Directors from Time to Time to lower or reduce all or any of the Rates or Duties and Tolls by this Act granted, and again to raise the same to such Sum or Sums of Money as they shall think proper, not exceeding the Sums by this Act allowed to be taken, as often as it shall be deemed necessary for the Benefit of the said Undertaking.

Rates may be altered.

LVII. And be it further enacted, That from and after the said Harbour shall have been certified to be so far completed as aforesaid, every Master or Commander or other Person having the Rule or Command for navigating any Ship or Vessel which shall arrive in the said Harbour with any Goods, Wares, or Merchandize, shall in every Case make his Report of such Ship or Vessel, and of her Cargo, to the Harbour Master for the Time being of the said Harbour, or to such other Person as the said Company of Proprietors shall appoint from Time to Time for that Purpose, within Twenty-four Hours next after her Arrival in the said Harbour; and shall also, within Twenty-four Hours after such Ship or Vessel and Cargo shall be so reported, deliver or cause to be delivered a true Copy of the Manifest of the Cargo of such Ship or Vessel at the principal Office or House near to the said Harbour, used for the Time being for the Management of the Affairs of the said Company of Proprietors, to such Officer or Servant of the same Company as shall be appointed for the Receipt thereof; and every such Master or Commander, or Person have the Rule or Command of or navigating such Ship or Vessel, refusing or neglecting to make such Report, or to deliver a true Copy of such Manifest, within the respective Times and in the Manner before directed, shall for every such Offence (upon having been convicted thereof) forfeit and pay any Sum not exceeding Ten Pounds.

Ships to be reported on arriving in the Harbour.

LVIII. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts of Parliament, and trading or coming to or departing from the said Harbour, and liable to the Payment of the Rates or Duties of Tonnage 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 or Register, at the Time of Payment of the said Rates and Duties, to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in or 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 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 an Act passed in the Fourth Year of the

To ascertain the Tonnage or Admeasurement of Ships.

4 G. 4. c. 41. Reign of His present Majesty King *George* the Fourth, intituled *An Act for the registering of Vessels.*

Power to
measure
Ships.

LIX. And be it further enacted, That for the Purpose of so ascertaining such Tonnage, it shall be lawful for the Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons as the said Company of Proprietors shall in that Behalf nominate or appoint, from Time to Time, and at all convenient and reasonable Times, to enter into, measure, and gauge all such Ships or Vessels; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, Owner, or Person giving in such Account shall pay the Costs and Charges of such measuring and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the Rates and Duties hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship, Barge, Boat, or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons appointed as aforesaid respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace for the said County of *Devon*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention, and such Costs, Charges, and Damages shall be recovered and levied on the Goods and Chattels of the said Company of Proprietors, or of their Collector, in manner as other Fines, Penalties, and Forfeitures can or may be recovered and levied under this Act; and if any Master, Commander, or other Officer or Person of or attached to any Ship, Barge, Boat, or other Vessel, or any Person or Persons whosoever, shall obstruct or hinder any Person or Persons so employed in or from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, Officer, or other Person, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the said Rates and Duties.

Wharfage
Duties to be
paid.

LX. And be it further enacted, That if any Goods, Wares, Merchandize, or other Things shall be brought upon any Pier or Piers, Jetty or Jetties, Wharf or Wharfs, Quay or Quays, Landing Place or Landing Places, or be deposited in any Warehouse or Warehouses belonging to the said Company of Proprietors, then and in such Case there shall be paid to the said Company of Proprietors, or to the Collector or other Person or Persons whom they shall appoint to demand, receive, and recover the same, over and above the Rates and Duties herein-before granted and authorized to be taken, in such and the same Manner as such Rates and Duties are hereby directed and appointed to be paid and recovered, such Sum *per Ton*, or otherwise, as the said Company of Proprietors or their Directors shall from Time to Time fix and appoint, not exceeding the Rates and Charges in the Fourth Schedule to this Act annexed particularly specified and set forth.

LXI. And be it further enacted, That the Tonnage of Timber and all other Goods, Merchandize, Articles, and Things whatsoever imported or exported to or from the said Harbour, shall be ascertained and charged according to the real Weight thereof; and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, any Usage to the contrary thereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates and the Master or other Person having the Care or Charge of any Ship, Boat, Barge, Keel, or other Vessel entering or leaving the said Harbour, or the Owner, Factor, Consignor, or Consignee of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Weight or Quantities of the Goods, Wares, Merchandize, or other Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Ship, Boat, Barge, Keel, or other Vessel, and to weigh or gauge, or cause to be weighed or gauged the same, and all such Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon any such weighing or gauging, appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Boat, Barge, Keel, or other Vessel, then it shall and may be lawful to and for the said Directors, or their said Collector or Collectors, and he and they is and are hereby authorized and empowered to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Boat, Barge, Keel, or other Vessel, and the graduated Index thereon, and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing or gauging; all which Costs and Charges, upon Refusal of Payment upon Demand, shall and may be recovered and levied in the same Manner as the said Rates and Duties are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or other Matters or Things shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Company of Proprietors shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention; and in default of Payment thereof, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record.

For ascertaining the Tonnage of Goods.

In case of Difference concerning the Weight, Collector may weigh them.

LXII. And be it further enacted, That from and after the Time that the said Harbour and Works shall have been so certified as aforesaid to be so far completed as that any Ship or Vessel may be enabled to load or unload Goods and Effects within the said Harbour, no Collector, Comptroller, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other of His Majesty's Customs at the said Harbour, or at any Port to which the same shall be attached, shall give or make any Cocket or other Discharge, or make any Report outwards for any Ship or other Vessel in the said Harbour, or within the Limits of the same, or permit any Ship or other Vessel to go out of the said Harbour or from any Landing Place within the Limits thereof, unless or until the Master or other Person having Charge of such Ship or Vessel shall have paid the Rates or Duties by

Custom House Officers not to discharge Vessels before Duties paid.

by this Act granted or imposed, and shall have produced to the said Collector or other Officer of the Customs a Certificate under the Hand of a Collector or Person appointed under the Authority of this Act to collect and receive the said Rates and Duties, that the said Rates and Duties payable on account of any Ship or Vessel have been fully paid and satisfied, upon pain of forfeiting and paying for every such Offence any Sum not exceeding Ten Pounds; and such Penalty shall be recovered and levied in the same Manner as other Fines, Penalties, and Forfeitures may be recovered and levied under this Act; and such Certificates and Signatures such Collector or Collectors, or other Person or Persons appointed under the Authority of this Act to collect and receive the said Rates and Duties as aforesaid, are required to sign and give accordingly, without Fee or Reward, upon pain of forfeiting for every Refusal thereof, upon Demand, any Sum not exceeding Forty Shillings, and such Penalty shall and may be recovered and levied in the same Manner as other Fines, Penalties, and Forfeitures under this Act may be recovered and levied.

Recovery of Rates and Duties authorized to be collected.

LXIII. And be it further enacted, That all the Rates and Duties authorized by this Act to be received, collected, and taken, shall be paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Company of Proprietors shall from Time to Time direct or appoint; and in case any Owner or Master, or any other Person or Persons 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, shall neglect or refuse to pay any such Rates or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same, then and in such Case it shall and may be lawful for the Collector or Collectors, or other Person or Persons appointed in pursuance of this Act to receive the same, to go on board such Ship, Boat, or other Vessel, to demand, collect, or receive the said Rates or Duties; and on Nonpayment thereof, to take 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 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 Directors, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the same to be appraised by Two or more sworn Appraisers or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and out of the Produce of the Sale thereof to satisfy themselves and himself, as well for and in respect of the Rates or Duties so neglected or delayed to be paid, as also for and in respect of 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 of Proprietors, in case of Nonpayment of the Rates and Duties as aforesaid, instead of recovering the same

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*.

LXIV. 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.

Persons evading Payments to remain liable, and also to forfeit a Sum equal thereto.

LXV. 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, shall refuse or evade Payment thereof, every such Person shall forfeit and pay for every such Refusal the Sum of 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 for evading the Pier Toll.

LXVI. 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.

Vessels not to land or ship Cargoes at other Places than specified.

LXVII. And for the more orderly governing of the said Harbour, and for the better preserving the same, and the Works to be erected there, from Prejudice or Damage, as well as for the Accommodation of Ships or Vessels coming into as going out of the said Harbour, be it further enacted, That the Harbour Master to be appointed in pursuance of this Act shall from Time to Time order and require all and every Person and Persons having the Rule or Command of any Ship, Barge, Boat, or Vessel enter-

Power to regulate Vessels lying in Harbour.

ing into, lying, being, or abiding within the said Harbour, to anchor, moor, and ballast such Ship, Barge, Boat, or other Vessel in such proper Place or Places within the same as such Harbour Master shall assign or direct for those Purposes (having a due Regard that to the best of his Skill and Judgment such Vessel shall be ordered to lie, anchor, moor, or ballast in a Place of Safety); and in case the Person or Persons having the Rule or Command of any Ship or other Vessel shall refuse or neglect to obey the Orders so given, or shall cast or throw out, or permit and suffer to be cast and thrown out, any Ballast or Rubbish, Sand, or other Materials used for Ballast from any such Ship or Vessel within the said Harbour or the Entrance thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Company.

Persons wilfully destroying Works or extinguishing Lights, guilty of Felony.

LXVIII. And be it further enacted, That all and every Persons or Person whosoever who shall at any Time or Times hereafter wilfully or designedly demolish, break down, or damage the Piers, Quays, Wharfs, Warehouses, or any of the Works or Buildings which shall be constructed in, or which shall belong to the said Harbour, or who shall wilfully do any Damage to any of the Shipping or Goods within the same, or who shall wilfully or designedly extinguish or put out any of the Lights used in or belonging to the said Harbour for the Protection of the Ships or other Vessels resorting to the same, shall be adjudged guilty of Felony; and the Court by or before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for any Term not exceeding Seven Years, or, in mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Felony.

Damages done to the Quays, &c. to be made good.

LXIX. And whereas Damage may frequently be done to the Piers, Quays, Dock Gates, Bridges, Walls, Cranes, Hoisting Machines, and other Works belonging to the said Docks and Basins, 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 is frequently 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, Lighter, Barge, 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, Docks, 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 or other 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

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, Lighter, Barge, 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.

LXX. And be it further enacted, That the Master and Owner or Owners of every Ship, Lighter, Barge, Boat, or other Vessel, and of every Raft or Float of Timber, shall be and is hereby made answerable for any Damage, Spoil, or Mischief, not exceeding Twenty Pounds in Amount, which shall be done by any such his or her Ship, Lighter, Barge, Boat, or other Vessel, Raft or Float, or of any of the Seamen, Boatmen, Watermen, or others, belonging to or employed in or about the same, unto the said Pier or Harbour, or any of the Works belonging thereto.

Owners of Ships and Boats to be accountable in certain Cases for Damages.

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

Masters to recover Damages from their Servants.

LXXII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by the Bye Laws, Rules, Orders, and Regulations hereby authorized to be made (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary

Recovery and Application of Penalties and Forfeitures.

mary Way, by the Order and Adjudication of any One Justice of the Peace for the said County of *Devon*, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs on such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security he 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 such Justice, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, and Forfeitures 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, or any other Justice of the Peace for the said County, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless the Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties, and Forfeitures, when so levied (the Application whereof is not otherwise herein directed), shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

For securing
transient
Offenders.

LXXIII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person or Persons, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace for the said County of *Devon*, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

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LXXIV. And

Allowing an
Appeal to
the Quarter
Sessions.

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

Proceedings
not to be
quashed for
Want of
Form.

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

Notice of
Action to be
given.

LXXX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing, signed by his, her, or their Attorney (specifying the Cause of such Action), shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, at least Thirty Days before such Action shall have been brought; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case no Tender of Amends shall have been made, it shall and may be lawful for the said Defendant or Defendants (by Leave of the Court) at any Time before such Issue joined, to pay into Court such
Sum

Tender of
Amends.

Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made and given in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

LXXXI. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Persons, or Party or Parties, to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings upon the said Company, the Service thereof respectively upon any One of the said Directors, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

LXXXII. Provided always, and be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Corporation or Corporations Aggregate or Sole, for any thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the County in which the Matter in dispute shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his, her, or their Election, plead specially or 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 under the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction has been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid shall have expired, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon a Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Limitation of Actions.

LXXXIII. And be it further enacted, That all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act shall be defrayed and paid out of the first Monies to be received or recovered by virtue of or under the Authority of this Act, in preference to all other Payments whatsoever.

Expences of passing this Act.

LXXXIV. And

Powers given
by this Act
to cease, if
Works be not
completed
within Five
Years:

LXXXIV. And be it further enacted, That in case the Sum of Seven thousand Pounds be not laid out and expended upon the several Works herein-before described and intended to be carried into Effect under the Authority of this Act, within the Space of Three Years from the passing hereof, or in case the said several Works shall not have been completed so as to answer the Purposes aforesaid within the Space of Five Years from the passing of this Act, then and thenceforth, and in either of such Cases, all the Powers and Authorities given by this Act shall cease and determine, save only as to such or so much of such Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted, and such Agreements as shall have been made in pursuance of the Powers herein contained, and so that the said Company of Proprietors be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, arising out of the Provisions herein contained.

General
Saving.

LXXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privilege, or Authority of the King's most Excellent Majesty, His Heirs and Successors, or of any Bodies Politic or Corporate, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, other than and except those meant and intended to be barred and regulated by this Act.

Saving Rights
of the Lord
or Ladies of
the Manor of
Sidmouth.

LXXXVI. Provided always, 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 Manor of *Sidmouth*, 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.

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

RATES OF WHARFAGE.

	£	s.	d.
For Coals, Coke, Culm, Ashes, Breeze, and all Sorts of Manure, lying upon or at any Wharf for any Time not exceeding the Space of Fourteen Days, per Chaldron or Ton	0	0	6
For the same, lying longer than Fourteen Days, per Chaldron or Ton, per Week	0	0	6
For Stone of all Descriptions, for Fourteen Days or less, per Ton	0	0	6
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	0	6
For Timber of all Descriptions, for Fourteen Days or less, per Load of Fifty Cubic Feet	0	1	6
For the like, for any Time exceeding Fourteen Days, per Week	0	1	6
For Iron, Brass, Copper, and all other Minerals, for Fourteen Days or less, per Ton	0	1	0
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	1	0
For Hemp, Flax, Pitch, Tar, Rosin, for Fourteen Days or less, per Ton	0	2	0
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	2	0
For Grain and Seeds of all Descriptions, for Fourteen Days, per Quarter	0	0	2
For the like, for any Time exceeding Fourteen Days, per Quarter per Week	0	0	2
For Meal and Flour, for Fourteen Days or less, per Sack	0	0	2
For the like, for any Time exceeding Fourteen Days, per Sack per Week	0	0	2
For Bran or Pollard, for Fourteen Days or less, per Quarter	0	0	1
For the like, for any Time exceeding Fourteen Days, per Quarter per Week	0	0	1
For Hops, Wool, and Rags, for Fourteen Days or less, per Ton	0	1	6
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	1	6
For Lime and Stone for building, for Fourteen Days or less, per Ton	0	1	0
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	1	0
For all other Goods, Wares, and Merchandize, not before enumerated, for Fourteen Days or less, per Ton	0	2	6
For the like, for any Time exceeding Fourteen Days, per Ton per Week	0	2	6

SCHEDULE (A.) above referred to.

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

Tonnage on Vessels, independent of Cargo.	£	s.	d.	
Foreign, to unload or load	0	1	3	per Ton.
British from Foreign Ditto	0	1	3	—
Ditto Coastwise Traders	0	1	0	—
Colliers	0	0	6	—
Loaded with Limestone, Lime, Sand, Manure, Ballast, or any Description of Compost for Land	0	0	3	—
For every Vessel running into the Harbour by Stress of Weather, and not unloading, of less Burthen than Twenty Tons	0	0	6	—
From Twenty to Sixty Tons	0	0	7	—
From Sixty to One hundred Tons	0	0	9	—
From One hundred to One hundred and twenty Tons, and upwards	0	1	0	—
For every Vessel coming into the Harbour for Shelter or in Distress, lying longer than Seven Days after the Weather abates, and the Wind permits, unless for the Purpose of Repairs	0	0	2	per Ton per Day.

SCHEDULE (B.)

	£	s.	d.	
For every Fishing Boat or Vessel kept or laid up in the Harbour, of less Burthen than Two Tons, and not exceeding Three Tons	0	5	0	per Annum.
Above Three Tons and not exceeding Ten Tons	0	10	0	—
For every Pleasure Boat or Vessel	1	0	0	—
Above Ten Tons and not exceeding Twenty	2	0	0	—
Above Twenty Tons and not exceeding Sixty Tons	3	0	0	—
Above Sixty Tons	4	0	0	—
For every Party embarking	0	1	0	—
For every Person who enters the Pier, except those who embark, One Penny each Time, or Two-pence for the whole Day.				

SCHEDULE (C.)

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

	£	s.	d.
For every Quarter of Wheat, Wheat Meal, Malt, Pease, Tares, Mustard Seed, and Seeds of every other Denomination	0	0	3
Quarter of Beans, Rye, and Oats, and so in proportion	0	0	3
Butt, Pipe, Puncheon, or Piece of Wine, Sweet Oil, or Spirits	0	3	6
Hogshead of Wine, Oil, or Spirits	0	2	0
Butt of Ale or Porter	0	1	6
Hogshead of Ale or Porter	0	0	9
Puncheon of Ale or Porter	0	1	6
Barrel of Ale or Porter	0	0	6
And less Casks in proportion.			
solid Hogshead of Sugar	0	1	6
Hogshead or Package of Loaf or Lump Sugar, per Hundred Weight	0	0	2
Quarter Cask of Wine, Sweet Oil, or Spirits	0	1	0
Barrel, whether wet or dry	0	0	6
Half Ditto	0	0	4
smaller Cask, of whatsoever Denomination, wet or dry	0	0	2
Butt, empty (not on Return)	0	0	3
Vat, packed with Goods	0	2	6
Sugar Hogshead, Ditto Ditto	0	1	6
smaller Cask, Ditto Ditto	0	1	0
Vat or Cask of Tallow, not exceeding Six Hundred Weight	0	0	9
large Vat or Cask of Tallow, per One Hundred Weight	0	0	2
Bale or Truss (great)	0	0	8
Ditto Ditto (small)	0	0	4
Pack of Wool, Yarn, or Cotton, containing Two hundred and forty Pounds Weight	0	1	6
larger or smaller Package in proportion.			
small Frail, Mound, or Basket	0	0	2
great Mound or Basket	0	0	4
Piece or Ordnance Brass per Hundred Weight, and Iron per Hundred Weight	0	0	2
Anchor, per Hundred Weight	0	0	2
Hundred Weight of Iron, wrought and unwrought	0	0	2
Hundred Weight of Lead	0	0	1 $\frac{1}{2}$
Ditto Ditto of Tin	0	0	1 $\frac{1}{2}$
Ton of Salt	0	1	6
Hundred of Cod called Sized Fish	0	1	0
And so in proportion.			
And the small Sort	0	0	6
Load of Lime of Twenty-eight Bushels	0	1	8
One hundred of One Inch and a Quarter Deal Boards, from Ten to Fourteen Feet in length	0	2	6
One hundred of Two Inches and a Half Ditto Ditto	0	3	6
For every 100 of Three Inches Ditto, and in proportion for greater Lengths	0	4	6
Thousand of Barrel Boards and Staves	0	2	6
Hundred of Petersburg Battens	0	3	0
Hundred of Clove Boards or Battens	0	1	6
Mast of Ten Inches Diameter	0	1	8
Ditto, Seven Inches and under Ten	0	1	0
And every smaller Mast in proportion.			
Spar of Ten Inches Diameter	0	0	10
Ditto of Seven, Eight, and Nine Inches	0	0	6
Ditto of Four, Five, and Six Do.	0	0	3
Score of smaller Spars	0	0	10
Load of Oak or Elm Boards	0	2	6
Thousand of Clift Pale	0	2	0
Ton of Oak, Elm, or other Timber	0	2	6

	£	s.	d.
For every Load of Posts and Rails	0	2	3
Bundle of Wood or Iron Hoops	0	0	1½
Twenty Bundles of Laths	0	0	10
Fathom of Six Feet Lath Wood	0	1	6
Quarter of Coals or Culm	0	2	0
Ton of Soap Rock or other Clay	0	2	6
Fathom of Five Feet Lath Wood	0	1	0
Cord of Fire Wood	0	0	6
Hundred of Faggots	0	1	0
Mill Stone (great)	0	2	3
Ditto (small)	0	1	6
Tombstone	0	3	0
Ditto, Marble	0	6	0
Corpse	0	10	0
Small Trunk, Chest, or Box	0	3	0
Great Ditto	0	0	6
Small Bundle or Parcel	0	0	1
Bag of Hops	0	1	6
Pocket of Ditto	0	9	0
Thousand of Bricks, and so in proportion	0	2	6
Ditto of plain Tiles, and so in proportion	0	1	0
Ditto of Top, Ridge, Gutter, or Pan Tiles, Ditto	0	1	6
Ditto of Mathematical Tiles	0	2	0
Ditto of Paving Tiles	0	2	0
One hundred of Flat Paving Stones, large	0	2	0
Ditto, small	0	1	6
Ton of Marble	0	3	0
Ton of Portland, Purbeck, or other Stone	0	1	6
Large Grindstone	0	0	4
Small Ditto	0	0	2
Cart-load of Free Stone, rough or hewn	0	0	2
Hundred Weight of Cheese	0	0	4
Barrel of Fish or Train Oil, and so in proportion for great or smaller	0	0	6
Cask of Ditto	0	0	6
Barrel of Pitch or Tar	0	0	6
Ditto of Red Herrings	0	0	6
Ditto of Pilchards	0	0	6
Sack of Three Bushels, Potatoes, Apples, or Pears	0	0	3
Hundred Weight of Hemp	0	0	2
Ditto of Cordage	0	0	3
Bolt of Canvas, of No. 1, 2, and 3	0	0	4
other Bolt of Canvas	0	0	2
Horse or Bullock	0	2	6
Four-wheeled Carriage	0	5	0
Two Ditto Ditto	0	3	0
Sedan Chair	0	1	0
Sack of Five Bushels of Flour	0	0	3
Bag of Bran of Eight Bushels	0	0	8
Ton of Kelp	0	1	6
Ditto of Brill	0	2	0
Load of Hay, of Thirty-six Trusses	0	2	6
Load of Straw	0	2	0
Oil Cakes, per Thousand, and so in proportion	0	2	6
Bushel of Onions	0	0	2
Ditto of Oysters	0	0	2
Firkin, or smaller Barrel of Oysters	0	0	2
Hide, raw	0	0	2½
Ditto, tanned	0	0	6½
Dozen of Goat, Calf, Sheep, or Lamb Skins	0	1	9
Hundred Weight of wrought Pewter	0	0	8
Hundred Weight of old Pewter	0	0	4
Calf	0	1	0
Dog	0	0	2
Fox	0	0	3
Hares and Pheasants, and all other Game, per Head	0	0	2

	£	s.	d.
For every Bag of Feathers (large)	0	0	9
— Ditto (small)	0	0	5
— Crate of Glass Ware	0	1	0
— Ditto of Earthenware (large)	0	0	9
— Ditto of (small)	0	0	5
— Stove	0	0	3
— large Range or Grate	0	0	6
— Ditto (small)	0	0	3
— Chest of Drawers, double	0	0	8
— Ditto, single	0	0	4
— Mahogany or other Chair	0	0	2
— Side of Bacon	0	0	6
— Billiard Table	0	2	0
— Dining Ditto	0	0	6
— Card or Pembroke Ditto	0	0	4
— other Ditto	0	0	3
— Mahogany Bedstead	0	0	4
— other Ditto	0	0	3
— Sofa	0	0	8
— Harpsichord	0	4	0
— Spinnett or Pianoforte	0	3	0
— For Wine in Bottles, per Dozen	0	0	4
— Score of Sheep	0	1	2
— Or less than One Score, per Head	0	0	1
— Hog or Pig	0	0	2
— Score of Lambs	0	1	0
— Barrel of Anchovies or Ashes	0	0	3
Allum, per Hundred Weight	0	0	1
Beef or Pork, per Barrel or Tierce	0	0	4
Butter, per Ditto	0	0	4
Biscuit, per Bag	0	0	2
Beans and Pease, per Sack	0	0	3
Bottles, per Dozen (empty)	0	0	0½
— Ditto in Hampers (full)	0	0	1
Hair Brooms and Mops, per Dozen	0	0	1
Brushes (small)	0	0	0½
Barilla Pot Ashes, per Seron	0	0	6
Scotch Barley, per Sack	0	0	3
Boxes (heavy) per Hundred Weight	0	0	4
— Ditto, flat (double)	0	0	4
— Ditto, (single)	0	0	2
— Ditto, (small)	0	0	1
Currants, per Butt	0	1	6
— Ditto, per Half Butt	0	0	9
— Ditto, per Carteel	0	0	7
Coffee, per Hundred Weight	0	0	4
Colours, per Firkin	0	0	4
Cider, per Pipe	0	1	4
— Ditto, per Hogshead	0	0	8
— Ditto, per Half Hogshead	0	0	4
Carboys (each)	0	0	3
Gunpowder, per Barrel	0	0	6
Household Furniture, per Article	0	0	2
Hemp, per Ton	0	2	0
For every Hogshead, Dry Goods	0	1	0
Iron Pots (each)	0	0	1
Mahogany, per Foot	0	0	0½
Molasses, per Puncheon	0	1	0
— Ditto, per Half Do.	0	0	6
Mustard, per Thirty-six Pounds Barrel	0	0	4
Nuts, per Bag	0	0	3
Oatmeal, per Sack	0	0	4
Oil, per Jar	0	0	1
— Ditto, per Chest	0	0	2
— Ditto, per Half Ditto	0	0	1

	£	s.	d.
Oranges and Lemons, per Chest	0	0	4
Ditto, per Box or Half Chest	0	0	2
Paper Stuff, per Ton	0	1	6
Plumbs, per Box	0	0	2
Small Parcels and Bale Goods to Twenty-eight Pounds each	0	0	3
Ditto Ditto to Eighty-four Pounds each	0	0	9
Ditto Ditto to One hundred and twelve Pounds each	0	1	0
Ditto above One Hundred Weight, and Things not specified, per Hundred Weight	0	1	0
Rice, per Barrel	0	0	3
Ditto, per Half Ditto	0	0	1½
Raisins, per Ditto	0	0	4
Ditto, per Basket	0	0	2
Rosin, per Barrel	0	0	4
Ditto, per Ton	0	1	8
Soap, per Hundred Weight	0	0	6
Starch, in Chests, per Hundred Weight	0	0	7
Flax, per Hundred Weight	0	0	2
Pipe Staves, per Hundred	0	0	4
Hogshead Ditto	0	0	3
Barrel Ditto	0	0	1½
Ends Ditto	0	0	1½
Shot, per Bag	0	0	1½
Salt Fish, per Hundred Weight	0	0	4
Sacks or Bags (large) per Bundle	0	0	4
Tea, per Chest	0	0	10
Ditto, per Half Ditto	0	0	5
Ditto, per Quarter Ditto	0	0	2½
Tobacco and Snuff, per Hundred Weight	0	0	6
Timber, per Load	0	1	0
Tin Plates, per Box	0	0	3
Turpentine and Varnish, per Barrel	0	0	4
Vinegar, per Hogshead	0	0	9
Do. per ½ Hogshead	0	0	5
For every Patt or Basket of Fish, or other Article	0	0	1

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