

ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

***

Tothill Bay and *Lipſon Bay*: And whereas the embanking and protecting the ſaid Parcels of Land from the Sea will be attended with a great and heavy Expence; which Expence certain Perſons are willing to ſuſtain, if the ſaid Parcels of Land were veſted in them for ever, and Powers granted for embanking and protecting the ſame from the Sea: And whereas His Majeſty has been moſt graciouſly pleaſed to ſignify His Royal Pleaſure, that, for the Purpoſes of effecting the ſaid Embankment, and protecting from the Influx of the Sea, ſuch Parcels of Land, the ſame, as far as His Majeſty's Intereſt is concerned therein, ſhould be granted and confirmed to ſuch Perſons, on the Terms and Conditions herein mentioned; but as ſuch Purpoſes 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 upon Payment of the Sum of Five hundred Pounds of lawful Money of *Great Britain*, into the Bank of *England*, in the Name of the Lord High Treaſurer of *England*, by the Perſons hereinafter named, to the Caſhier of the Bank of *England*, who is hereby authorized and required to receive ſuch Money, and to give a Receipt for the ſame; all that Plot or Parcel of Land, ſituate, lying, and being between a certain Point of Land, known by the Name of *Great Prince Rock*, and another Point of Land called *Crab Point* otherwiſe *Mount Gold Point* otherwiſe *Arnold's Point*, which Plot or Parcel of Land is known by the Name of *Tothill Bay*, being Part of the ſaid Tract of Land known by the Name of *The Lairy*, near to the Borough of *Plymouth* in the County of *Devon*; and alſo One other Plot or Parcel of Land, ſituate, lying, and being between the ſaid Point, called *Crab Point* otherwiſe *Mount Gold Point* otherwiſe *Arnold's Point*, and the Village of *Crab Tree*, which Plot or Parcel of Land is known by the Name of *Lipſon Lake* otherwiſe *Lipſon Bay*, being alſo Part of the ſaid *Lairy*, containing together by Eſtimation One hundred and eighty-one Acres, be the ſame more or leſs, ſhall be, and the ſame is and are hereby granted and confirmed unto, and ſhall be veſted for ever, freed and abſolutely diſcharged from all Claim, Right, and Title whatſoever of His Majeſty, in Right of His Crown and Dignity, His Heirs and Succeſſors, in *John Arthur*, *John Pollexfen Baſtard*, *Richard Burnacott*, *Thomas Cleather*, *John Collier*, *Henry Cowley*, *John Diſting*, Sir *William Elford* Baronet, *Jonathan Elford* ſenior, *Thomas Eales*, *James Elliot*, *Francis Fox*, *Robert Fuge*, *John Harris*, *John Hawker*, *Miles Hammett*, *Joſeph Joſeph*, *Andrew Kinſman*, *William Allen Kite*, *Richard King*, *George Leach*, *Philip Langmead*, *John Clarke Langmead*, *Edmund Lockyer*, *Thomas Lockyer*, *John Luxmore*, *Joſeph Moore*, *John Morris*, Sir *Lawrence Palk* Baronet, *William Prance*, *John Pridham*, *Robert Butler Remmett*, M. D., *Richard Roſdew*, *Henry Rivers*, *Robert Ruſſell*, *William Hales Symons*, *Peter Symons*, *Thomas Splatt*, *Saville William-Shepherd*, *Andrew Saunders*, *Benjamin Shephcard*, *William Snow*, *Paul Treby Treby*, *Peter Tonkin*, *Giles Welsford*, *John Wakeham* and *Thomas Wilſon*, *Robert Boulton*, *John Land*, *Henry Rivers*, *James Wynn*, and Company, together with ſuch Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, as they, or the major Part of them preſent at the Firſt General Aſſembly to be holden for the Purpoſes of this Act, ſhall nominate and appoint, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns,

On Payment of 500 *l.* into the Bank, the Premiſes herein deſcribed to be diſcharged of all Claim of His Majeſty.

Proprietors.

Aſſigns, being a Proprietor or Proprietors of any Share or Shares in the Undertaking for embanking and preſerving the ſaid Lands from the Sea, ſhall be, and are hereby united into a Company for the Purpoſe of embanking and preſerving the ſaid Lands from the Sea, according to the Rules, Orders, and Directions herein contained, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name and Style of *The Company of Proprietors for embanking Part of the Lairy near Plymouth*; 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 and may have Power and Authority, from and after the paſſing of this Act, to hold ſuch Lands without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Diſpoſal of the ſaid Sum of 500*l.*

II. And be it further enacted, That the ſaid Sum of Five hundred Pounds, herein directed to be paid into the Bank of *England*, in the Name of the Lord High Treaſurer of *England*, ſhall be forthwith laid out by the Order of the Surveyor General of His Majeſty's Land Revenue for the Time being, in the Purchaſe of Three *per Centum* Conſolidated Bank Annuities, in the ſame Manner, and to and for the ſame Uſes and Purpoſes as the Monies ariſing or to ariſe by the Sale of Fee Farm Rents, are directed to be laid out by an Act, paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents*; and that all and ſingular the Annuities to be purchaſed by the Order of the ſaid Surveyor General, by virtue of this Act, ſhall be and remain inveſted, and the Intereſts or yearly Dividends thereof ſhall be from Time to Time received, anſwered, accounted for, applied, and appropriated, in ſuch and the ſame Manner as by the ſaid recited Act is directed in reſpect of the Annuities to be purchaſed in purſuance of the ſaid Act.

Form of Receipt by the Caſhier.

III. And be it further enacted, That the Receipt or Diſcharge herein directed to be given for the ſaid Sum of Five hundred Pounds, ſhall be in the Words or to the Effect following; *videlicet*,

'RECEIVED the Day of of the Company 'of Proprietors for embanking Part of the *Lairy* near *Plymouth*, the 'Sum of Five hundred Pounds of lawful Money of *Great Britain*, in 'full for the abſolute Purchaſe of all thoſe ſeveral Plots or Parcels of 'Land, which, by an Act of Parliament made in the Forty-ſecond Year 'of the Reign of His preſent Majeſty King *George* the Third, intituled, '[*here inſert the Title of this Act*] are directed and declared to become 'veſted in the ſaid Company of Proprietors, upon Payment of the ſaid 'Sum of Five hundred Pounds into the Bank of *England*, and which 'ſaid Sum of Five hundred Pounds is to be carried to the Account of 'the Lord High Treaſurer of *England*. As witneſs my Hand

'For the Governor and Company '*A. B.* Caſhier'
'of the Bank of *England*.

Which Receipt or Diſcharge, when ſo ſigned by the ſaid Caſhier, ſhall be inrolled in the Office of the Auditor of His Majeſty's Land Revenue for the County of *Devon*, and ſhall be entered in the Office of the Surveyor General of His Majeſty's Land Revenue; and the proper Officers of the ſaid Offices reſpectively are hereby required, upon the Production of ſuch Receipt,

Receipt, to inrol and enter the ſame accordingly, and at the Foot or on the Back thereof to give a Certificate of ſuch Inrolment and Entry; and the ſaid Receipt or Diſcharge, or a Copy of ſuch Inrolment or Entry, duly atteſted by the proper Officers of the ſaid Offices, or either of them, ſhall at all Times thereafter be admitted and allowed as Evidence, in all Courts of Law and Equity, of the Payment of the ſaid Sum of Five hundred Pounds in purſuance of this Act.

Saving the Rights of Lord of the Manor of *Plymton*.

IV. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to defeat, leſſen, or prejudice any Right or Rights of the Lord or Lords of the Manor of *Plympton*, in or to the Lands and Grounds hereby veſted in the ſaid Company of Proprietors; and in caſe the Lord or Lords of the ſaid Manor ſhall hereafter eſtabliſh his or their Right to the ſaid Lands and Grounds, as lying within or in reſpect of the ſaid Manor of *Plymton*, at any Time before the ſaid Sum of Five hundred Pounds ſhall have been paid by the ſaid Company of Proprietors into the Bank of *England* in the Name of the Lord High Treaſurer of *England*, in purſuance of this Act, then the ſaid Sum of Five hundred Pounds ſhall be paid by the ſaid Company of Proprietors to the Lord or Lords of the ſaid Manor of *Plymton*, his or their Heirs or Aſſigns; and upon Payment or Tender thereof to ſuch Lord or Lords of the ſaid Manor, the ſaid Lands and Grounds ſhall be veſted in the ſaid Company of Proprietors for ever, freed and abſolutely diſcharged from all Claims, Rights, and Intereſts, of or belonging to the Lord or Lords of the ſaid Manor, his or their Heirs or Aſſigns; and in caſe the ſaid Sum of Five hundred Pounds ſhall have been paid by the ſaid Company of Proprietors into the Bank of *England* in the Name of the Lord High Treaſurer of *England*, and inveſted in the Purchaſe of Three *per Centum* Conſolidated Bank Annuities, as herein-before mentioned, before the Lord or Lords of the ſaid Manor ſhall have eſtabliſhed his or their Right to the ſaid Lands and Grounds, then and in ſuch Caſe, if the Lord or Lords of the ſaid Manor of *Plymton*, his or their Heirs or Aſſigns, ſhall at any Time within Three Years after the paſſing of this Act, eſtabliſh his or their Right to the ſame Lands and Grounds, it ſhall and may be lawful to and for the Lord or Lords of the ſaid Manor of *Plymton*, his or their Heirs or Aſſigns, to recover and receive the ſame Sum of Five hundred Pounds from the Surveyor General of His Majeſty's Land Revenue for the Time being, out of any Monies applicable to the ſame Purpoſes as the Dividends to ariſe from the ſaid Three *per Centum* Conſolidated Bank Annuities ſo to be purchaſed as aforeſaid will be applicable, any thing herein contained to the contrary thereof notwithſtanding; and it ſhall and may be lawful for the ſaid Lord or Lords of the ſaid Manor of *Plymton*, either before or after the ſaid Sum of Five hundred Pounds ſhall be paid as aforeſaid, to proceed within Three Years after the paſſing of this Act, to have his or their Claims to the ſaid Lands ſo granted as aforeſaid tried at Law, and for that Purpoſe ſuch Lord or Lords ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Surveyor General of His Majeſty's Land Revenue for the Time being, who ſhall name an Attorney, who ſhall appear thereto, and accept one or more Iſſue or Iſſues whereby ſuch Claims may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court where ſuch Action ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the ſaid Lord or Lords

Lords ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried at the Firſt or Second Aſſizes to be holden for the County of *Devon* next after the Commencement of ſuch Action.

Power of raiſing Money to make the Embankment.

V. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute a competent Sum of Money amongſt themſelves for embanking, draining, and preſerving the ſaid Lands, and for making and maintaining the ſeveral Engines, Baſons, Aqueducts, Drains, Banks, Pounds, Dams, and all other Works and Conveniencies belonging or requiſite thereto, not exceeding in the Whole the Sum of Eight thouſand Pounds; and that the ſame ſhall be divided into Shares of Fifty Pounds each; and the ſaid Shares ſhall be and are hereby declared to be veſted in the ſeveral Perſons ſo ſubſcribing, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally contribute; and all Bodies Politick, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or Sum or Sums as ſhall be demanded in lieu thereof, towards completing and maintaining the ſaid Undertaking, and other the Purpoſes of the ſaid Subſcription, ſhall be entitled to, and receive the entire and nett Diſtribution of an equal proportionable Part, according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the ſaid Undertaking, and other Sums of Money that may be raiſed, recovered, or received by the ſaid Company of Proprietors by virtue of this Act; and every Body Politick, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall pay a proportionable Sum towards carrying on the ſame, in Manner herein directed and appointed.

Shares to be Perſonal Property.

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

Subſcribers to have a Vote for each Share.

VII. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Perſon who ſhall, by virtue of this Act, have ſubſcribed or undertaken for One Share in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall have a Vote in the ſeveral Aſſemblies to be holden as herein appointed, for carrying on the ſaid Undertaking, for every ſuch Share; which Vote or Votes may be given by him, her, or them, or by his, her, or their Proxy or Proxies, conſtituted under the Seal of ſuch Body Politick, Corporate, or Collegiate, or the Hand and Seal of ſuch other Perſon, every ſuch 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 Aſſembly of the ſaid Company of Proprietors, ſhall be determined by the Majority of Votes and Proxies then preſent: Provided nevertheleſs, that no Perſon ſhall deliver in Proxies for more

than Ten Shares; the Appointment of which Proxies may be made according to the Form following;

'I *A. B.* of One of the Proprietors for embanking Part of the *Lairy* near *Plymouth*, do hereby nominate, conſtitute, and appoint *C. D.* of to be my Proxy, in my Name, and in my Abſence to vote, or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Undertaking, that ſhall be mentioned or propoſed at any Aſſembly of the Company of Proprietors of the ſaid Undertaking, in ſuch Manner as he the ſaid *C. D.* ſhall think proper, for the Benefit of the ſaid Undertaking, or any Thing appertaining thereto. In witneſs whereof I have hereunto ſet my Hand and Seal, this Day of

Proprietors may raiſe an additional Sum.

VIII. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed, ſhall not be ſufficient for completing and maintaining the ſaid Undertaking, and other the neceſſary Works thereunto belonging, and all 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 amongſt themſelves in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding in the Whole the Sum of Six thouſand Pounds; and every Perſon, Body Politick, Corporate, or Collegiate, ſubſcribing towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and ſhall have a like Vote by himſelf, herſelf, or themſelves, or by his, her, or their Proxy or Proxies, in reſpect of every Fifty Pounds of the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and intereſted in all the Profits of the ſaid Undertaking, in Proportion to the Sum he, ſhe, or they ſhall or may ſubſcribe hereunto, 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 Sum of Eight thouſand Pounds.

Proprietors may mortgage Lands.

IX. Provided always, and be it enacted, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of Six thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Lands, or of any Part or Parts thereof, it ſhall and may be lawful to and for the ſaid Company of Proprietors to borrow and take up at Intereſt, all or any Part of the ſaid Sum of Six thouſand Pounds, and to aſſign the Property of the ſaid Lands, and the Tolls ariſing or to ariſe to the ſaid Company of Proprietors by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money to be borrowed, with Intereſt, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance 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;

'BY virtue of an Act of Parliament, made in the Forty-ſecond Year of the Reign of King *George* the Third, intituled, *An Act to enable His Majeſty to grant certain Parcels of Land, ſituate between* Great Prince

'Prince Rock *and the Village of* Crab Tree, *called* Tothill Bay *and* 'Lipſon Bay, *near to the Borough of* Plymouth *in the County of* Devon, *to* 'certain Perſons therein named, *for the Purpoſe of embanking and preſerving* 'the ſame from the Sea: We the Company of Proprietors for embanking 'Part of the *Lairy* near *Plymouth*, 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 our Eſtate, Right, Title, and Intereſt, of, in, and to the 'ſaid Undertaking, to hold unto the ſaid *A. B.*, his Executors, Admi- 'niſtrators, and Aſſigns, until the ſaid Sum of
'with lawful Intereſt for the ſame, 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 another, to their Proportion of the Tolls, and other the Profits of the ſaid Undertaking, according to the reſpective Sums in ſuch Aſſignments mentioned to be advanced, without any Preference by reaſon of Priority of any ſuch Aſſignment, 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 made, the Sum of Money borrowed, and Rate of Intereſt, ſhall, within Thirty Days from the Date of every ſuch Aſſignment, be entered in One or more Book or Books, to be kept by the Clerk of the ſaid Company of Proprietors, which Book or Books ſhall and may be peruſed at all reaſonable 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 Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may from Time to Time transfer his, her, or their Right or Intereſt therein, to any Perſon or Perſons whomſoever, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

Form of Transfer.

'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 'Company of Proprietors for embanking Part of the *Lairy* near *Plymouth*, '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 'and Property therein, to the ſaid *C. D.* Executors, Admini- 'ſtrators, and Aſſigns. Dated this Day of
'in the Year

And every ſuch Transfer ſhall, within Thirty Days after the Date thereof, be produced to the Clerk of the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof, in like Manner as 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, and Aſſigns, to the full Benefit of the original Mortgage; and it ſhall not from thenceforth

be

be in the Power of any Perſon or Perſons, who ſhall have made any ſuch Aſſignment, to make void, releaſe, or diſcharge the original Mortgage, or any Money thereby ſecured, or any Part thereof, until the Intereſt of the Money which ſhall be borrowed or raiſed by Mortgage as aforeſaid, ſhall be paid and diſcharged, to the ſeveral Perſons entitled, before any Intereſt or Dividends due to the ſaid Company of Proprietors ſhall be paid, made, or divided.

Notice to be given before Money borrowed is paid off.

X. Provided always, and be it enacted, That no Sum or Sums of Money ſo lent or advanced on Mortgage, ſhall be paid off and diſcharged (ſave and except with the Conſent or Conſents of the Perſon or Perſons ſo lending or advancing ſuch Sum or Sums of Money), unleſs Three Calendar Months previous Notice, under the Common Seal of the ſaid Company of Proprietors, ſhall have been given to the Perſon or Perſons lending and advancing ſuch Sum or Sums of Money, or left at his, her, or their laſt or uſual Place or Places of Abode, of ſuch their Intention to pay off and diſcharge the ſame.

Aſſignees not to have a Vote on account of lending Money.

XI. Provided alſo, and be it enacted, That no Perſon to whom any 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 Proxy, at any Aſſembly or Meeting of the ſaid Company of Proprietors, for or on account of his, her, or their having lent or advanced any Money on the Credit of any ſuch Aſſignment.

Proprietors may ſell Lands if they think proper.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby empowered and enabled, in caſe they ſhall judge it neceſſary and expedient, to ſell, diſpoſe of, and convey in Fee, any Part or Parts of the Lands hereby directed to be embanked, not exceeding One hundred and twenty Acres thereof, to any Perſon or Perſons who ſhall be willing and deſirous to purchaſe the ſame, and the Sum or Sums of Money ſo raiſed, ſhall be applied towards the Diſcharge of any Debt or Debts that ſhall be incurred by the ſaid Company of Proprietors, and the Overplus (if any) ſhall be diſtributed amongſt the ſaid Company of Proprietors, in ſuch Manner as the Tolls and other Sums of Money to be raiſed, recovered, or received by virtue of this Act, are herein directed to be diſtributed; and all Sales, Conveyances, and Aſſurances of the ſaid Lands, by the ſaid Company of Proprietors, ſhall be made in the Form or to the Effect following:

'WE, the Company of Proprietors for embanking Part of the *Lairy* 'near *Plymouth*, incorporated by an Act of Parliament, made in 'the Forty-ſecond Year of the Reign of King *George* the Third, intituled '[*here inſert the Title of this Act*] in Conſideration of the Sum of ' to us paid, by *A. B.* of ' do hereby grant and releaſe to the ſaid *A. B.* all '[*here deſcribe the Premiſes to be conveyed*] and all our Right, Title, and 'Intereſt to and in the ſame, and every Part thereof, to hold to the ſaid '*A. B.*, his Heirs and Aſſigns, for ever: In witneſs whereof we have 'hereunto affixed our Common Seal, this Day of ' in the Year of our Lord

And every ſuch Sale, Conveyance, and Aſſurance ſo made, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever;

any Law, Statute, Uſage, or Cuſtom, to the contrary thereof notwithſtanding.

XIII. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors ſhall be holden on the *Monday* Fortnight after paſſing this Act, at the *Pope's Head* Inn, in the ſaid Town of *Plymouth* in the County of *Devon*, between the Hours of Ten in the Forenoon and Two in the Afternoon, for the Purpoſe of putting this Act in Execution; and ſuch General Aſſembly ſhall afterwards be holden on the Firſt *Monday* in the Month of *June*, in each and every Year, at ſuch Place within the ſaid Borough of *Plymouth*, and at ſuch Hour as the ſaid Company of Proprietors ſhall at any Aſſembly appoint; and in caſe no Place or Hour ſhall have been ſo appointed, then ſuch General Aſſembly ſhall be holden where the laſt General Aſſembly was holden. First General Aſſembly.

XIV. And be it further enacted, That the ſaid Company of Proprietors, at their reſpective Aſſemblies, ſhall and may appoint a Chairman, and ſuch Chairman ſhall not only vote as a Proprietor or Proxy, but in caſe of an Equality of Votes, ſhall have the deciſive or caſting Vote. Chairman to be appointed.

XV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their ſaid Firſt General Aſſembly, nominate and appoint by Ballot Seven Perſons, of and out of the Proprietors of the ſaid Company, to be a Committee for the Management of the Concerns of the ſaid Company, until the next General Aſſembly to be holden on the Firſt *Monday* in the Month of *June* One thouſand eight hundred and three, and the Powers of the ſaid Committee ſhall then ceaſe and determine; and the ſaid Company of Proprietors aſſembled at ſuch General Aſſembly, ſhall proceed to the Nomination of another Committee, or may re-appoint the ſaid Committee, or any Member or Members thereof, and ſo in like Manner at every enſuing General Aſſembly, and the Powers of ſuch Committee ſhall continue until the next General Aſſembly, and ſhall then ceaſe and determine; but no Perſon holding any Place, Office, Employment, or Contract under the ſaid Company of Proprietors, ſhall be capable of ſerving upon any Committee during the Time of his Continuance in ſuch Place, Office, or Employment, or holding ſuch Contract: Provided always, that it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any Special Aſſembly to be convened in Manner herein directed, to remove any Member of the ſaid Committee, and to nominate another Perſon, qualified as aforeſaid, in the Room or Stead of every Member of the ſaid Committee who ſhall die, be ſo removed, refuſe to act, or ſhall hold any Place, Office, Employment, or Contract under the ſaid Company of Proprietors, or ſhall ceaſe to be a Proprietor in the ſaid Undertaking; and every Perſon ſo nominated by the ſaid Special Aſſembly, ſhall have the like Power and Authority as if he had been nominated by the ſaid General Aſſembly. Appointment of a Committee.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any General Aſſembly, to order and diſpoſe of the Cuſtody of their Common Seal, and the Uſe and Application thereof, and to make ſuch Rules, Bye Laws, and Orders for the good Government of the ſaid Company, and of the ſaid Committee, Proprietors may make Bye Laws.

and of their Servants, Agents, and Workmen, and for the whole, complete, and total Superintendence and Management of the ſaid Undertaking, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons who ſhall offend againſt any ſuch Rules, Bye Laws, or Orders, as to them ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, which ſaid Rules, Bye Laws, and Orders being reduced into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be printed, and ſhall be binding upon and obſerved by all Perſons whomſoever, 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 all Accounts of Money laid out and diſburſed on Account of the ſaid Undertaking, ſhall be laid before the ſaid General Aſſembly to be audited and ſettled; but no Vote or Votes by Proxy ſhall be given, or have any Power in or as to the Audit and Settlement of Accounts; 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 Aſſembly be thought proper and convenient.

General Aſſemblies for chooſing Committees to conſiſt of Forty-four Shares.

XVII. Provided always, That if at any ſuch General Aſſembly there ſhall not be Eleven Perſons preſent, either as Principals or Proxies, who ſhall be poſſeſſed of or entitled to Forty-four Shares in the ſaid Undertaking, no Choice of any Committee ſhall be made at that Time, but in ſuch Caſe there ſhall be another General Aſſembly of the ſaid Company of Proprietors, at the ſame Place, upon that Day Fortnight, and ſo from Time to Time until there ſhall be ſuch Perſons preſent, either as Principals or Proxies, at ſuch General Aſſembly, having ſuch Number of Shares as aforeſaid, and ſuch Choice of ſuch Committee ſhall then take Place, and not before; and of every ſuch adjourned Meeting Seven Days Notice ſhall be given in One or more Newſpaper or Newſpapers printed and circulated in the ſaid County of *Devon*; and the Perſons then choſen to be of ſuch Committee, ſhall have the ſame Powers as they would have had, and ſhall continue in ſuch Office until ſuch Time as they would have done had they been choſen by any ſuch General Aſſembly on the Firſt Day appointed for holding the ſame; and in caſe of Failure of the aſſembling of a ſufficient Number of Proprietors, having ſuch Shares, as Principals or Proxies, at ſuch General Aſſembly, every Proprietor who ſhall not attend ſuch Second or adjourned General Aſſembly, in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, for every Share which he or ſhe ſhall poſſeſs in the ſaid Undertaking, the Sum of Twenty Shillings, to be deducted out of his or her next ſucceeding Payment of Intereſt or Dividends of the Profits of the ſaid Undertaking, as the Caſe may be; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default as aforeſaid, within Three Calendar Months next after the making of ſuch Default, then the Payment of the ſaid Forfeiture of Twenty Shillings may be levied and recovered by ſuch Ways and Means as any other Penalties or Forfeitures are by this Act directed to be levied and recovered.

Special Aſſemblies may be convened.

XVIII. 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 Aſſembly of the ſaid Company of Proprietors is neceſſary to be holden, it ſhall

ſhall and may be lawful to and for any Five or more of the ſaid Proprietors, who may collectively be poſſeſſed or entitled unto Twenty Shares at the leaſt in the ſaid Undertaking, to cauſe Fourteen Days Notice at the leaſt to be given thereof in One or more Newſpaper or Newſpapers printed and circulated in the ſaid County of *Devon*, or in ſuch other Manner as the Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requiring ſuch Special Aſſembly, and the Time when and Place where the ſame is to be holden, which Place ſhall be within the Town of *Plymouth*; and the ſaid Proprietors are hereby required 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 in ſuch Notice only; and all ſuch Acts of the ſaid Proprietors, or of the major Part of them, met together at every ſuch Special Aſſembly (provided ſuch major Part ſhall be poſſeſſed of at leaſt Forty-four Shares in the ſaid Undertaking, either as Principals or Proxies), ſhall be as good and valid, with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any General Aſſembly.

General Aſſemblies to appoint Officers.

XIX. And be it further enacted, That it ſhall and may be lawful to and 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 to the ſaid Company of Proprietors, and alſo to ſuch Committee, and ſuch other Officers as to them ſhall ſeem meet, granting to them reſpectively ſuch Salary, and taking ſuch Security for the due Execution of their reſpective Offices, as the ſaid Company of Proprietors ſhall think proper; and ſuch 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 all Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors and Committee reſpectively, and each of the ſaid Proprietors ſhall and may, at all convenient Times, have Recourſe to, and peruſe and inſpect the ſame, without paying any Thing for the ſame, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words ſo to be copied the Sum of Sixpence, and ſo in proportion for any leſs Number of Words; and if any ſuch Clerk or Clerks to the ſaid Company of Proprietors, or Committee, ſhall refuſe to permit any Proprietor or Proprietors ſo intereſted as aforeſaid to inſpect and peruſe ſuch Book or Books, at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies as aforeſaid, he or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in caſe, by reaſon of any Negligence, Miſconduct, or Inability in any Treaſurer or other Officer, it ſhall be requiſite to diſplace or remove him or them, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, aſſembled at any ſuch General or Special Aſſemblies as aforeſaid, or for the Committee of the ſaid Company of Proprietors, to remove any ſuch Treaſurer, Clerk, or other Officer; and in caſe any ſuch Treaſurer, Clerk, or other Officer ſhall die, be removed from, or quit the Service of the ſaid Company of Proprietors, or of the ſaid Committee, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, at their ſaid General or Special Aſſemblies, or

for the Committee of the ſaid Company of Proprietors, 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 Committee; but in caſe any ſuch new Appointment be made by the ſaid Committee, the ſame ſhall only continue until the next General or Special Aſſembly, 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 Company of Proprietors at ſuch General or Special Aſſembly may think proper.

Officers to account.

XX. And be it further enacted, That all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Company of Proprietors or ſuch Committee ſhall direct, deliver to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands, to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint; and if any ſuch Officer or Perſon ſhall refuſe to produce or deliver up ſuch Receipts or Vouchers, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Company of Proprietors, or by ſuch Committee, all Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Company of Proprietors, or to ſuch Committee, or as they reſpectively ſhall direct or appoint, then and in either of the Caſes aforeſaid, the ſaid Company of Proprietors may, and they are hereby authorized, to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, or if Complaint ſhall be made by the ſaid Company of Proprietors, or by ſuch Committee, or by ſuch Perſon or Perſons as they reſpectively ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be or reſide, ſuch Juſtices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or upon the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby empowered to adminiſter), it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall

be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively, and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall ſtill perſiſt in refuſing or neglecting to deliver up all ſuch Books, Papers, and Writings as aforeſaid, to the ſaid Company of Proprietors, or to ſuch Committee, or as they reſpectively ſhall appoint, then, and in any or either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol for the County of *Devon*, there to remain, without Bail or Mainprize, until he ſhall give a true and perfect Account, and make Payment as aforeſaid, or until he ſhall compound with the ſaid Company of Proprietors, or with the ſaid Committee, and ſhall have paid ſuch Compoſition, in ſuch Manner as they reſpectively ſhall appoint, and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Company of Proprietors, or to ſuch Committee.

Power of the Committee.

XXI. And be it further enacted, That no Member of the ſaid Committee ſhall have more than One Vote in any Committee; and at every Meeting of the ſaid Committee, a Chairman ſhall be choſen by and out of the ſaid Committee, who, in caſe of an Equality of Votes upon any Queſtion that may be agitated in the ſaid Committee, ſhall have the deciſive or caſting Vote; and that all the Powers and Authorities hereby veſted in, or directed to be exerciſed by the ſaid Committee, may be exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent being not leſs than Four; and every ſuch Committee ſhall from Time to Time make Reports of their Proceedings to the ſaid General Aſſemblies, and, if required, to the ſaid Special Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid Committee ſhall (ſubject nevertheleſs 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; and in order to defray the Expences of their ſeveral Meetings, the ſaid Committee ſhall from Time to Time receive, out of the Capital Stock of the ſaid Company of Proprietors, ſuch Sum or Sums of Money as ſhall be directed and determined by the ſaid Company of Proprietors; and the ſaid Committee ſhall and may contract for, ſettle, determine, and adjuſt all Matters, Queſtions, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of, and Perſons intereſted in any Lands, Tenements, or Hereditaments which ſhall or may be uſed, damaged, or affected by the Execution of any of the Powers hereby granted, and ſhall and may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making or completing the ſaid Undertaking, and all and every Part or Parts thereof, and of the Works thereunto appertaining or belonging, and the ſaid Committee (ſubject nevertheleſs to the Orders and Directions of ſuch Aſſemblies as aforeſaid) ſhall have full Power and Authority to direct

and manage all and every the Affairs of the ſaid Company of Proprietors; and the ſaid Committee ſhall by themſelves, their Clerk or Clerks, keep a full and true Account of all Money diſburſed, and Payments made by the ſaid Committee, and by all and every Perſon and Perſons employed by or under them, and of all and every Sum and Sums of Money which they ſhall receive on Behalf or in reſpect of the ſaid Undertaking, from any Officer or Officers, or from any Perſon or Perſons whomſoever; 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), 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 Committee: Provided always, that every Proprietor, upon every reaſonable Requeſt, ſhall have free Acceſs thereto, for his or her Inſpection; and the ſaid Committee ſhall have Power from Time to Time to make ſuch Call or Calls of Money from the Subſcribers to and Proprietors of the ſaid Undertaking, to defray the Expences of, or to carry on the ſame, as they from Time to Time ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds for every Fifty Pounds, and ſo in Proportion for every Share which any Perſon or Perſons ſhall or may be poſſeſſed of or entitled unto in the ſaid Undertaking; and ſuch Calls ſhall not be made but at the Diſtance of One Calendar Month at the leaſt from each other, and Fourteen Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid, by Advertiſement in One or more Newſpaper or Newſpapers printed and circulated in the ſaid County of *Devon*; and every Owner and Owners of any Share or Shares in the ſaid Undertaking, ſhall pay his, her, or their rateable Proportion of the Monies to be called for as aforeſaid, to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Committee ſhall from Time to Time appoint and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the Money ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Fourteen Days next enſuing, he, ſhe, or they ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Twenty Shillings for every Share which he, ſhe, or they ſhall poſſeſs in the ſaid Undertaking; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable Calls as aforeſaid, for the Space of Two Calendar Months next after the Time ſo appointed for Payment thereof, then and in every ſuch Caſe he, ſhe, or they ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid Undertaking, and all the Benefit and Profits 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 Uundertaking, or ſhall, at the Diſcretion of the ſaid General or Special Aſſemblies, be publickly ſold for the Uſe of the reſt of the ſaid Proprietors, whoſe Shares and Intereſts ſhall not have been forfeited as aforeſaid: Provided nevertheleſs, that no ſuch Forfeiture of any Share or Shares in the ſaid Undertaking, ſhall be or be deemed to be incurred, ſave and except perſonal Notice of ſuch Call or Calls, in Writing, ſigned by the Clerk or Clerks of the ſaid Committee,

ſhall have been given to, or Notice left at 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 the next General or Special Aſſembly of the ſaid Company of Proprietors after ſuch Notice given.

Executors to pay Shares.

XXII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking, ſhall die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made any Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, or how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors, for the Purpoſe of the ſaid Undertaking, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owner ſo dying, and alſo the Truſtee or Truſtees, Committee or Committees of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, ſhall be indemnified againſt all and every Perſon and Perſons whomſoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforeſaid, to complete every ſuch Subſcription; and in caſe ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, it ſhall and may be lawful to and for the ſaid Company of Proprietors to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, on Condition that he, ſhe, or they ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Committee or Committees of any Lunatick or Lunaticks, or to the Guardian or Guardians of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his, her, or their Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner or Owners, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Conditions as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to, and become veſted in the reſt of the ſaid Company of Proprietors, in Truſt for, and for the equal Benefit of all the reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Undertaking, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Shares may be ſold.

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of the ſaid Undertaking, his, her, or their reſpective Executors or Adminiſtrators, to ſell and diſpoſe of any Share or Shares to which he, ſhe, or they may be entitled therein, ſubject to the Directions and Proviſions herein contained; the Conveyance of which Shares ſhall be in the Form or to the Effect following:

I *A. B.*

Form of Conveyance.

'I *A. B.* of in conſideration of paid to me by *C. D.* of do hereby bargain, ſell, aſſign, and transfer to the ſaid *C. D.* the Sum of Capital Stock, of and in the Undertaking for embanking Part of the *Lairy* near *Plymouth*, being Part [*or*, the Whole, *as the Caſe may be*] of my Share in the ſaid Undertaking, to hold to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules, Orders, and Reſtrictions, and on the ſame Conditions that I held the ſame immediately before the Execution hereof: And I the ſaid *C. D.* do hereby agree to take and accept the ſaid Capital Stock or Share of ſubject to the ſame Rules, Orders, Reſtrictions, and Conditions; as Witneſs our Hands and Seals, the Day of in the Year of our Lord

And on every ſuch Sale the ſaid Deed or Conveyance (being executed by the Seller or Sellers, 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 Company of Proprietors ſhall have entered, a proper Book or Books to be kept for that Purpoſe, a Memorial of ſuch Transfer and Sale, for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk or Clerks is and are hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof as a Proprietor in the ſaid Undertaking.

Money called for to be paid before Shares are ſold.

XXIV. And be it further enacted, That after any Call of ſuch Money ſhall have been made by ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they, ſhall poſſeſs in the ſaid Undertaking, on Pain of forfeiting his, her, or their reſpective Shares therein, to the ſaid Company of Proprietors, in Truſt, for the Benefit of all the ſaid Proprietors, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer, ſhall have paid and diſcharged the whole and entire Sum of Money which ſhall have been called for on each Share ſo ſold or transferred; ſuch Forfeiture nevertheleſs to be notified and declared in ſuch Manner as Forfeitures of Shares in other Caſes are herein directed to be notified and declared.

Regulations as to the Acquiſitions of Shares.

XXV. And be it further enacted, That no Perſon or Perſons ſhall be entitled to receive any Part or Share of the Profits of the ſaid Undertaking in Right of Marriage, ſave and except an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall have been made and ſworn to by ſome credible Perſon before One of the Judges at *Weſtminſter*, or a Maſter or Maſter Extraordinary in Chancery, or any One of His Majeſty's Juſtices of the Peace for the County of *Devon*; and the ſaid Judges, Maſter or Maſter Extraordinary in Chancery, and Juſtices of the Peace, is and are hereby authorized and empowered to ſwear any ſuch Perſon to ſuch Affidavit, and ſuch Affidavit ſhall be tranſmitted to the Clerk or Clerks to the ſaid Company of Proprietors for the Time being, who ſhall file the ſame, and make an

Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk or Clerks for the Entry of Transfers and Sales of Shares in the ſaid Undertaking; and no Perſon or Perſons ſhall be entitled to receive any Part or Share of the Profits of the ſaid Undertaking by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſave and except the ſaid Will, or the Probate Copy thereof, 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 Letters of Adminiſtration, in caſe the Proprietor ſhall have died Inteſtate, 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, (as the Caſe may happen to be), before One of the Judges at *Weſtminſter*, 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 to the ſaid Clerk or Clerks, who ſhall file and enter the ſame in Manner herein mentioned.

Names of Proprietors to be entered, and Certificates of their Shares given to them.

XXVI. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to cauſe the Name and proper Additions of the ſeveral Perſons who ſhall be entitled to the ſeveral Shares in the ſaid Undertaking, with the Number of Shares which they are 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, to cauſe their Common Seal to be affixed thereunto, and ſhall alſo cauſe a Certificate or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every ſuch Certificate or Inſtrument; and ſuch Certificate or Inſtrument ſhall be admitted in all Courts whatever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified; but the Want of ſuch Certificate or Inſtrument ſhall not hinder or prevent the Owner or Owners of any of the ſaid Shares, from ſelling or diſpoſing thereof.

Powers for making the Embankment.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby authorized and empowered, by themſelves, and their Agents, Officers, and Workmen, to make, form, erect, and ſet up ſuch Mounds, Banks, and Fences, as they ſhall judge neceſſary and proper for the Purpoſe of embanking, fencing, and protecting the ſaid Lands and Grounds, from the Tides and Inundations of the Sea, and from Time to Time to repair, alter, enlarge, and extend the ſame, and alſo to make, build, erect, and ſet up ſuch and ſo many Arches, Tunnels, Aqueducts, Sluices, Flood Gates, Water Stanks, Baſons, Dams, Drains, Wharfs, Quays, Houſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Engines, and other Machines, (except Mills for grinding Corn), and other Works and Conveniencies, as they the ſaid Company of Proprietors ſhall think requiſite or neceſſary for the Purpoſes of the ſaid Undertaking, and from Time to Time to repair, alter, amend, enlarge, or diſcontinue the ſame;

and alſo to bore, dig, cut, trench, ſough, get, remove, take and carry away Earth, Clay, Stone, Soil, Rubbiſh, Beds of Gravel or Sand, in or upon, or from the Lands and Grounds of any Perſon or Perſons whomſoever, which may be requiſite, neceſſary, or proper for making, carrying on, continuing, maintaining, or repairing the ſaid Banks, Mounds, Fences, Arches, Tunnels, Aqueducts, Sluices, Flood Gates, Water Stanks, Baſons, Dams, Drains, Wharfs, Quays, Houſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Engines, or other Machines, or other Works and Conveniencies thereunto belonging, or any Part or Parts thereof, or which may hinder, prevent, or obſtruct the making, uſing, or completing, extending, enlarging, repairing, or maintaining the ſame reſpectively, and alſo to place, lay, work, or manufacture the ſeveral Materials requiſite and neceſſary for making, completing, extending, enlarging, repairing, or maintaining the ſame reſpectively, near to the Place or Places where the ſame reſpectively ſhall be making, completing, extending, enlarging, altering, or repairing, they the ſaid Company of Proprietors, their ſeveral Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction, in Manner herein mentioned, to the Owners and Proprietors of, and other Perſons intereſted in any Lands, Tenements, or Hereditaments, which ſhall be uſed, affected, injured, or damaged, for all Damages by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Deputies, Agents, Officers, and Workmen, and all other Perſons acting by or under their Authority, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject to ſuch *Proviſoes* and Reſtrictions as are herein mentioned.

Gardens, *etc.* not to be injured.

XXVIII. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable the ſaid Company of Proprietors to dig, bore, get, take, or carry away any Earth, Clay, Stone, Gravel, Sand, or other Materials, in, upon, out of, or from any Garden, Orchard, Park, planted Walks, Pleaſure Grounds, or Avenue to a Houſe, without the Conſent of the Owner or Owners, Proprietor or Proprietors thereof.

No Bank, *&c.* to be raiſed between *Crab Point* and the Village of *Crab Tree*, except in a ſtraight Line.

XXIX. Provided alſo, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to enable the ſaid Company of Proprietors to raiſe, or cauſe to be raiſed, between the ſaid Point called *Crab Point* otherwiſe *Mount Gold Point* otherwiſe *Arnold's Point*, and the ſaid Village of *Crab Tree*, any Bank, Mound, or Fence, or other Work, farther to the South Eaſt than in a ſtraight Line from the ſaid Point to a certain publick Road or Highway leading from the ſaid Village of *Crab Tree*, acroſs the Sands to *Blackſtone Quay*, in the Pariſh of *Plymton Saint Mary*.

Satisfaction to be made for Damages.

XXX. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to make full Recompence, Satisfaction, and Compenſation, to the Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments, which ſhall be uſed, affected, injured, or damaged, for all Damages by him or

them ſuſtained, in or by the Execution of any of the Powers of this Act; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Company of Proprietors, or their ſaid Committee, and any ſuch Owner or Owners, Occupier or Occupiers, touching or reſpecting the Amount of ſuch Damages, then and in every ſuch Caſe it ſhall and may be lawful to and for any Two or more of the Juſtices of the Peace for the County of *Devon*, upon Application made to them for that Purpoſe, within Thirty Days from the Time of doing ſuch Damage, to hear, ſettle, and determine the ſame; and the Amount of ſuch Damages, when ſo ſettled and allowed, ſhall and may be recovered by ſuch Ways and Means as any Penalty or Forfeiture may be recovered by virtue of this Act, or ſuch Damages may be recovered by Action in any of His Majeſty's Courts of Record at *Weſtminſter*.

Road to *Saltram Point*.

XXXI. And be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as enable the ſaid Company of Proprietors to divert, ſtop up, or obſtruct the Road leading from a certain Lane called *Tothill Lane*, acroſs the Sands to *Saltram Point*, in the Pariſh of *Plymton Saint Mary*, in the ſaid County of *Devon*.

Damages not provided for to be ſettled.

XXXII. 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 ſettled by the ſaid Committee, or by ſuch Juſtices of the Peace as aforeſaid; and the ſame may be recovered and levied in Manner herein directed with regard to other Damages.

Application of Compenſation when equal to 200 *l.*

XXXIII. And be it further enacted, That if there ſhall be any Money to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Company of Proprietors, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made, upon a Petition to be preferred 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, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, 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 therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the

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, and Hereditaments, which ſhall be 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 mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidiated or Reduced Bank Annuities ſhall, from Time to Time, be paid by 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, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation ſhall be leſs than 200 *l.* and exceed 20 *l.*

XXXIV. Provided always, and be it enacted, That if there ſhall be any Money to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, which ſhall be leſs than the Sum of Two hundred Pounds, and which ſhall exceed or be equal to 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, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 any Three or more of the ſaid Committee of the ſaid Company of Proprietors, (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 any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application where the Money is leſs than 20 *l.*

XXXV. Provided alſo, and be it enacted, That where ſuch Money ſo to be paid as aforeſaid, ſhall be leſs than Twenty Pounds, 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, and Hereditaments, ſo purchaſed,

taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid Committee, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then ſuch Money ſhall be paid 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.

Power to collect Tolls.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time and at all Times hereafter, to aſk, demand, take, and recover to and for their own proper Uſe and Benefit, the ſeveral and reſpective Tolls or Rates herein mentioned, for the Wharfage of all Timber, Chalk, Lime, Manure, Minerals, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be laid or landed upon any of the Wharfs or Quays belonging to the ſaid Company of Proprietors; (that is to ſay),

For all Dung, Chalk, Marle, Clay, Lime, Sand, Compoſt, and all other Things for the Purpoſe of improving or manuring Lands and Grounds, laid or landed upon any Wharf or Quay belonging to the ſaid Company of Proprietors, the Sum of One Penny Halfpenny *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Timber, Stone, Coals, Bricks, Slates and Tiles, Corn, Peaſe, Beans, Potatoes, Hay and Straw, and all other Things, Goods, Commodities, and Merchandize whatſoever, laid or landed upon any Wharf or Quay belonging to the ſaid Company of Proprietors, the Sum of Threepence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton.

Wharfs to be free on Payment of the Rates.

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for all Perſons whomſoever, to lay or land any Timber, Lime, Sand, Manure, Goods, Wares, and other Matters and Things, on any of the Wharfs or Quays (ſave and except during ſuch Time as ſuch Wharfs or Quays ſhall be altering or repairing), belonging to the ſaid Company of Proprietors, and to employ ſuch Wharfs and Quays for loading and unloading ſuch Timber, Lime, Sand, Manure, Goods, Wares, and other Matters and Things, upon Payment of ſuch Rates or Tolls as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the reſpective Sums herein mentioned, and ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Company of Proprietors, by virtue of the Powers herein granted.

Further Allowance if Goods remain above a certain Time on the Wharfs.

XXXVIII. And be it further enacted, That if any Timber, Lime, Sand, Manure, Goods, Wares, or other Matters or Things ſhall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the ſaid Company of Proprietors, for above the Space of Twenty-four Hours, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors to demand and take ſuch Rates or Tolls, over and above the Rates or Tolls herein-before mentioned, as ſhall be agreed on between the ſaid Company of Proprietors, or their Agent or Agents, and the Owner or Owners of ſuch Timber, Lime, Sand, Manure, Goods, Wares, or other Matters or Things, his, her, or their Servant or Servants.

Regulating the Weights.

XXXIX. And be it further enacted, That Fifty Cubic Feet of round, and Forty Cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood, ſhall, for the Purpoſes of this Act, be reſpectively deemed, rated, and eſtimated as and for One Ton Weight; and One hundred and twelve Pounds Weight Avoirdupoiſe of Lime, Sand, Manure, Goods, Wares, and other Matters and Things whatſoever, ſhall, for the Purpoſes of this Act, be deemed One hundred Pounds Weight; and Two thouſand two hundred and forty Pounds Weight ſhall, for the Purpoſes of this Act, be deemed One Ton; any Uſage of rating or eſtimating to the contrary thereof notwithſtanding; and in all Caſes where there ſhall be a Fraction of a Quarter of a Ton, ſuch Fraction ſhall be deemed and conſidered a whole Quarter of a Ton; and in order to aſcertain the Weight of ſuch Timber, Lime, Sand, Manure, and other Matters and Things, it ſhall and may be lawful to and for the ſaid Company of Proprietors to cauſe the ſame to be weighed, meaſured, or gauged.

Penalty on obſtructing Workmen.

XL. And be it further enacted, That if any Perſon or Perſons ſhall wilfully hinder, prevent, or obſtruct any Officer or other Perſon, acting by or under the Authority of the ſaid Company of Proprietors, in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; to be levied and recovered in ſuch Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

Recovery of Rates or Tolls.

XLI. And be it further enacted, That all ſuch Rates or Tolls as aforeſaid, ſhall be paid to the Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in caſe of Refuſal or Neglect to pay ſuch Rates or Tolls, or any Part thereof, on Demand, to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as aforeſaid, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, or the Perſon or Perſons to whom ſuch Rates or Tolls ought to have been paid, to ſeize and detain the Timber, Lime, Sand, Manure, Goods, Wares, or other Matters or Things, for or in reſpect whereof any ſuch Rates or Tolls ought to be paid, or any Part thereof, until ſuch Payment ſhall be made, together with reaſonable Charges for ſuch Seizure and Detention; and if ſuch Timber, Lime, Sand, Manure, Goods, Wares, or other Matters or Things, ſhall not be redeemed within Five Days next after the Seizure thereof, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or other Perſon or Perſons as aforeſaid, to cauſe the ſame to be ſold for the Purpoſe of paying and diſcharging ſuch Rates or Tolls, together with the Coſts and Charges of ſeizing, keeping, and ſelling the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners thereof, his, her, or their Servant or Servants.

Rates may be altered.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time, at any Special Aſſembly to be convened for that Purpoſe, to lower or reduce all or any of the ſaid Rates or Tolls, and again to raiſe the ſame to ſuch Sums as they ſhall think proper, not exceeding the Sums before mentioned, as often as it ſhall be deemed neceſſary for the Intereſt of the ſaid Undertaking.

XLIII. And

XLIII. And be it further enacted, That the Maſter and Owner of every Boat, Barge, or other Veſſel ſhall, and he and they is and are hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief that ſhall be done by any Boat, Barge, or other Veſſel, or by any Perſon or Perſons navigating the ſame, to any of the Banks, Mounds, Baſons, Dams, Trenches, Aqueducts, Sluices, Engines, or other Works or Conveniencies to be made by virtue of this Act; and the Maſter or Owner of every ſuch Boat, Barge, or other Veſſel ſhall, for every ſuch Treſpaſs, Damage, Spoil, or Miſchief, upon Conviction of any ſuch Perſon or Perſons as aforeſaid, before any Juſtice of the Peace for the County of *Devon*, on the Oath of any credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered to adminiſter), or on the Confeſſion of the Party or Parties offending, forfeit and pay to the ſaid Company of Proprietors ſuch Damages, Satisfaction, and Compenſation, as ſhall be aſcertained, fixed, and determined by ſuch Juſtice (provided that no ſuch Damage, Satisfaction, or Compenſation, ſhall exceed the Sum of Ten Pounds); and ſhall alſo, over and above, forfeit and pay to the Informer or Informers any Sum not exceeding Twenty Shillings, to be ſettled and aſcertained by ſuch Juſtice; but in caſe ſuch Damages ſhall exceed the Sum of Ten Pounds, the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, may be ſued and proſecuted for ſuch Damages in any of His Majeſty's Courts of Record. Owners accountable for Damages done by Boatmen.

XLIV. And be it further enacted, That each and every Perſon ſo navigating ſuch Boat, Barge, or other Veſſel, ſhall repay ſuch Damages, Satisfaction, and Penalty ſo aſcertained, fixed, and determined by ſuch Juſtice, with the Coſts and Charges of levying and recovering thereof, to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment 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 Damages, Satisfaction, or Compenſation and Penalty, and that the ſame, and the Coſts thereof, have or hath not been repaid to him, her, or them, by ſuch Perſon or Perſons, although demanded (ſuch Oath to be made before any Juſtice of the Peace for the County of *Devon*, which Oath ſuch Juſtice is hereby empowered to adminiſter), the Amount thereof ſhall be recovered in like Manner as any Penalty or Forfeiture is hereby directed to be recovered. Maſters to recover from the Boatmen.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall cut, dig, ſcrape up, take, or carry away any Stones, Clay, Sand, or other Materials, from or off any Bank, Mound, Dam, Baſon, or other Works to be erected by virtue of this Act, or off or from the Beach or Sea Shore, within the Diſtance of Fifty Yards of any ſuch Bank, Mound, Dam, or other Works, or ſhall open or cauſe to be opened any Sluice Gate, Dock Gate, or other Gate, of or belonging to the ſaid Works, or any of them, or ſhall let in or out, or draw off any Water into or from any Part or Parts of the ſaid Works, or ſhall cauſe or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any Sluice Gate, Dock Gate, Pier, or Groin, or do any other Act or Thing to the Prejudice or Injury of any of the Works by this Act authorized to be made, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and ſuch Penalty or Forfeiture ſhall be levied and recovered Penalty on injuring the Works.

recovered in ſuch Manner as other Penalties or Forfeitures are by this Act directed to be levied and recovered.

Penalty upon deſtroying the Works.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly break, throw down, damage, or deſtroy any of the Banks, Mounds, Dams, or other Works to be erected or made by virtue of this Act, every ſuch Perſon ſhall be deemed guilty of Felony, and ſhall, on being lawfully convicted thereof, be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment, ſuch Court may award ſuch Sentence as the Law directs in Caſes of Petty Larceny.

Satisfaction upon damaging Works.

XLVII. And be it further enacted, That all and every Perſon and Perſons who ſhall do, or ſhall cauſe any Damage or Injury whatever to any Bank, Mound, Dam, Baſon, Sluice, Sluice Gate, Dock Gate, or other Gate, Pier, Groin, Engine, or other Works to be made or erected by virtue of this Act, ſhall, over and above all Penalties by this Act directed to be inflicted, make full Satisfaction for every ſuch Damage or Injury, and may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record.

Works not ſubject to Commiſſioners of Sewers.

XLVIII. Provided always, and be it enacted, That the ſaid Banks, Mounds, Aqueducts, Drains, Lands, or any Work or Works to be made or erected by virtue of this Act, ſhall not be ſubject or liable to the Controul, Direction, Order, or Survey of any Commiſſion of Sewers, or to any Law or Statute relating to Sewers.

Subſcribers to pay Subſcriptions.

XLIX. And be it further enacted, That the reſpective Perſons who have ſubſcribed, or ſhall hereafter ſubſcribe any Money for or towards making or maintaining the ſaid Banks and Mounds, and the other Works hereby authorized to be made or erected, ſhall, and are hereby directed and required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Committee of the ſaid Company of Proprietors, by virtue of the Powers of this Act, at ſuch Times and Places as ſhall be directed by the ſaid Committee; and in caſe any of ſuch Subſcribers ſhall neglect or refuſe to pay the ſame, at the Time and Place, and in Manner ſo required for that Purpoſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity.

Fines and Penalties.

L. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which ſhall be inflicted by any Rule, Order, or Bye Law, to be made in purſuance thereof (the levying or Recovery whereof is or are not herein-before particularly directed), ſhall, in caſe of Non-payment thereof, on the Conviction of the Offenders reſpectively, on his, her, or their Confeſſion, or on the Evidence of any credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace for the County of *Devon*, or where the Offender ſhall be or reſide, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders,

by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices; and every ſuch Juſtice is hereby authorized and required to examine Witneſſes on Oath, and hear and determine the ſame; and all ſuch Fines, Penalties, and Forfeitures (the Application whereof is not herein-before particularly directed), ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Company, and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of ſuch Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, and in caſe the Fine, Penalty, or Forfeiture ſhall not be forthwith paid, and all reaſonable Charges attending the Recovery thereof, it ſhall and may be lawful to and for ſuch Juſtice, by Warrant under his Hand and Seal, to commit every ſuch Offender to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Diſtreſs not unlawful for Want of Form.

LI. 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 ſhall 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, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be committed by the Party or Parties diſtraining; 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.

LII. And be it further enacted, That every Juſtice of the Peace, before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form; (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of
in the Year of our Lord
A. B. is convicted before
One of His Majeſty's Juſtices of the Peace for the County
of [*ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be*] contrary to an Act, made in the Forty-ſecond Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above mentioned.'

Appeal to the Seſſions.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall think 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 any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in every ſuch Caſe he, ſhe, or they may, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the

Peace at the General Quarter Seſſions of the Peace to be holden in and for the County or Place in which the Cauſe of Appeal ſhall ariſe, firſt giving Ten Days Notice of ſuch Appeal to the Perſon or Perſons appealed againſt, or to the Clerk to the ſaid Company of Proprietors, as the Caſe may be, and of the Nature thereof, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Juſtices ſhall, upon due Proof of ſuch Notice and Recognizance having been given and entered into, either hear and determine the ſaid Appeal at ſuch General Quarter Seſſions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions to be holden for ſuch County or Place, and the ſaid 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 ſuch Rule, Bye Law, Order, Judgement, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary thereof notwithſtanding.

Proceedings not to be removed by *Certiorari*.

Plaintiff not to recover after Tender of Amends.

LIV. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Body or Bodies Corporate, or any Perſon or Perſons whomſoever, for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants, or left with the Clerk or Clerks to ſuch Body or Bodies Corporate, as the Caſe may be, Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath 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 ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement ſhall be made and given by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LV. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute, or Cauſe of Action ſhall ariſe, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall

have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time ſo limited for bringing the ſame, or in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become Nonſuit or ſuffer a Diſcontinuance of his, her, or their Action or Suit, 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 Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant hath for other Coſts of Suit in other Caſes by Law.

General Saving.

LVI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, his, her, or their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (ſave and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed), as they, every, or any of them could or ought to have had and enjoyed in caſe this Act had not been made.

Publick Act.

LVII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.