

ANNO TRICESIMO TERTIO

Georgii III. Regis.

* *

CAP. CXXII.

An Act for erecting and making a Pier and Harbour in the Cove of *Trevaunance*, in the Parish of *Saint Agnes*, in the County of *Cornwall*. [17th *June* 1793.]



WHEREAS the making a Harbour and erecting a Pier for the Safety of Ships and Vessels of every Denomination within the Cove of Trevaunance, in the Parish of Saint Agnes, in the County of Cornwall, will essentially tend, not only to prevent the frequent Wrecks and Losses sustained by His Majesty's Subjects and others navigating and trading in the Northern or Saint George's Channel, and other Parts of the High Seas, (occasioned in a great Measure by the Want of such a Pier), but will otherwise be of great publick Utility, and tend to the Increase and Prosperity of the general Trade of the County of Cornwall, and to the more effectually working of the Preamble.

Mines and carrying on the Fisheries there: And whereas the several Persons herein-after named as a Company of Proprietors are desirous, at their own Costs and Charges, to begin, carry on, complete, and maintain the said Harbour and Pier, and other Works appurtenant thereto intended to be made, but inasmuch as the same cannot be done without the 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, from and after the passing of this Act, John Stephenson, Charles Cole, Richard Oates, Richard Wooding, Edward Biley, Charles Carpenter, Nicholas Donnithorne, Philip Godsall, Martin Cole, William Gearing, John Tregellas, John James, Thomas Olivie Prout, John Tregellas the younger, Michael Tonkin, John James of Rose-in-vale, Walter Tregellas, and Robert Phillips, Esquires, together with such other Person or Persons as shall hereafter become Proprietor or Proprietors by virtue of this Act, are and shall be united into a Company for the better erecting and supporting the said intended Pier and Harbour according to the Rules and Orders herein-after mentioned and expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of Proprietors of the Trevaunance Pier, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have full Power and Authority to purchase Lands, Tenements, and Hereditaments to them and their Heirs, Successors, and Assigns, for the Use of the said Pier, and also to sell and dispose of any of the said Lands, Tenements, or Hereditaments so purchased, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: And that the said Company of Proprietors shall be, and they are hereby impowered to mark out, ascertain, and afterwards to build and erect a Pier and other Buildings upon and within the Extent and Boundaries of Lands, Grounds, and Premises, which may be thought necessary for the Purpose of making the said Harbour and Pier safe and convenient; and of erecting the said Pier and other Erections, Yards, Engines, Docks, Basons, Shafts, Wharfs, and Warehouses, for the more easy and commodiously loading, unloading, and mooring of Vessels; and also for the Purpose of making such Ways, Roads, and Fences for the Conveniency of carrying and conveying Goods, Merchandizes, and other

Proprietors.

Company empowered to build a Pier and Harbour.

Things

Things to and from the said Pier and Harbour to the neighbouring Ways, Roads, and other Places in, upon, over and through the Lands, Grounds, and Premises, of or belonging to the King's Majesty, His Heirs, or Successors, or any other Person or Persons whatsoever; provided that the said Lands, Grounds, or Premises, so to be taken or used for the Purposes aforesaid, be within the Limits herein-after mentioned, (that is to say), the Lands and Premises, for the Purposes of erecting the said Pier, forming the said Harbour, and making other the Works and Conveniences aforesaid, of an oblong Form, not to exceed One hundred Fathoms Southward from the Southern Part of the proposed Pier or Quay, One hundred Fathoms Westward from the Centre of the proposed Pier or Quay, and Eastward so far as the Rivulet dividing Goenlaze from the reputed Manor of Trevaunance, with Liberty to make a Road to extend from the said Pier or Quay through the Church Town of Saint Agnes aforesaid, in the most convenient Direction, and not to be more than Forty Feet in Breadth; Excepting nevertheless, and reserving out of the Land and Ground within the Space above described, and also out of all such Lands and Grounds as shall be granted or conveyed for making any Road or Roads as hereafter mentioned, unto the present Proprietors of the Freehold thereof, their Heirs, and Assigns respectively, all Tin, Copper, Lead, and other Ores, Metals, and Minerals now or hereafter to be found or discovered therein; with Liberty to and for them, their Workmen, and Agents, to work for, take, and carry away the same at their Will and Pleasure, they or either of them doing no wilful Damage or Injury to the said intended Pier or Quay, or any of the Works, Buildings, or Roads belonging thereto; and also excepting Liberty for taking and carrying away Sand and other Manure, and all such Stones as shall not be wanted or necessary for erecting and repairing the said Pier or Quay.

Principal Part of the Ground belongs to the Company of Proprietors.

II. And whereas the Principal Parts of the Grounds and Premises aforesaid belong to the said Company of Proprietors: But in as much as a very inconsiderable Portion or Extent in Value thereof belongs to Persons incapacitated by the Laws of this Realm to convey the same to the said Company of Proprietors; and in as much as other Person or Persons intitled to or interested in other small Portions of Grounds or Premises of little or no Value may be unwilling or refuse to sell and convey their several and respective Interests as afore-

said to the said Company of Proprietors at a fair Value: And as Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, Grounds and Premises, which may be affected or injured by the Powers hereby granted: Be it enacted, That after any such Part or Parts of the said Grounds and Premises shall be so set out and ascertained for the Purposes aforesaid, it shall and may be lawful for all Husbands, Guardians, Trustees, Feoffees in Trust, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, Femes Coverts, or other Person or Persons, and to and for all Femes Coverts who are or shall be seized, possessed of, or interested in their own Right, and to and for every other Person or Persons whomsoever who are or shall be seized, possessed of, or interested in any Grounds or Premises which shall be so marked out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, or to such Person or Persons as they shall nominate and appoint, all or any Part of such Grounds or Premises which shall be so marked out and ascertained as aforesaid, in Consideration of a Sum of Money to be therefore paid by the said Company of Proprietors to such Person or Persons as shall be entitled thereto: And that all such Deeds, Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid, or which shall be made by any or either of the Proprietor or Proprietors to the Company of Proprietors at large, shall, at the Expence of the said Company of Proprietors, be enrolled with the Clerk of the Peace for the County of Cornwall, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment or Copy thereof shall be taken the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words, and no more: Provided also, That all Contracts, Agreements, Bargains, and Sales of any Grounds or Premises which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Grounds or Premises are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services as are due and payable, or of Right accustomed,

in such and the same Manner as if this Act had not been made.

Proprietors to settle the Sum to be paid, and in case of Difference, to be settled by a Jury.

III. And be it further enacted, That the said Company of Proprietors shall determine and adjust the Sum and Sums of Money so to be paid to the several Owners of and Persons interested in such Grounds and Premises; and if any such Person or Persons so interested or entitled as aforesaid, for and on his, her, and their Part, shall be dissatisfied with any Determination which shall be made by the said Company of Proprietors as aforesaid, or shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to such Person or Persons respectively, or left at the Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Grounds or Premises, for the Space of Twenty 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 shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Works aforesaid, or shall not produce and evince a clear Title to the Premises they shall be in Possession of, or to the Interest they claim therein; or if any Person or Persons so interested as aforesaid in any Grounds or Premises which may be affected by this Act, shall think him, her, or themselves aggrieved; then, and in every such Case, the said Company of Proprietors, or the said Person or Persons so thinking him, her, or themselves aggrieved, shall and may apply to any Two Justices of the Peace in and for the said County of Cornwall not interested in the Matter in question, who shall upon such Application, and they are hereby empowered and required to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the County of Cornwall for the Time being; or in case such Sheriff, or his Under Sheriff, or either of them, shall happen to be One of the Company of Proprietors, or enjoy any Office of Trust under them, or shall be otherwise interested in the Matter in Question, then to the Coroner or Coroners within the said County not interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in his Majesty's Courts at Westminster, to appear before the said Justices

Justices of the Peace at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Six or more than Ten Days after such Warrant shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Justices are hereby empowered to summon and call before them all and every such Person or Persons who shall be thought necessary to be examined as Witnesses concerning the Matters in Question; and the said Justices may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury upon their Oaths (to be administered by the said Justices who are to administer the Oath or Oaths to such Person or Persons as shall be called upon to give Evidence) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Grounds and Premises, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and shall assess separate Damages for the same; and the said Justices shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Justices, shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all and every other Person and Persons whomsoever.

Penalty on Sheriff or Witnesses making Default.

IV. And be it further enacted, That if any such Sheriff, or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Five Pounds: And if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn and examined or to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Justices, shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the Party

on whose Behalf the said Person was so summoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted: And if any Person or Persons who shall have incurred such Forfeiture or Forfeitures for not appearing, or for refusing to give Evidence as aforesaid, shall again be summoned and not appear, or appearing shall refuse to give Evidence, the said Justices may and are hereby empowered to grant a Warrant or Warrants for apprehending and imprisoning the said Person or Persons in the Common Gaol of the County, City, or Place where he, she, or they shall be apprehended, there to remain until he, she, or they shall severally enter into a Bond, with sufficient Security, to the said Justices who shall sign the Warrant, by virtue whereof he, she, or they shall be apprehended, in the Penalty of Ten Pounds, to appear and give Evidence relating to the Matter then in Dispute, at such Time and Place as the said Justices shall thereafter appoint.

By whom the Expences of the Jury and Witnesses are to be paid.

V. And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Money as a Recompence or Satisfaction for any Grounds and Premises, or for any Damage to be done to any Grounds or Premises of any Person or Persons whomsoever, than had been previously offered, by or on Behalf of the said Company of Proprietors, before the issuing the Warrant of the said Justices, then all the Expence of issuing such Warrant, summoning such Jury, taking such Inquest, and all other Expences incident thereto, shall be settled by the said Justices, and defrayed by the said Company of Proprietors; but if any Verdict or Assessment shall be given or made for no more or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, then, and in every such Case, the Expences of issuing such Warrant, summoning such Jury, and taking such Inquest, together with all other Expences incident thereto, shall be settled in the like Manner by the said Justices, and be borne and paid by the Person or Persons, not being Minors, with whom the said Company of Proprietors shall have such Controversy or Dispute.

Justice not to take Notice of Complaints, unless given within a limited Time.

VI. And be it further enacted, That no Justices of the Peace shall receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue of this Act, unless Application hath been or shall be made in relation thereto by or on Behalf of such Person or Persons to any Justice within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalty on Persons giving false Evidence.

VII. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before any Justices of the Peace acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful and corrupt Perjury by any of the Laws and Statutes of that Part of Great Britain called England.

Purchase Monies to be re-invested.

VIII. And be it further enacted, That the Money or Satisfaction to be paid for any Lands which shall be taken or used for the Purposes of this Act belonging to any Corporation, or other incapacitated Person, shall be paid to such Person or Persons as such Corporation, or the Guardians, Trustees, Committees, or Attornies of such incapacitated Persons, shall respectively nominate and appoint to receive the same in Trust, with all convenient Speed to be re-invested in the Purchase of other Lands or Hereditaments, which shall be conveyed to, and settled upon, and subject to the like Uses, Trusts, and Limitations as the Lands belonging to such Corporation, or other incapacitated Person, shall be then settled, limited, or assured.

Upon Payment of Purchase Money, &c. Grounds to be vested in the Company.

IX. And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or to be determined and adjusted by the said Company of Proprietors, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Grounds or Premises, to the Owners thereof, or other Persons entitled to receive such Money or legal Tender thereof, made to such Owner or Owners, or other Persons entitled to receive such Money respectively, at any Time after the same shall have been so agreed for, determined, or assessed, or if he, she, or they cannot be found, or shall refuse to accept such Money,

Money, or in case it does not appear to whom the same ought to be paid, then upon Payment thereof to such Person or Persons as such Justices shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Owner or Owners, Person or Persons respectively as aforesaid, then, and in such Case, such Grounds and Premises respectively, and the Fee Simple and Inheritance thereof, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Use of the said Company of Proprietors for ever; and from thenceforth it shall and may be lawful to and for the said Company of Proprietors, their Agents, Servants, and Workmen, immediately to enter upon the same; and to dig, cut, trench, and remove Earth, Stone, Rubbish, and all other Obstructions, and to do and perform all Matters and Things for the completing and maintaining the said Undertaking, in or upon such Grounds and Premises, for which such Satisfaction shall be agreed upon, determined, or assessed as aforesaid, and to and for their Use and Benefit; and this Act shall be sufficient to indemnify as well such Justices as aforesaid, as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they or any of them shall do by virtue of the Powers hereby granted.

Verdicts to be kept by the Clerk of the Peace, and deemed to be Records.

X. And be it further enacted, That all the said Verdicts and Judgements signed by the said Justices issuing such Warrant or Warrants as aforesaid, present at the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to and kept by the Clerk of the Peace for the County of Cornwall; and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances as are herein-before mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any Number of Words; and immediately on such Payments, and Entries of such Verdicts, Sentences, Decrees, Orders, and other Proceedings aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons for whose Use such Money shall be paid, of, in,

in, and to the said Grounds and Premises, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use such Payments shall be made, but also shall extend and be deemed and construed to bar the Power and Powers of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Remainder, or otherwise, against the Issue or Issues of such Person or Persons, and all and every other Person and Persons whomsoever, having or claiming any Right, Title, Estate, or Interest therein, either in Law or Equity.

Justices to determine how the Purchase Money shall be apportioned.

XI. And be it further enacted, That such Justices as aforesaid may and are hereby empowered to settle what Shares and Proportions of the Purchase Monies or Recompence for Damages which shall be so agreed for, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his, her or their respective Interests therein.

In Default of Payment of Purchase Monies, Justice may appoint Collector of the Duties, who is to pay the same.

XII. And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner as shall be assessed and awarded for the Value of such Grounds or Premises, or for Damages of any Kind, by virtue of this Act, it shall and may be lawful for such Justices as aforesaid to appoint One or more Person or Persons to collect and receive the Tolls, Rates, and Duties by this Act imposed, and thereout, in the First Place, to pay all such Sums of Money so to be agreed for or assessed as aforesaid, with the Costs, if any, occasioned by such Refusal or Default of Payment; and all the Costs and Expences of collecting and receiving the said Rates, Tolls, and Duties, and the Money, so to be raised by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be entitled to receive such Sum or Sums as aforesaid, and after such Sum or Sums of Money,

Costs, and Expences shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine.

Company authorized to contract for building the Pier, and make Roads and Conveniencies thereto.

XIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, or a Majority in Number and Value, either in Person or by Proxy, and they are hereby authorized and empowered, by Contract or otherwise, to cause a Pier to be built, and a Harbour to be formed, within the said Cove of Trevaunance, and to cause such Ways, Paths, Passages, and Roads to be made to communicate from the said Pier to any Place or Places within the Limits so to be marked out and ascertained as aforesaid, and to cause such Pier, Ways, Paths, Passages, and Roads to be built and formed, of such Construction, Dimensions, Length, Breadth, and Extent, as they shall think proper; and also cause to be erected such other Buildings and Works as they shall deem expedient for the Purposes aforesaid; and every Contract so made is hereby declared binding upon the said Company of Proprietors for the Time being, and their Successors; and also upon the Person or Persons contracting to perform any of the Works aforesaid; and in case any such Contract shall not be carried into Execution according to the Terms thereof, the said Company of Proprietors, or the Party with whom such Contract shall be made, may cause an Action to be brought in either of His Majesty's Courts of Record or Equity, to compel a Performance of, or Recompence therefore, as in other Cases is usual and customary, against the Party so neglecting to perform such Contract.

Company may purchase a larger Extent of Ground, if necessary.

XIV. And be it further enacted, That if it shall hereafter be found that a larger Extent of Grounds or Premises will contribute to the Convenience of Persons or Ships or other Vessels resorting to the said Harbour or Pier, it shall and may be lawful for the said Company of Proprietors to purchase such other Grounds and Premises as may be deemed necessary for the Purposes aforesaid, from any Person or Persons willing to contract for and sell the same, and that such Grounds and Premises shall be annexed and become Part of the Property of Trevaunance Pier, to all the Intents and Purposes of the other Grounds and Premises, so to be marked out and ascertained as aforesaid; and the said Contracts and Deeds therefore shall be inrolled, and Copies thereof be made Evidence, and be considered altogether of the same Effect and Operation as the Contracts, Deeds, and Sales of the Grounds and Premises so marked out and ascertained as aforesaid are of.

Company to raise Money for the Purposes of the Pier.

XV. And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute among themselves in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the Works aforesaid, provided that the said Sum does not exceed Six thousand four hundred Pounds in the Whole, the same to be divided into such Number of Shares as is hereinafter directed, each Share not exceeding One hundred Pounds; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction of the Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other necessary Expences preparatory and relating thereto; and all the Residue and Remainder of such Money, for and towards making, completing, and maintaining the Works aforesaid, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Money raised to be divided into Shares.

XVI. And be it further enacted, That the said Sum of Six thousand four hundred Pounds, or such Part thereof as shall be raised by the several Persons hereinbefore named, and by such other Person or Persons who shall or may become a Subscriber or Subscribers to the said Works, shall be divided into Sixty-four equal Parts or Shares, and that the said Sixty-four Shares shall be and are hereby vested in the several Persons hereinbefore described, and their several and respective Heirs, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they and each and every of them shall severally subscribe and pay thereunto: And every Person and Persons, their several and respective Successors, Heirs, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Undertaking, shall be entitled to receive, after the said Works shall be completed, the entire and neat Distribution of One Sixty-fourth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money so to be raised, recovered, and received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and all and every Person and Persons having

such Property of One Sixty-fourth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay a proportionable Sum of Money towards carrying on the said Undertaking in Manner hereby directed and appointed.

Each Subscriber to be a Proprietor in Proportion to the Sum subscribed.

XVII. And, to the End that all Matters and Things concerning or relating to the carrying on and completing the said Works may be managed and conducted in the most beneficial Manner; be it enacted, That all and every Person or Persons, who shall by virtue of this Act have subscribed or undertaken for One Share of the said Works, and their respective Successors, Heirs, Executors, Administrators, and Assigns, shall be deemed a Proprietor for so much, and shall have a Vote in every Publick Meeting or Assembly to be held as hereafter mentioned for carrying on, completing, maintaining, and regulating the said Undertaking, which Vote or Votes may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, and their Hand, such Proxy or Proxies being a Proprietor or Proprietors, or Clerk to the said Company duly constituted in the said Undertaking, and such Vote or Votes by Proxy or Proxies shall be good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; and any Person or Persons who shall have One or more such Share or Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies constituted as aforesaid, to give One Vote for each such Share; and whatever Question, Election of Officers, or other Matter or Thing shall be proposed, discussed, or considered in any Publick Meeting or Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes, and Proxies then present, computing One Vote for every Share.

If Money not sufficient, a further Sum may be raised.

XVIII. And be it further enacted, That in case the said Sum of Six thousand four hundred Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining the said Works, and all other necessary Charges and Expences relating thereto, then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, to raise and contribute among themselves in Manner and Form aforesaid, in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money, for completing and perfecting the said Works, not exceeding the Sum of Three thousand two hundred Pounds, and every Subscriber towards

towards raiſing ſuch further or other Sum ſhall have a like Vote by himſelf or herſelf, or his or her Proxy, in reſpect of every ſuch Rate, in the ſaid Additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of and in the ſaid Undertaking, proportionably to the Sum he, ſhe, or they may ſubſcribe thereunto, as generally and extenſively to all Intents and Purpoſes as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed had originally been Part of the ſaid Six thouſand four hundred Pounds.

First Meeting of Proprietors appointed.

XIX. And, to the End that all Matters and Things to be done and carried on by Virtue and Authority of this Act, may be the more regularly and methodically carried into Execution; be it enacted, That the First General Aſſembly or Meeting of the Company of Proprietors for putting this Act into Execution ſhall be held at the Black Lion Tavern, Water Lane in the City of London, within One Month next after the paſſing this Act, Notice thereof being given at leaſt Five Days previous to ſuch Meeting, by order of a Majority in Number and Value of the ſaid Proprietors, ſuch Notice to be deemed ſufficient by being inſerted in Two or more of the Morning Papers printed in London, and in the Sherborne Mercury, and to be deemed to operate from the First Day of ſuch Inſertion; and the ſaid General Meeting or Aſſembly may then adjourn the ſame to any Time and Place the Proprietors preſent ſhall think proper, and ſo toties quoties; provided that at every ſuch Meeting or Aſſembly as aforeſaid there ſhall appear in Perſon, or by Proxy, Thirty-three Votes; and provided alſo, that Notice thereof be given in Manner aforeſaid, or in any other Manner to be from Time to Time directed by any ſuch Meeting or Aſſembly; and in caſe ſuch Meeting as aforeſaid ſhall neglect to adjourn, or in caſe a ſufficient Number of Votes as aforeſaid, (that is to ſay), Thirty-three Votes in Perſon or by Proxy, do not appear at any ſuch Meeting by Adjournment or otherwiſe, then it ſhall and may be lawful for any of the ſaid Proprietors who have Thirty-three Votes in Perſon or by Proxy, to order a Meeting to be called at any Time and Place he, ſhe, or they ſhall think proper, firſt giving ſuch Notice as aforeſaid; and if it ſhall happen that a ſpecial Meeting of the Company of Proprietors be neceſſary between the Day of the laſt Meeting and the Day to which ſuch Meeting ſhall be adjourned, it ſhall and may be lawful for any Perſon or Perſons holding Thirty-three Votes to call ſuch Special Meeting, firſt giving Notice as aforeſaid,

said, and likewise specifying in every such Notice the Reason for, and Intention of, such Meeting; and the said Company of Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them, with respect to the Matter so specified only; and all such Acts of the said Company, or the major Part of them assembled at such Meetings, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein-before appointed; at all which several Meetings of the Proprietors herein-before or herein-after mentioned, and by this Act authorized, a Majority in Value shall determine the Point in Question.

Books for Accounts to be kept by such Person as the Proprietors shall appoint.

XX. And be it further enacted, That the Book and Books in which all the Accounts relating to the said Undertaking shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and the Key or Keys thereof such Person as shall be appointed for that Purpose shall have in his Custody or Power; and every Proprietor or Proprietors, upon every reasonable Request, shall have free Access to the same for his, her, or their Inspection, and Copies thereof made by the Clerk of the said Company when and as often as a Majority in Value shall demand them.

Proprietors to audit Accounts of Receipts and Disbursements.

XXI. And be it further enacted, That the Company of Proprietors at every such General Meeting or Assembly as aforesaid, shall have Power to call for, audit, and settle all Accounts of Monies laid out and disbursed on Account of the said Undertaking, with the Receiver or Receivers, and other Officer and Officers to be by them appointed, or any other Person or Persons whomsoever employed or concerned for or under them in and about the said Undertaking; and also to make Dividends between the said Proprietors arising from the Duties herein-after mentioned; and for these or any other Purpose shall have Power to proceed de Die in Diem, and from Place to Place, as shall be thought convenient by such General Assembly; and every General Meeting or Assembly met together by Authority of this Act shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Undertaking, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Twenty-five Pounds for every One hundred Pounds; which Mo-

ney so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly shall from Time to Time appoint and direct, for the Use of the said Undertaking, such Assembly to be holden in Manner aforesaid, meet at such Times and Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit, and shall have Power and Authority to direct and manage all and every the Affairs of the said Company, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Undertaking, as in employing, ordering, and directing the Work and Workmen, in placing and displacing Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains concerning the said Undertaking, and all other Matters and Things whatsoever for the carrying into Execution the several Powers intended by this Act; and every Proprietor shall pay his, her, or their Shares or Proportions of the Monies, to be called for as aforesaid, of which One Month's Notice at least shall be given in Manner as the said Company of Proprietors shall at any General Meeting or Assembly direct and appoint: And if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid at the Time and Place appointed by the said General Assembly, he, she, or they so neglecting or refusing shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, or their respective Share or Shares, Parts and Interests in the said Undertaking; and in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Monies so to be called for as aforesaid for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting shall forfeit his, her, or their respective Share and Shares, Parts and Interests in the said Undertaking, and all the Profits and Benefit thereof; all which Forfeitures shall go to the Rest of the said Company of Proprietors of the said Undertaking, in Trust for and for the Benefit of themselves, and of all other the said Proprietors, in Proportion to their respective Interests: Provided always, that no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner or Owners, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held at

at the End of Two Months next after such Forfeitures shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the Rest of the Proprietors, with regard to carrying on the said intended Undertaking.

Proprietors at a General Meeting may revoke former Orders, and make Bye Laws.

XXII. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority at any General Meeting or Assembly to revoke, alter, amend, or challenge any of the Rules and Directions herein-before prescribed and laid down with regard to their Proceedings amongst themselves, as the major Part of them shall see meet; and may have Power to make such new Rules, Bye Laws, and Orders for the good Government of the said Company, and the orderly Regulation of the said Undertaking, as to them shall seem meet, consistently with this Act; and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and such Fines or Forfeitures shall be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

Proprietors dying before their Shares completed, Heirs &c. may complete them.

XXIII. And be it further enacted, That if any Proprietor or Proprietors of any Share or Shares in the said Undertaking shall die before such Call or Calls shall be made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of, or intitled to, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and the Money paid in upon all Calls for the future; then, and in such Case, the Heirs, Executors, Administrators, or Devisees of any Proprietor so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whomsoever intitled to the Estate and Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, or other Persons whomsoever, for paying any Sum of Money when

when called for as aforesaid to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Heir, Executor, Administrators, or Devisee, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby empowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such deceased Proprietor, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Heirs, Executors, Administrators, or Devisees of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant or Infants, or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been by such Proprietor in his or her Lifetime, by virtue of any Call or Calls, or otherwise, advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall and may be lawful to and for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Proprietor, and pay and apply the Money arising by such Sale (after deducting the reasonable Charges occasioned by such Sale) to or for the Benefit of the Heir, Executor, Administrator, or Devisee of such deceased Owner, or Trustee, or Guardian of such Infant.

Proprietors may dispose of their Shares.

XXIV. And be it further enacted, That it shall and may be lawful to and for any or either of the said Proprietor or Proprietors to sell and dispose of any Share or Shares he, she, or they shall or may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons from whom he, she, or they shall purchase the same; and also by the Purchaser or Purchasers, One whereof, duly executed by the Seller and Purchaser, shall be delivered to the said Company of Proprietors, or to their Clerk for the Time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby authorized to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Clerk as aforesaid, and filed and entered as above directed, such Purchaser or Purchasers

shall have no Part or Share of the Profits of the said Undertaking for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

XXV. And be it further enacted, That the said Shares may be sold, assigned, and transferred by the Proprietor or Proprietors thereof whenever the said Proprietor or Proprietors shall think proper, by the Words following, or any other Words; Form of Transfer of Shares.

I *A. B.* of, *&c.* in Consideration of paid to me by *C. D.* of, *&c.* do hereby bargain, sell, assign, and transfer to the said *C. D.* his Heirs, Executors, Administrators, and Assigns, Share or Shares [*as the Case is*] in the *Trevaunance* Pier, to hold to the said *C. D.* his Heirs, Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions that I hold the same; and I the said *C. D.* do hereby agree to accept the said Share in the said *Trevaunance* Pier, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year of our Lord

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors at any General Meeting or Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint by Writing under the Seal of the said Company, signed by any Five or more of the Proprietors by Order of a General Meeting, such Person or Persons to be their Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Officer or Officers, or other Person or Persons as they shall shall think proper; which said Clerk or Clerks shall, in a proper Book or Books to be provided 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 Person or Persons who shall from Time to Time become Proprietors of or intitled to any Share or Shares of and in the said Undertaking, and of all other the Acts, Proceedings, and Transactions of the said Company of Proprietors by virtue of, and under the Authority of this Act; and that each of the said Proprietors shall and may at all convenient Times have recourse to, and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks of the said Company gratis, and may demand Clerks, Treasurers, and other Officers may be appointed.

and have Copies thereof, or any Part thereof, paying Two-pence for every One hundred Words so to be copied; and if the said Clerk or Clerks shall refuse to permit any such Person or Persons so interested as aforesaid to inspect or peruse such Book or Books, or refuse to make any such Copy or Copies at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the Person or Persons so refused to peruse such Book or Books, or for whom such Clerk or Clerks shall refuse or neglect to make such Copy or Copies within a reasonable Time to be allowed and approved by any Justice of the Peace acting in and for the County of Cornwall; and in case such Clerk or Clerks shall die, be removed, or quit the Service of the said Company of Proprietors, it shall and may be lawful to and for the said Company of Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Clerk or Clerks in the Place of him or them so dying, removed, or quitting the said Service.

Treasurer and other Officers to give Security.

XXVII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to take such sufficient Security as they or the major Part in Value of them, shall think proper, from the Treasurer or Treasurers, and other Officers, as shall be appointed for the Purposes of this Act, for the due Execution of their respective Offices.

Mooring of Ships and Vessels to be regulated.

XXVIII. And, for the preventing any Injury being done to the said Pier or Harbour, or to the other Erections, and the Ways and Works in general herein-before described, or to Ships, Boats, or other Vessels within the said Harbour; be it enacted, That any Person duly nominated by the said Company as aforesaid, shall and may, and he is hereby authorized and empowered from Time to Time to order and require all Persons having the Command or Rule of any Ship or other Vessel entering into or being within the said Harbour, to lie, anchor, and moor the said Ship or other Vessel in such Place or Places, within the said Harbour or Pier, and in such Manner as the Person so appointed shall from Time to Time order and direct, so that no undue Preference shall be given to any Person in the mooring or removing any Ship, Boat, or other Vessel; and in case any Person or Persons having the Command or Rule of any such Ship, Boat, or other Vessel, shall wilfully lie, anchor, or moor any Ship, Boat, or other Vessel, contrary to the Orders and Directions of the Person

Person so appointed as aforesaid, he and they shall for every such Offence forfeit and pay the Sum of Five Pounds.

To prevent throwing Ballast, &c. into the Harbour.

XXIX. And be it further enacted, That in case any Person shall throw any Stones, Ballast, Earth, or Rubbish, or any other Thing, into any Part of the said Harbour to the Prejudice thereof, or in case any Person shall take away Ballast, Shingle, or Stones, or any other Thing, from and out of the said Harbour or Pier, without Consent of the said Company of Proprietors, or in case any Encroachments, Obstructions, Depredations, or Nuisances whatsoever, shall be made within the said Harbour or Pier, or within the Boundaries of the said Grounds and Premises so to be marked out and ascertained as aforesaid, or to any of the Works aforesaid, it shall and may be lawful to and for the said Company of Proprietors, from Time to Time as Occasion shall require, to cause to be taken away, removed, and repaired such Encroachments, Obstructions, Depredations, or Nuisances, for the improving, maintaining, and regulating the said Harbour, Pier, and Works aforesaid; or if the Carman or Driver of any Waggon, Cart, or other Carriage shall wilfully or negligently drive the same over or against, or shall take up or remove, or cut, break, or damage any Mooring, Rope, Cable, Chain, Anchor, or other Thing used in mooring or securing Ships, Boats, or other Vessels in the said Harbour or Pier; or if any Person shall do any other Act, Matter, or Thing to prejudice, annoy, obstruct, or encroach upon the said Harbour, Pier, or other Works, Ways, Roads, or Fences, within the Boundaries so to be marked out and ascertained as aforesaid; every Person so offending in any of the Premises aforesaid, their Masters or Employers shall forfeit and pay the Sum of Five Pounds for every such Offence, besides all reasonable Expences of removing, taking away, repairing or setting to right such Encroachments, Obstructions, Depredations, or Nuisances, besides all Damages to be occasioned thereby, to be levied and recovered in the same Manner, and to be applied to and for the same Purpose as the Duties herein-after mentioned are to be levied and applied.

Obstructions in the Harbour to be removed.

XXX. And, for the better preventing any Obstruction in the said Harbour or Pier; be it enacted, That no Ship, Boat, or other Vessel, shall be made use of or moored within the said Harbour or Pier for the Purpose of a Storehouse, under the Penalty of Five Pounds for every Week that the same shall be so moored or used,

to

to be paid by the Owner or Owners, or other Person or Persons having the Direction or Charge of such Ship, Boat, or other Vessel.

Vesse's sunk in the Harbour to be weighed up.

XXXI. And be it further enacted, That if any Ship, Boat, or other Vessel, shall be sunk in the said Harbour or Pier, and the same shall be considered an Obstruction to other Ships or Vessels resorting to the said Harbour or Pier, and the Owner or Person having the Command or Rule of the said Ship, Boat, or other Vessel, shall not forthwith weigh and draw up the same, and remove such Obstruction, it shall and may be lawful for the Agents and Servants of the said Company of Proprietors, or any of them, to cause such Ship, Boat, or other Vessel to be weighed and drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Punishing Persons destroying the Pier and Works.

XXXII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Pier, Harbour, Ways, or other the Works aforesaid, or to the Prejudice of any Ship, Boat, or other Vessel, or Persons resorting to the said Harbour or Pier, break, throw down, damage, or destroy Part of the Pier, or any or either of the Engines, or other Works or Ways, to be erected and made in pursuance of this Act, or do any other wilful and malicious Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said intended Works, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall and have hereby Power and Authority to transport such Felon to any Parts beyond the Seas for the Term of Seven Years, in like Manner as other Felons are transported by any of the Laws of the Realm of England, or in Mitigation of such Punishment may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Tolls.

XXXIII. And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences the said Company of Proprietors shall be at in making and maintaining the Works hereby authorized, it shall and may be lawful to and for the said Company of Proprietors, or such Person or Persons to be from Time to Time duly appointed by them, to ask, demand, take, and receive, for all Ships, Boats, and other

other Vessels, which shall come into or make Use of the said Harbour, or shall lie at Anchor within the Distance herein-after described, and for all Ships, Boats, and other Vessels engaged in the Finishing Trade, to which the said Harbour shall afford Protection and Service, and for all Goods taken on board or discharged therefrom, within such Distance, and for all Goods, Wares, Merchandizes, and other Articles brought to the said Pier, and for all other Matters and Things herein-after described; and the Commanders, Masters, Rulers, and Owners, of such Ships, Boats, Vessels, and the Owners and Persons having the Care of such Goods, Wares, Merchandizes, and other Articles, are hereby required to pay to the said Company or Agent, duly appointed, the Rates, Duties and Tolls following; (that is to say),

For the Keelage of every Boat belonging to and kept by the Inhabitants of the said Parish of Saint Agnes, (the Keel of which shall not exceed Fourteen Feet), that shall come into the said Harbour or Pier, or anchor within the Limits aforesaid, the Sum of One Shilling per Month:

And for every other British Boat that comes into the said Harbour or Pier, or anchors within the Limits aforesaid, the Sum of One Shilling:

And of every British Sloop or Vessel of Twenty Tons Burthen and upwards, the Sum of One Shilling and Sixpence:

And of every British Sloop or Vessel of Thirty Tons Burthen, the Sum of Two Shillings:

And of every British Sloop or Vessel upwards of Thirty Tons Burthen, the Sum of Three Shillings:

And of every British Sloop or Vessel upwards of Forty-five Tons Burthen, the Sum of Four Shillings:

And of every British Sloop or Vessel upwards of Sixty Tons Burthen, the Sum of Four Shillings and Sixpence:

And of every British Sloop or Vessel upwards of Eighty Tons Burthen, the Sum of Five Shillings:

And of every British Sloop or Vessel upwards of One hundred Tons Burthen, the Sum of Six Shillings:

And of every British Sloop or Vessel upwards of One hundred and fifty Tons Burthen, the Sum of Seven Shillings;

And of every British Sloop or Vessel upwards of Two hundred Tons Burthen, the Sum of Eight Shillings:

And of every British Sloop or Vessel upwards of Two hundred and fifty Tons Burthen, the Sum of Eight Shillings and Sixpence:

And of every British Sloop or Vessel upwards of Three hundred Tons Burthen, the Sum of Nine Shillings:

And for the Ballasting of every British Sloop or Vessel of Thirty Tons, the Sum of Two Shillings and Sixpence:

And of every British Sloop or Vessel upwards of Thirty Tons, the Sum of Three Shillings:

And of every British Sloop or Vessel upwards of Forty-five Tons, the Sum of Three Shillings and Sixpence:

And of every British Sloop or Vessel upwards of Sixty Tons, the Sum of Four Shillings:

And of every British Sloop or Vessel upwards of Eighty Tons, the Sum of Six Shillings:

And of every British Sloop or Vessel upwards of One hundred Tons, the Sum of Eight Shillings:

And for every British Sloop or Vessel which shall sail into the said Pier or Harbour, and shall neither load or unload there, the Sum of One Penny per Ton according to their Light Bills:

And for every Foreign Ship or Vessel double the Rates and Duties herein-before enumerated, laid, and directed to be taken:

And for every Hogshead of Pilchards, Barrel or Cask of Herrings, Mackrel, or other Fish shipped from or landed in the said Pier or Harbour or the Limits thereof, every Pack of Wick Yarn, Hundred Weight of Caen Stone or Plaister, Ton of Copper or other Ore, Gross of Bottles, Ton of Oakham, Ton of Iron, Ton of Rice, and every Dicker of Leather, One Shilling:

And for every Barrel of Tin, One Shilling:

For every Bag of Nails, Sixpence:

For every large Mast Forty Feet long and upwards, every Ton of Hemp, and every Load of Oak, Ash, Deal, Plank, or other Sort of Timber, Two Shillings and Sixpence:

For every Hogshead of Foreign Oil, Ton of Tallow, and every Hogshead of Foreign Spirits, Two Shillings:

For every Hogshead of Wine, or English Spirits, and every Butt of Sack, One Shilling and Sixpence:

For every Hundred of Deal Boards under Twelve Feet, and so in Proportion for any other Deal Boards, Two Shillings and Sixpence.

For every Roll of Tobacco not more than Twenty Pounds Weight, Fardel of Ware, Hundred Weight of Molasses, Jug of Oil, Turpentine, or Varnish, Single Hide, Quarter of Grain, Truss or Barrel of Tanners Rhinds or Bark, Coil of Rope under One Hundred Weight, Barrel of Pipe Clay, Chest or Box of Pipes, Cask of Molasses under Ten Gallons, Bag of Seeds, Pepper, or Ginger, Dozen of Lanterns, Box or Bag of Goods not exceeding Twenty Pounds Weight, Piece of Sail Cloth, Barrel of Pitch, Tar, or Rosin, Thousand of Walnuts or Chesnuts, Thousand of Pelling Stones, and every Hundred Weight of Pig, Sheet, or Bar Lead, Two-pence:

For every Hundred Weight of Brimstone, Hundred Weight of Lump or Loaf Sugar, Ton of Lime, Case or Crate of Glass, Ton of empty Casks, Hogshead of Apples or Pears, Bag of small Nuts, Dozen of Goats, Sheep, Kid, or other Kind of Skins, every Sheep, End of Hops, Hogshead of Cyder or Perry, Hundred Weight of fine Copper, and every Hogshead of Ale or Beer, Four-pence:

For every Firkin of Butter, Hundred Weight of Cheese, Wey of British Salt, Hundred Weight of Wool or Cotton, Block of Tin, One Thousand of Bricks, Waund of Hats or other Goods, Basket or Box of Glass Bottles, Hundred Weight of Tobacco, Chest or Box of Candles or Soap, Hundred Weight of Glue, Hundred of any Kind of Horns, Dozen of Oars, Crate of Earthen Ware, One Bullock or Horse, and every Pocket of Hops, Sixpence:

For every Frail of Figs or other Goods, Barrel, Box, or Bag of Starch, Alum, or Copperas, Barrel of Vinegar, Dozen of Spars, Bag of Flour, Hundred Weight of Gunpowder, Hundred Weight of Feathers, every Hundred Weight of Dye Stuff, Three-pence:

For every Bushel of Coals, Culm, or Cinders, Ton of Lime Stones, Case of Liquor, Side of Pork or Bacon, Quintal of dry Fish, Ream of Writing Paper, Dozen Pounds of Flax, and every Pack of Charcoal, One Penny:

For every thousand of Oranges or Lemons, Eight-pence:

For every Hundred Weight of Refined Sugar, Five-pence:

For

For every Ream of Brown or Whited-brown Paper, Dozen of Stockings, Grinding Stone, and every Bundle of Hoops, One Halfpenny:

And for all other Goods and Merchandizes brought or carried Coastwise, not herein-before enumerated or included, One sixth Part in the Freight of the said Goods and Merchandize:

And for all Goods and Merchandize not particularly rated, that shall be brought from or carried to Foreign Parts, One Penny in the Pound of the Value of such Goods so imported or exported.

Bounds of the Harbour described.

XXXIV. And whereas Doubts may arise touching the Bounds or Limits of the said Harbour, and Persons may anchor their Ships, Boats, and other Vessels, at some Distance from the Bay or Place of Safety, and thereby derive very considerable Advantages by being able to conduct their said Ships, Boats, and other Vessels to and within the said Bay or Place of Safety upon the Approach of tempestuous Weather, and not otherwise; be it enacted, That the Bounds and Limits of the said Harbour shall and are hereby declared to be as follows; (that is to say), One Mile and Half to the East, and One Mile and Half to the West of the said Pier on the Coast, and Half a Mile from every Part of such Coast towards and upon the open Sea from low Water Mark.

Masters of Vessels to give Account of their Tonnage and Lading.

XXXV. And be it further enacted, That every Commander, Owner, and every Person having Command or Rule of any Ship, Boat, or other Vessel coming into the said Harbour or Pier, which shall load or unload, and every Person or Persons bringing Goods, Merchandizes, or other Things to the said Pier for the Purpose of Exportation, shall deliver in to the said Company of Proprietors, or their Agent to be appointed for that Purpose, a true, accurate, and faithful Account of the Tonnage of such Ship, Boat, or other Vessel, and also a true, accurate, and faithful Account of the Weights and Quantities, and specifick Nature of the various Goods, Wares, Merchandizes, and other Articles contained in the said Ship, Boat, or other Vessel, which are liable to the Payment of Duty upon being unladen or being anchored within the said Harbour or Pier, and of the said Goods, Wares, Merchandizes, and other Articles so to be brought to the said Pier for Exportation, and which are also liable to Duty upon being brought to the said Pier, or to be exported therefrom; and in case such Master, Commander,

mander, or Owner, or other Person or Persons so having Command or Rule of any such Ship, Boat, or other Vessel, or the Owner, or such Person or Persons as shall have Care of such Goods, Wares, Merchandizes, or other Articles, shall refuse or neglect to deliver in a true, accurate, and faithful Account as aforesaid, according to the best of their Belief or Knowledge, or shall deliver in a partial or untrue Account thereof contrary to such Knowledge or Belief, he, she, or they shall, for every such Offence, forfeit and pay the Sum of Ten Pounds.

Vessels may be measured.

XXXVI. And, to the Intent that the Duties by this Act directed to be ascertained by the Tonnage of any Boat, Ship or other Vessel, may be truly ascertained and paid, be it further enacted, That in case the Collector or Collectors of the said Duties, or such other Person or Persons duly nominated by the said Company, and the Master or other Person having Charge or Command of any Ship, Boat, or other Vessel charged with the said Duty, cannot otherwise agree about and adjust the Tonnage of any such Ship, Boat, or other Vessel, that then and so often it shall and may be lawful for the said Collector or Collectors, or such other Person or Persons so nominated by the said Company of Proprietors as aforesaid, from Time to Time, and at all convenient and seasonable Times, to enter into such Boat, Ship, or other Vessel, and to admeasure the same according to the Directions of this Act; and if any Commander or other Officer of any Boat, Ship, or other Vessel, or any other Person whatsoever, shall obstruct or hinder any Person or Persons so nominated as aforesaid from admeasuring any such Boat, Ship, or other Vessel, in pursuance of this Act, in order to ascertain the Duty of Tonnage hereby charged, such Commander or other Person shall, for every such Offence, forfeit the Sum of Ten Pounds.

Masters of Vessels to produce the Certificate or Register of their Vessels.

XXXVII. And be it further enacted, That every Commander, or other Person having the Charge or Care of any Ship, Boat, or other Vessel, not being a Foreign Vessel, shall, upon Demand made by the Agent, or other Person duly nominated by the said Company of Proprietors, produce and shew to such Agent the Certificate or Register of such Ship, Boat, or other Vessel, according to an Act of Parliament, passed in the Twenty-sixth Year of the Reign of his present Majesty, intituled, An Act for the further Increase and Encouragement of Shipping and Navigation; and in case the said Commander or other Person shall refuse to produce or shew such Certificate or Register, then it shall and may be lawful to and for the said

Agent, or other Person so appointed as aforesaid, to enter into and on Board such Ship, Boat, or other Vessel, whether Foreign or not, and admeasure the same, in the like Manner as Ships, Boats, and other Vessels are admeasured or may hereafter be admeasured in the Port of London; and in case such Commander, or other Person so having Charge and Command as aforesaid, shall not produce and shew such Certificate or Register as aforesaid, or shall refuse to permit and suffer the said Ship, Boat, or other Vessel to be admeasured in Manner aforesaid, every such Commander, or other Person so having Charge and Command as aforesaid, shall forfeit and pay the Sum of Ten Pounds, to be recovered in the Manner hereinafter mentioned; and the said Agent, or other Person so nominated by the said Company of Proprietors, shall be at Liberty to seize and detain the said Vessel until the same be admeasured in Manner aforesaid, and until the Duties are paid for the same, which said Duties are to be recovered in like Manner as other Duties are hereby directed to be recovered, notwithstanding any Practice or Usage to the contrary.

Ascertaining the Tonnage of Timber and other Goods.

XXXVIII. And be it further enacted, That for the better ascertaining the Tonnage of Timber and other Goods to be hereby charged with the Payment of Duty, Forty Feet of round or Fifty Feet of square Oak, Ash, or Elm Timber, or Fifty Feet of Fir or Deal, Baulk, Poplar, and other Timber Wood, shall be deemed, rated, and estimated as and for One Ton Weight; and that Twenty Hundred Weight of Avoirdupois shall be deemed and taken for One Ton Weight of unwrought Stone, Lime Stone, Bricks, and Coals, within the Intent and Meaning of this Act; and if any Differences shall arise between any Collector duly appointed of the said Rates, Duties, and Tolls, and the Master or Person having Charge of any Ship, Boat, or other Vessel, or the Owner or any Person having Charge of any Goods, Wares, Merchandizes, or other Articles therein, or the Owner or Person having Charge of any other Goods, Wares, Merchandizes, or other Articles liable to Duty, it shall and may be lawful to and for any such Collector to seize and detain any such Ship, Boat, or other Vessel, and such Goods, Wares, Merchandizes, or other Articles, and to weigh and measure, or cause to be weighed and measured, such Goods, Wares, Merchandizes, or other Articles; and in case the same shall, upon such Weighing, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Ship, Boat, or other Vessel, or than such

Owner or other Person having the Care of such Goods, Wares, Merchandizes, or other Articles, affirmed the same to be, then the Master, Owner, or Person so affirming, shall pay the Costs and Charges of such Weighing; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be levied and recovered as the said Rates and Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandizes, or other Articles, shall appear to be of the same or less Tonnage, Weight, or Quantity than the Master, Owner, or Person declared the same to be, then the said Collector shall pay the Costs and Charges of such Weighing, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, or other Articles, such Damages as shall appear to any Justice or Justices of the Peace within Ten Miles of the said Parish of Saint Agnes, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by such Collector, such Justice or Justices shall issue his or their Warrant to distrain upon the Goods and Chattels of such Collector, and thereout to raise the Damages, Costs, and Charges, so appearing to have arisen, to be awarded by the said Justice or Justices, in such a Manner as is usual in Cases of Distress under such Warrants.

Cocquets not to be made out till the Duties are paid.

XXXIX. And be it further enacted, That no Person or Persons whomsoever shall, at any Time after the passing this Act, give or make out any Cocquet or other Discharge, or take any Report outwards, for any Ship, Boat, or other Vessel, or permit any Ship, Boat, or other Vessel to go out of the said Port, until the Master or Owner, or other Person or Persons having the Rule or Command of the said Ship or other Vessel, shall produce a Certificate from the Collector or Collectors to be appointed in pursuance of this Act, that the Rates, Duties, and Tolls by this Act granted, are paid, or secured to be paid, which said Certificate the said Collector or Collectors is and are hereby required to give without Fee or Reward; and that any Person making Default in any of the Premises last aforesaid shall forfeit and pay the Sum of Ten Pounds.

Vessels may be detained upon Nonpayment of Duties.

XL. And, to the Intent that the said Rates, Tolls, and Duties imposed by this Act may the more effectually be collected and levied, be it further enacted, That in case any Owner or Master, or other Person or Persons having

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ing the Command or Rule of any Ship, Boat, or other Veſſel, Goods, Wares, Merchandizes, or other Articles, charged or chargeable with the ſaid Rates, Duties, or Tolls granted by this Act, ſhall refuſe to pay the ſame, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors for the Time being, or their Agent duly appointed, from Time to Time to go on Board ſuch Ship, Boat, or other Veſſel, to demand, collect, and receive the ſame, and for Nonpayment thereof to go, take, and diſtrain every ſuch Ship, Boat, or other Veſſel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, or a ſufficient Part of the Goods, Wares, Merchandizes, or other Articles chargeable with the ſaid Rates, Duties, and Tolls, or in reſpect whereof ſuch Rates, Duties, and Tolls ſhall be payable as aforeſaid, either on Board the ſaid Ship, Boat, or other Veſſel, or on Land, and the ſame to detain until he or they be ſatisfied and paid the reſpective Rates, Duties, and Tolls; and in caſe of any Neglect or Delay in Payment of the ſaid Rates, Duties, and Tolls, for the Space of Three Days next after any Diſtreſs or Diſtreſſes ſo taken as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Company of Proprietors, or their Agent duly appointed for that Purpoſe, to cauſe the ſame to be appraiſed by Two or more ſworn Appraiſers, or other ſufficient Perſon or Perſons, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes, and therewith to ſatisfy him or themſelves as well for and concerning the reſpective Rates, Duties, and Tolls, ſo neglected or delayed to be paid, and for which ſuch Diſtreſs or Diſtreſſes ſhall be taken as aforeſaid, as alſo for his or their reaſonable Charges and Expences in taking, keeping, appraiſing, and ſelling ſuch Diſtreſs, rendering to the Maſter, or other Perſon having the Rule or Command of ſuch Ship, Boat, or Veſſel, to or from which ſuch Diſtreſs ſhall be taken, or to the Owner of ſuch Goods, Wares, Merchandizes, or other Articles, the Overplus, if any there ſhall be.

Evading the Duties; the ſame may be recovered in the ſame Manner as Penalties.

XLI. And be it further enacted, That if any Maſter, Commander, or Owner of any Ship, Boat, or other Veſſel, ſhall at any Time after the Rates, Duties, and Tolls by this Act charged ſhall become payable, elude or avoid the Payment thereof by any Method whatſoever, ſuch Maſter, Commander, or Owner of ſuch Ship, Boat, or other Veſſel ſhall ſtand charged with and be liable to the Payment of the ſame, and the ſame ſhall be recovered from ſuch Maſter, Commander, or Owner,

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by the same Method by which Fines and Penalties imposed by this Act are herein-after directed to be levied and recovered.

To prevent evading the Duties.

XLII. And be it further enacted, That if any Person or Persons, under any Pretence or Cause whatsoever, shall endeavour to evade the Payment of any of the Rates aforesaid, or do any Act, Matter, or Thing with Intent to evade, and shall thereby evade the Payment of any of the said Rates, (and for which no other Penalty is herein-before made payable), every such Person shall, for every such Offence, forfeit and pay a Sum of Money of Three Times the Amount of the Rate so evaded.

Justice of the Peace may examine into the Lading of Vessels.

XLIII. And be it further enacted, That it shall and may be lawful to and for any Justice of the Peace acting at or within the Distance of Ten Miles from the said Parish of Saint Agnes, from Time to Time as often as he shall be applied to and required so to do by the said Company of Proprietors, or their Agent duly appointed, summon and call before him by Writing under his Hand, at any Time and Place within such Distance, any Person being the Owner, Part Owner, or Master, or having the Command or Charge of any Ship, Boat, or Vessel, in respect of which, or the Lading or Cargo thereof, any of the said Rates are charged or made payable, then being within the said Harbour or Limits aforesaid, and upon his Oath to be made before the said Justice, to examine and enquire of and concerning all or any of the said Goods, Wares, Merchandizes, and other Articles and Things, in, or laden or unladen into or from any such Ship, Boat, or Vessel, or the Freight thereof as aforesaid, and all and every other Matter and Thing liable to the Payment of any of the Rates, and whether all or any and what Part of such Rates, have or hath been paid; and in such Case, if any such Person so summoned shall not appear at the Time and Place in the said Summons mentioned, or appearing shall refuse to be sworn, or to answer or to give Account according to the best of his Knowledge or Belief concerning the Matters so to be enquired of and examined into as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the said Justice, to be recovered and applied in like Manner as other Fines and Penalties are hereafter directed by this Act.

Duties may be lessened.

XLIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to reduce and

leſſen the ſaid Rates, Duties, and Tolls by this Act granted, or ſuch of them, or ſuch Part or Parts thereof, as they ſhall think fit, and for ſuch Time and Times as they ſhall deem proper, or at any Time or Times afterwards to advance and raiſe the ſaid Rates, Duties, and Tolls again, or any of them, or any Part or Parts thereof, to any Sum or Sums of Money not exceeding the reſpective Sums herein-before granted; and any ſuch Agent or Collector duly appointed as aforeſaid ſhall have the like Power of levying and recovering the ſaid Rates, Duties, and Tolls, ſo reduced and leſſened, or ſo advanced again, or any of them, or any Part thereof, as is herein-before given for levying and recovering the Rates, Duties, and Tolls herein-before granted; provided that no Alterations be made at any Time in the ſaid Rates, Duties, and Tolls, unleſs Twenty-one Days Notice thereof ſhall be given in ſome Publick Newſpaper in general Circulation in the County of Cornwall.

Duties may be leaſed.

XLV. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors from Time to Time, by Writing under their Seal, to grant, demiſe, or let out all or any of the ſaid Rates hereby made payable, to any Perſon or Perſons for any Term not exceeding One Year at any one Time, to take Effect in Poſſeſſion, for the higheſt Rent or beſt Price which can be reaſonably had or gotten for the ſame, by Publick Auction; and every ſuch Rent ſhall be payable to the Treaſurer to the ſaid Company of Proprietors, at ſuch Times and in ſuch Manner, and with ſuch Sureties for Payment thereof, as the ſaid Company of Proprietors, ſhall think fit; but publick Notice of every Meeting for demiſing any ſuch Rates ſhall be given by the Clerk of the ſaid Company of Proprietors in Manner before mentioned, ſpecifying the Intention of demiſing ſuch Rates, Twenty-one Days at leaſt before ſuch Meeting.

Ships of War exempted from Duties.

XLVI. And be it further enacted, That nothing in this Act contained ſhall extend to, or be conſtrued to extend to charge any the Ships or Veſſels of War belonging to his preſent Majeſty, His Heirs or Succeſſors, with any of the Rates, Duties or Tolls granted in and by this Act, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

No other Duties than thoſe herein appointed to be paid.

XLVII. And be it further enacted and declared, That the Rates, Tolls, and Duties aforeſaid, and the Trade, Fiſheries, and Merchandize, and all Ships, Boats, and other

other Vessels passing into or from the said Pier or Harbour, together with their Cargoes, of what Kind soever, shall not be charged or chargeable with any Dues or Duties heretofore paid or payable in respect thereof, or by the said Cove or Harbour of Trevaunance, to any other Place whatsoever, except as herein-after provided with respect to Port Dues payable to the Trustees of the Pier of Saint Ives, in the said County of Cornwall.

Rates to be paid to the Trustees of Port *St. Ives.*

XLVIII. And be it further enacted by the Authority aforesaid, That the said Company of Proprietors shall, and they are hereby directed and required to pay to the Trustees appointed by virtue of an Act made in the Seventh Year of the Reign of His present Majesty, intituled, An Act for erecting a proper and convenient Pier at the Port of *Saint Ives* in the County of *Cornwall*, for the better protecting of Ships and Vessels resorting to the said Port, as a full Discharge and Satisfaction of and for all Port Dues to be claimed or demanded by the said Trustees in respect of Goods, Wares, and Merchandizes to be landed at the said intended Pier from and after the making thereof, the Sums following, (that is to say,) the Sum of Three-pence for every Wey of Coals; and in respect and discharge of all Goods, Wares, and Merchandizes, other than Coals, to be landed at the said intended Pier, Treble the Sum heretofore received in any Year by the said Trustees upon Goods, Wares, and Merchandizes, other than Coals, landed at the Parish of Saint Agnes aforesaid; such several Payments to be recovered by the said Trustees by Action of Debt against the said Company of Proprietors in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Harbour, Pier, &c. free upon Payment of Duties.

XLIX. And be it further enacted, That the said Harbour, Pier, Wharfs, Warehouses, Quays, Paths, Passages, and Roads, shall be free and open to all Boats, Ships, Vessels, Goods, Wares, Merchandizes, and other Articles, and all Person or Persons whomsoever, upon Payment of the Rates, Duties, and Tolls herein-before directed to be paid, and upon complying with the several Rules and Regulations hereby, and from Time to Time hereafter to be made by the said Company of Proprietors, under and by virtue of this Act.

When Duties may be demanded.

L. And be it further enacted, That none of the Duties herein-before made payable shall be claimed by the said Company of Proprietors, or any Person or Persons under them, or any of them, until the said Pier shall have been erected to the Height of Twelve Feet from the Base,

Base, and unless the said Pier be completed within Seven Years next after the passing this Act, that then the said Duties hereby granted shall cease, provided the Accidents to the said Pier, by the Ravages of the Sea or otherwise, shall not impede the Erection and completing thereof within such Time: And in case of any such Accident or Accidents at any Time or Times happening after the Erection of the said Pier, the said Company of Proprietors are hereby required to repair the same within Seven Years next after the same shall happen; and if any other Accident shall happen to the said Pier or Quay during the intermediate Time of the last Seven Years allowed for repairing thereof, then a further Time of Seven Years shall be allowed from the last of such Accidents happening; and so on for every Accident or Damage happening to the said Pier or Quay.

Penalties and Forfeitures, how to be recovered.

LI. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed or inflicted, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall, upon Proof of the Offences respectively before any Justice of the Peace in and for the the said County of Cornwall, residing at or within Ten Miles Distance of the said Parish of Saint Agnes, either by Confession of the Party or Parties, or by the Oath of any credible Witness, be recovered and levied, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus of such Penalties, Fines, and Forfeitures, after the Charges for such Prosecution for the same shall be paid and deducted, shall be returned upon Demand to the Owner and Owners of such Goods and Chattels; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted, the Application whereof is not herein-before directed, shall be paid into the Hands of the Overseers of the Poor of the said Parish of Saint Agnes, to and for the Use and Benefit of such Poor, and to and for no other Use or Purpose whatsoever; and in case a sufficient Distress cannot be found, or the Fines, Forfeitures, and Penalties shall not be forthwith paid and satisfied, it shall and may be lawful for such Justice, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal, and cause such Offender or Offenders to be thereupon taken and committed to the Common Gaol, there to remain without Bail or Mainprize, as such Justice shall direct, not exceeding Three Calendar Months, unless the said Fines, Forfeitures, and Penalties, and

all reasonable Charges attending the same, shall be sooner paid and satisfied.

LII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form:

Form of Conviction of Offenders.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* was convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of *Cornwall*, [*specifying the Offence, and Time and Place when and where the same was committed*] Given under my Hand and Seal, the Day and Year aforesaid.

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form, or removed by *Certiorari*.

LIV. And be it further enacted, That no Proceeding to be had touching any Order made, or any other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon, shall be quashed or vacated for Want of Form only, or be removed into any of His Majesty's Courts of Record at Westminster, by Certiorari, or any other Writ or Process whatsoever, notwithstanding any Law or Usage to the contrary.

Plaintiff not to recover if Tender of Amends made.

LV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, every or any such Irregularity, Trespass,

or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum and Sums of Money as he or they shall see fit, whereupon such Proceeding, Order, and Judgement shall be had, made, or given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal.

LVI. And be it further enacted also, That any Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order, Determination, or Warrant of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order shall have been made or given, complain and appeal to the Justices of the Peace at the General or Quarter Sessions to be held in and for the County of Cornwall, or where the said Cause of Appeal shall arise, (Notice of such Appeal being given to the said Company of Proprietors at least Ten Days previous thereto), who shall, in a summary Way, either hear or determine the said Complaint at such Quarter Sessions of the Peace for the said County or Place, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County or Place; and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured, and such Costs and Expences in the Premises, as they shall judge reasonable, which Order shall be final and conclusive.

Limitation of Actions.

LVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until after the Expiration of Twenty-one Days next after Notice thereof shall be given in Writing to the Clerk of the said Proprietors, or the Receiver of the Quay Duties hereby made payable, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Suit shall be brought, or where there shall be a Continuation of Damage, nor after Three Calendar Months from the doing or committing such Damage; and every such Action or

Suit shall be laid and brought in the said County of Cornwall, and not elsewhere; and if the Plaintiff or Plaintiffs in such Action or Suit shall suffer a Discontinuance of his, her, or their Action or Actions, Suit or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs of Suit, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

LVIII. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.