ANNO QUARTO

GEORGII IV. REGIS.

Cap. xix.

An Act for the Improvement, more effectual Security, and Maintenance of the Harbour of *Bridport*, in the County of *Dorset*.

[12th *May* 1823.]

WHEREAS an Act was passed in the Eighth Year of the Reign of King *George* the First, intituled *An Act for restoring and rebuilding the Haven and Piers of* Bridport *in the County of* Dorset, *and for making a Sluice there*, whereby the Bailiffs and Burgesses of the Borough of *Bridport* in the County of *Dorset*, for the Time being, were appointed Trustees for carrying the said Act into Execution, and certain Rates or Duties were thereby granted to such Trustees for the making, opening, enlarging, improving, and maintaining of the said Haven and Piers in Manner by such Act directed: And whereas the said Haven or Harbour hath been greatly improved under the Powers of the said recited Act, and considerable Sums of Money have been expended in rendering the said Haven or Harbour commodious and secure to all Vessels resorting thereto; but from the exposed Situation of the said Harbour the same is at present very much out of Repair: And whereas the Population of the Town of *Bridport*, and of the adjacent Neighbourhood (the Inhabitants whereof draw considerable Supplies of Merchandize, Coals, and Culm from the said Harbour or Port) has of late Years greatly increased; and in consequence thereof the Trade of the said Port might be considerably extended if the said Harbour were enlarged and improved, and additional Security were afforded to Vessels resorting to the same: 8 G. 1. c. 11.

And whereas the Rates or Duties payable by virtue of the said recited Act are of inconsiderable Value, and are not adequate to the complete and substantial Repair of the present Haven, Piers, Sluices, Quays, and Wharfs, and to the Improvement, Alteration, and Extension thereof, and to the future Repair, Support, and Maintenance of the same: And whereas it is expedient that the said recited Act should be repealed, and that more effectual Powers should be granted for the Repair, Improvement, Alteration, Enlargement, and Extension of and Addition to the present Haven, Piers, Sluices, Quays, Wharfs, and other Works adjoining thereto or connected therewith, and for the future Support and Maintenance of the same, and for the Government of Persons resorting to and employed in the said Port or Harbour; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third *Monday* next after the passing of this Act the said recited Act of the Eighth Year of the Reign of King *George* the First shall be and the same is hereby declared to be repealed, save only so far as the same concerns or relates to any Rates or Duties which at the Time of the passing of this Act have become due and payable under and by virtue of the said former Act, and which now remain unpaid, and to any Contracts, Matters, or Things whatsoever already entered into, made, or done by the Trustees acting under the said former Act; and such Contracts, Matters, and Things may be acted upon and carried into effect by the Commissioners authorized to execute this Act, as effectually to all Intents and Purposes as if the said former Act had not been repealed.

Recited Act repealed.

II. And be it further enacted, That this Act and the Rates and Duties hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed or which are now due and owing on the Credit of the Rates or Duties authorized to be taken by the said former Act, or which are now otherwise due and owing by virtue or on account of the said Act, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or had become due and owing on the Credit or on account of this Act; and all and every Person and Persons owing any Sum of Money to the Trustees for executing the said former Act shall be liable to the Payment thereof to the Commissioners for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person to or with the Trustees for executing the said former Act shall remain in full force and effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on Account of and for the Benefit of the Trust under this Act; and all Lettings of Rates or Duties, Orders, Contracts, and Agreements made and entered into by the Trustees for executing the said former Act shall, so far as the same are not altered or avoided by this Act, remain in full force and effect, and be observed and kept by the Commissioners under this Act, according to the Stipulations thereof respectively, the Repeal of the said former Act notwithstanding.

This Act made subject to the Payment of all Monies borrowed on the Credit of the former Act.

Commissioners.

III. And be it further enacted, That the Bailiffs and Burgesses of the Borough of *Bridport* and their Successors for the Time being, and *Francis John Browne, John Herbert Browne, William Brookland* Clerk, *William Battiscombe, Henry Battiscombe, John Bragge, William Burnard, Thomas Barrett, James Brown, George Brown, Thomas Colfox, William Colfox, John Colmer* Clerk, *Samuel Cox, John Cox, Philip Collins, John Cole, Richard Craze, Jesse Cornick, George Cleeves Chick, Nathaniel Downe, John Gundry Downe, John George Donne, Charles Donne, George Darby, John Ewens, Joseph Ewens, Thomas Ewens, Henry Fox* Clerk, *Baruch Fox, Thomas Fox, Richard Graves* Doctor of Medicine, *Joseph Gundry, Samuel Gundry, Joseph Gundry* the younger, *Daniel Gundry, Samuel Bowden Gundry, John Goddard, Walter Eustace Gundry, John Golding, William Geekie, Francis Goforth* Clerk, *Samuel Fawcett Golding, James Hodder, William Hounsell, Thomas Collins Hounsell, Joseph Hounsell, Robert Halson, Robert Hallett, Thomas Hallett, Nicholas Ingram, Peter Kenway, Matthew Knight, John Kerslake, John Thomas Knight,* Sir *Thomas Buckler Lethbridge* Baronet, *Simon Lee, John Channon Lee, Griffith Lloyd, John Langfield, Charles Murly, George Mayo,* Sir *Molineux Hyde Nepean* Baronet, *Evan Nepean, Edwin Nicholetts, Alfred Nicholetts,* Sir *William Oglander* Baronet, Sir *Horace David Cholwell Saint Paul* Baronet, *John Pitfield, John Perham, John Perham* the younger, *Robert Phelps, Gregory Raymond* Clerk, *John Banger Russell, Giles Russell, Thomas Russell, Richard Francis Roberts, Simon Davie Robinson, James Scott, Thomas Swain, Seth Seymour, Daniel Stone, William Swain, Henry Charles Sturt, Samuel Sparks, George Seymour* Clerk, *William Stephens, Joseph Stone, Robert Strong, Richard Shepherd, Henry Saunders, Richard Searle, Richard Seymour, Josiah Vowler Selwood, Abraham Selwood, James Templer, John Tomlins, Thomas Tucker, Thomas Tucker* the younger, *John Tucker, William Tucker, Richard Tucker, Humphry Weld, David Williams* Clerk, *Hollis Bull Way, Harvey Ekins Way, Lewis Way, Stephen Whetham, John Warr, William Warr, Samuel Wills, Richard Walter, Joseph Winter, John Winter,* and *William Willmington,* and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby declared to be Commissioners for carrying this Act into Execution.

Appointment of additional Commissioners not exceeding Five.

IV. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered at any Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Fourteen Days Notice shall be given in Manner herein-after directed respecting Meetings for the Appointment of Commissioners on Vacancies, to elect and appoint any Number of Persons not exceeding Five in the Whole, to be Commissioners for executing this Act, in Addition to the Commissioners hereby appointed, and such Commissioners so elected and appointed, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Commissioners in and by this Act.

Appointment of future Commissioners.

V. And be it further enacted, That when and as often as any of the Commissioners appointed in or by virtue of this Act shall die or remove out of the Counties of *Dorset, Somerset,* or *Devon,* or shall become Bankrupt, Insolvent, or shall refuse, decline, or become disqualified to act, or incapable of acting, it shall be lawful for any Three or more

of

of the surviving or remaining Commissioners, by Writing under their Hands (at any Meeting, whereof at least Fourteen Days Notice shall be given in manner herein-after directed) to elect and appoint One fit and proper Person, residing in the said Counties of *Dorset*, *Somerset*, or *Devon*, to be a Commissioner in the Room of such Commissioner so dying, removing, becoming Bankrupt or Insolvent, or refusing, declining, or becoming disqualified to act, or incapable of acting as aforesaid; and every Commissioner so elected and appointed (and being qualified as by this Act is directed) shall have the like Power to act in the Execution of this Act as if he had been herein nominated.

Qualification of Commissioners.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath of Qualification herein-after mentioned to the other Commissioners) unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession of or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, situate within the Counties of *Dorset*, *Somerset*, or *Devon*, of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of a Person seised of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments situate as aforesaid, of the clear yearly Value of Two hundred Pounds, or shall be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Six thousand Pounds, nor until he shall have taken and subscribed, before Two or more of the said Commissioners, an Oath or Affirmation in the following Form, and which Oath or Affirmation the said Commissioners, or any Two of them, at any of their Meetings held in pursuance of this Act, are and is hereby authorized and empowered to administer; (that is to say),

'I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife] in the actual Possession of [*or* in the Receipt of] Rents and Profits issuing out of Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments situate within the County [*or* Counties] of *Dorset*, [*or Somerset, or Devon*], of the clear yearly Value of One hundred Pounds above Reprizes, [*or* am possessed of a Personal Estate alone *or* Real and Personal Estate together] to the Amount or Value of Six thousand Pounds, [*or* am Heir Apparent of who to the best of my Knowledge is seised of a Real Estate in Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments, situate within the County [*or* Counties] of *Dorset*, [*or Somerset, or Devon*], of the clear yearly Value of Two hundred Pounds [*as the Case may be*], and that I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Commissioner, by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]. 'So help me GOD.'

'*Or, being a Quaker, omit the Words* 'So help me God.'

Penalty on Commissioners acting, not being qualified.

Nor shall any Person be capable of acting as a Commissioner in the Execution of this Act in any Case where he shall be personally interested, otherwise than as a Creditor, nor while he holds any Place of Profit under this Act, or who shall sell any Wine, Cider, Ale, Beer, or Spirituous Liquors by

by Retail, or who shall be interested or concerned in any Contract, or who shall be Lessee or Farmer of the Rates or Duties, or any Part or Parts thereof, to be demanded under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Commissioner in the Execution of this Act, such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise he shall pay the said Penalty, without any other Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts which shall have been done by any such Person touching the Execution of this Act, previously to his being convicted of any such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner according to the Directions of this Act: Provided also, that such of the Commissioners herein nominated or hereby to be appointed as are or shall be in the Commission of the Peace for the said respective Counties of *Dorset*, *Somerset*, and *Devon*, shall not by reason of being such Commissioners be deemed disqualified from acting as Justices of the Peace in the Execution of this Act, except only in cases where they shall be personally interested.

Commissioners being Justices may act.

VII. And whereas a Map or Plan, describing the proposed Extension of the said Harbour, and of the several Works to be made and done in pursuance of this Act, and the Lands or Grounds which are intended to be used, together with a Book of Reference, containing a List of the Owners and Occupiers of such Lands or Grounds for the Purposes of this Act, is deposited in the Office of the Clerk of the Parliaments; be it therefore further enacted, That the said Commissioners shall not deviate from the Line described in the said Map or Plan without the Consent and Approbation in Writing of the Owner or Owners of the Land on which such Deviation shall be made; and the said Map or Plan shall remain in the Custody of the Clerk of the Parliaments; and the same, or any Copy or Copies thereof, certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall and is and are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by all Judges, Justices, and others.

Not to deviate from the Line laid down in the Plan without Consent.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to make the intended Extension of the said Harbour, and the several Piers and other Works to be made and erected by virtue of this Act, into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County, Town, or Place wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands that the Lands, Hereditaments, and Premises were the same that were intended to be described,

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

scribed, and that such Error or Omission proceeded from Mistake, or was not wilful.

Power to enlarge, &c. Harbour, Basin, and present Works, and to construct Basin or Inner Harbour, &c.

IX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and others, from Time to Time to improve, deepen, extend, enlarge, widen, and maintain the said Harbour and the Piers thereof, in such Manner as to enable Vessels freely to navigate and to seek and obtain Shelter therein; and to make, erect, and maintain a Basin or Inner Harbour with requisite Locks or Sluices, and all such Dwelling Houses, Warehouses, and other Buildings, Piers, Quays, Wharfs, Jetties, Mooring Chains, Lighthouses, Buoys, and other Works of proper Dimensions, within or near to the said Harbour, as may be necessary for the Reception and Protection, and the more convenient Accommodation, loading and unloading of Ships, Boats, Barges, and other Vessels resorting thereto, and for the better enabling such Ships, Boats, Barges, and other Vessels, to come into and go out of the same, and to make and maintain such convenient Swivel or Draw-bridges, or other Bridges, Ways, and Passages of Communication, as may be necessary for giving Access to the said Harbour, Basin, or Inner Harbour, Wharfs, Quays, Warehouses, and other Works now made, and hereby authorized to be made, and the Carriage of Goods to and from the same, in such Manner as the said Commissioners shall deem necessary or expedient for the Purposes of this Act.

Power to contract for doing the Works.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to contract, or otherwise, as they shall think proper and necessary, for the Works intended to be made by this Act; and every Contract to be made for the Purposes aforesaid shall be binding on the said Commissioners, and also upon the Person or Persons contracting to perform any of the Works aforesaid; and in case any such Work shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Law against any such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damages sustained by reason of the Non-performance thereof.

First and other Meetings of Commissioners.

XI. And be it further enacted, That the said Commissioners, or any Three or more of them, shall meet together at the Town Hall, within the Borough of *Bridport* aforesaid, or at some public Inn or House in *Bridport* aforesaid, or at *Bridport Harbour* aforesaid, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Twelve at Noon, and shall then and there proceed in the Execution of this Act, and shall then and from Time to Time thereafter, adjourn and meet again at such Place and Time as they shall direct: Provided always, that Two Commissioners shall be sufficient for the Purpose of Adjournment only; and if at any Meeting there shall not appear a sufficient Number of Commissioners to act or to adjourn, or in case the Commissioners at any Time assembled shall omit or neglect to adjourn, then and in either of the said Cases it shall be lawful for any Two or more of the said Commissioners (or for the Clerk to the said Commissioners being

being authorized by an Order in Writing, signed by any Two or more Commissioners), to call a Meeting of the said Commissioners, by public Advertisement in some Newspaper circulated in the County of *Dorset*, and by affixing such Notice at the Door of the Town Hall within the Borough of *Bridport* aforesaid, at least Seven Days previous to such Meeting, at such Time and Place as such Two Commissioners shall think proper and appoint; and the said Commissioners at all their Meetings shall pay their own Expences, except a reasonable Sum not exceeding Five Shillings, for the Use of the Room where such Meetings shall be held, which shall be allowed out of the Monies to arise by virtue of this Act.

Orders to be made at Meetings.

XII. And be it further enacted, That no Order or Determination shall be made unless the major Part of the Commissioners present shall concur therein; and all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in Cases where any other Number is herein named), and all Acts, Orders, and Proceedings had, made, or done by or before such Three Commissioners shall have the same Force and Effect, and shall be binding and conclusive on all Persons, and to all Intents and Purposes whatever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and a Chairman may and shall in the first Place be appointed at every Meeting to be held by virtue of this Act, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote), shall have the casting or decisive Vote: Provided always, that no Order made by Three or more Commissioners at any Meeting shall be revoked or altered at any subsequent Meeting, unless Five Commissioners at the least shall be present at such subsequent Meeting, nor unless a Majority of the Commissioners present at such subsequent Meeting shall concur in such Revocation or Alteration, nor unless Fourteen Days Notice shall be given by Two or more Commissioners, to the Clerk to the said Commissioners, of their Desire to have a Meeting, at any Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice of the Time, Place, and Purpose of such Meeting shall be given by the said Clerk, or by any Two or more of the said Commissioners, Ten Days at least before such Meeting, in manner by this Act directed.

Manner of giving Notices of Meetings, &c.

XIII. And be it further enacted, That in all Cases where by this Act Notice is required to be given of the Meetings and Proceedings of the said Commissioners under or by virtue of this Act, such Notice (except in Cases where any other Method is hereby particularly required to be observed) shall be given by public Advertisement in some Newspaper published or circulated within the said County of *Dorset*, and by affixing a similar Notice to the Door of the Town Hall of the Borough of *Bridport* aforesaid.

XIV. And

Meetings on Emergencies.

XIV. And be it further enacted, That if after any Adjournment of the said Commissioners it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, it shall be lawful for any Three or more of the said Commissioners, or for the Clerk to the said Commissioners, by an Order in Writing signed by any Three or more of the said Commissioners, although not assembled at a Meeting, to give Notice in manner hereinbefore directed, of such earlier Meeting, and in such Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting, such Time being not less than Three Days after such Notice, and such earlier Meeting may be held accordingly; and all Orders and Determinations of the said Commissioners at such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Appointment of Officers.

XV. And be it further enacted, That the said Commissioners may by Writing under their Hands nominate and appoint a Treasurer and Clerk, and a Collector or Receiver, Collectors or Receivers, of such Money as shall arise or be made due and payable by virtue of this Act, a Harbour Master or Harbour Masters, and such other Agents, Officers, and Servants, as may from Time to Time appear expedient; and also may remove from Time to Time all such Treasurers, Clerks, Collectors, Receivers, and other Officers and Servants, or any of them, as the said Commissioners shall see occasion; and upon the Death, Resignation, or Removal of such Officers or Servants, or any or either of them, the said Commissioners may appoint others in their stead; and the said Commissioners shall and may, out of the Money to be received by virtue of this Act, allow them respectively, and to all other Persons by them the said Commissioners employed in the Execution of this Act, such Salaries, Allowance, or Recompence for their Time and Trouble as to them shall seem meet; and every Officer and Person who shall be so appointed or employed as aforesaid, shall from Time to Time, when thereunto required by the said Commissioners, by Writing under their Hands, make out and deliver to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose, the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Commissioners, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Commissioners, or by any Person on their Behalf, to any Justice of the Peace for the County of *Dorset*, such Justice

Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the House of Correction or common Gaol of the said County of *Dorset*, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Money and Charges, and paid the Composition Money to the said Commissioners (and which Composition the said Commissioners are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Book or Books of Account to be kept of Receipts, Disbursements, &c. which shall be open to Inspection.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors of the Rates or Duties hereby granted, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid,

said, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in manner herein-after mentioned.

Books, &c. relative to former Act, to be delivered to Commissioners.

XVII. And be it further enacted, That all Persons who are or have been employed, or who have received any Dues or Rates by virtue or on account of the said recited Act hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Harbour and other Works, by the same Act directed to be improved and repaired, shall account for and pay and deliver over the same, and every Part thereof, to the Commissioners in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act, are herein required to pay or account for the same.

Treasurer, Collector, or Receiver to find Security.

XVIII. And be it further enacted, That the said Commissioners shall be obliged, and they are hereby required, to take such Security from the Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them, or Services to be performed by them in virtue of their said Offices, as to the said Commissioners shall seem meet.

Clerk and Treasurer not to be the same Person.

XIX. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person employed by such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person employed by such Clerk, shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act, other than that of Treasurer, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Proceedings to be entered in a Book and signed.

XX. And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Commissioners making the same, or by the Chairman of the Meeting at which such Order or Proceeding shall be made or had; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates or Duties, or Transcripts thereof, and all Books of Proceedings of the Trustees in the Execution of the said former Act, provided according to

to the Directions or Provisions thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any thing done by virtue of or in pursuance of this Act, or in anywise relating thereto.

Commissioners may sue and be sued in the Name of their Clerk.

XXI. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act, or for any Matter or Thing appertaining or incident to the obtaining or passing thereof, in the Name of their Clerk or Treasurer for the Time being, or of One of the said Commissioners; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of their Clerk or Treasurer, or of such Commissioners, shall abate or be discontinued by the Death or Removal of any such Clerk, or Treasurer, or Commissioners, without the Consent of the said Commissioners, but the Clerk or Treasurer for the Time being to the said Commissioners, or such Commissioners, shall be deemed to be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk, Treasurer, or Commissioner in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Commissioners may appoint temporary Officers.

XXII. And be it further enacted, That upon the Death, Neglect, Refusal, Incapacity, Absconding, Absence, or any other Disqualification of any Treasurer, Receiver, Collector, or other Officer appointed by virtue of this Act, it shall be lawful for any Two or more of the said Commissioners, although not assembled at a Meeting of the said Commissioners, by Writing under their respective Hands, to nominate and appoint a proper Person to be Treasurer, Receiver, Collector, or other Officer, to continue until the then next Meeting of the said Commissioners, in the stead of such Treasurer, Receiver, Collector, or other Officer as shall so die, neglect, refuse, become incapable, abscond, absent, or become otherwise disqualified; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person in whose Place or Stead he or she shall be so appointed.

Harbour Duties to be paid on Tonnage.

XXIII. And be it further enacted, That from and after the Third *Monday* next after the passing of this Act, it shall and may be lawful for the said Commissioners, and such Person or Persons as they shall or may appoint, to demand, collect, and take, recover, and levy the several Harbour Rates or Duties mentioned in the Schedule hereunto annexed, marked with the Letter (A.), on all Ships, Boats, Barges, or other Vessels using, coming in, or going out of the said Harbour, of and from all and every the Owners, Masters, or other Persons having the Rule or Command of such Ships, Boats, Barges, or other Vessels, or the Factors or Consignees thereof.

XXIV. And

Tonnage Duty to be ascertained.

XXIV. And be it further enacted, That the Master or Commander of every Ship, Boat, Barge, or other Vessel chargeable with the Tonnage Duty by this Act imposed or empowered to be collected, shall produce to the Person or Persons appointed to collect the Rates and Duties by this Act imposed, the Custom House Register of the Burthen or Tonnage of such Ship, Boat, Barge, or other Vessel; and on failure or delay so to do, or in case the same when produced shall be deemed unsatisfactory, it shall be lawful for the Person or Persons appointed to collect the Rates and Duties as aforesaid, to admeasure such Ship, Boat, Barge, or other Vessel, according to the Directions of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*; and if any such Ship, Boat, Barge, or other Vessel shall be built and constructed to be propelled by Steam, the same shall be admeasured according to the Directions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to ascertain the Tonnage of Vessels propelled by Steam.*

26 G. 3. c. 60.

59 G. 3. c. 5.

Duties on Exports and Imports.

XXV. And be it further enacted, That in addition to the Rates or Duties herein-before mentioned or referred to, there shall be paid to the said Commissioners or to such Person or Persons as they shall appoint to collect and receive the same, for all Goods, Wares, Merchandizes, and Commodities whatsoever, imported or exported to or from the said Harbour, the Rates or Duties contained or specified in the Table or Schedule hereto annexed, marked with the Letter (B.), so far as such Goods, Wares, Merchandizes, and Commodities are particularized in the said Schedule of Rates or Duties, which said Rates or Duties shall be paid by the Merchant or Merchants, or other Person or Persons exporting or importing such Goods, Wares, Merchandize, and Commodities, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon the Delivery or Shipping of the same respectively.

Power to fix Duties payable on Articles not enumerated in Schedule.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to fix, appoint, settle, establish, and impose such Rates or Duties to be paid upon the loading or unloading, exporting or importing, and in respect of any Goods, Wares, Merchandize, or Commodities, not specified or enumerated in the said Table or Schedule marked with the Letter (B.) to this Act annexed, as they shall think fit, so as such Rates or Duties shall not exceed the Sum of Eight-pence in every Two Shillings of the Amount of the Freight of such Goods, Wares, Merchandize, or Commodities.

Goods chargeable with Duties according to the Weight or Measure to be weighed or gauged.

XXVII. And be it further enacted, That all such Goods, Wares, Merchandize, and Commodities as shall be imported or exported to or from the said Harbour, and shall be chargeable with Duties according to the Weight or Measure thereof, shall be respectively weighed or gauged, as the Case shall require, immediately or as soon as may be after the same shall be landed or unshipped, or shipped, and before any Samples for Sale shall be taken from the same.

XXVIII. Pro-

Rates to be published.

XXVIII. Provided always, and be it further enacted, That a Table of the several Rates and Duties to be taken for the Use of the said Harbour, Piers, Quays, and other Works, shall be provided and fixed up in some conspicuous Part of the said Harbour, in legible Characters painted on Boards, and renewed from Time to Time whenever the same or any Part thereof shall be defaced, obliterated, or altered; and if any Person shall wilfully pull down, destroy, deface, or obliterate any such Table, or any Part thereof, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Duties may be altered.

XXIX. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners to reduce and lessen the Rates and Duties to be levied under this Act, and again to raise and extend the same from Time to Time, provided that the same do not at any Time exceed the Maximum of Rates and Duties by this Act granted.

Duties vested in Commissioners.

XXX. And be it further enacted, That all Arrears of Rates or Duties, or other Money due, or Property Real or Personal, and all Choses in and Rights of Action and Suit, either at Law or in Equity, vested in the Trustees under the said former Act, shall immediately on the Commencement of this Act be vested in the Commissioners named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law and in Equity, and to act in respect thereof as if the same had become due to or had been vested in such Commissioners under and by virtue of this Act; and the Money or Property so recovered, and the several Rates or Duties hereinbefore mentioned and granted, shall be and they are hereby vested in the said Commissioners for the Purposes of this Act; and all Costs to be incurred by the said Commissioners or Person or Persons in whose Names or Name such Proceedings shall be had, shall be paid and defrayed by and out of the Funds or Monies to be raised by virtue of this Act, and such Monies, when recovered, shall be paid over to the Treasurer of the said Commissioners to be applied for the Purposes of this Act.

Manner of recovering Rates and Duties.

XXXI. And to the Intent that the Rates and Duties imposed by this Act may be more effectually collected and levied, be it enacted, That in case any Owner or Master, or any other Person or Persons, having the Command or Rule of any Ship, Boat, Barge or other Vessel, or any Factor or Consignee thereof, chargeable with Rates or Duties granted by this Act, shall refuse or neglect to pay the same, it shall and may be lawful to and for the said Commissioners, or the Collector or Collectors, or other Person or Persons appointed in pursuance of this Act to receive the same, to go on board such Ship, Boat, Barge, or other Vessel, to demand, collect, and receive the said Rates or Duties; and on Nonpayment thereof, to take and distrain every such Ship, Boat, Barge or other Vessel, and all the Tackle, Apparel and Furniture thereto belonging, or any Part thereof; and all or any Part of the Goods, Wares or Merchandize, in respect whereof such Rates or Duties shall be payable, either on board such Ship, Boat, Barge, or other Vessel, or on Land; and the same to retain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties, for the Space of Seven Days after any Distress or Distresses

so made or taken, that then it shall and may be lawful to and for the said Commissioners, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the same to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and out of the Produce of the Sale thereof to satisfy themselves or himself, as well for and in respect of their or his reasonable Charges in taking, keeping, appraising and selling the same, as also for and in respect of the said Rates and Duties, and every of them, rendering the Overplus (if any such there be) to the Owner upon Demand; and it shall and may be lawful for the said Commissioners, or such Collector or Collectors, or other Person or Persons, in case of Nonpayment of the Rates and Duties as aforesaid, instead of recovering the same in Manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, by Action of Debt or on the Case, in any Court of Record at *Westminster*.

Distress not to be deemed unlawful for want of Form.

XXXII. And be it further enacted, That where any Distress or Distresses 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 Irregularity or Defect in the Summons, Conviction, Warrant of Distress, or other Warrant or Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity by him or them done or committed after such Distress made or taken; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, in any Action upon the Case.

Persons evading Payments to remain liable;

and also to forfeit a Sum equal thereto.

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

Masters of Ships, &c. to give an account of their Loading.

XXXIV. And for the better ascertaining, and more easy and effectual collecting, of the said Rates or Duties hereby directed to be paid, be it further enacted, That the Master, Owner, or other Person or Persons having the Care, Rule, or Command of any Ship, Boat, Barge or other

Vessel, coming into or going out of the said Harbour, or any Part thereof, shall give to the Collector of the Rates or Duties, or to any other Officer to be appointed for such Purpose by the said Commissioners, a just Account in Writing, signed by the Master, Owner or other Person or Persons having the Care, Rule, or Command of such Ship, Boat, Barge or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon such Ship, Boat, Barge or other Vessel, from whence brought, and for whom the same is intended; and if the Goods or other Things contained in any such Ship, Boat, Barge or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner or other Person or Persons shall specify the Quantities liable to the Payment of such of the said Rates or Duties; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton which shall be in or be conveyed by such Ship, Boat, Barge, or other Vessel respectively, of which, or of whose Lading such Account, Invoice, or Bill of Lading, shall be refused, or such false Account given, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

Penalty on Persons obstructing Officers going on board to collect the Duties, or to distrain.

XXXV. And be it further enacted, That if the Master or other Person having the Rule or Command of any Ship, Boat, Barge or other Vessel, or any of the Crew of any Ship, Boat, Barge or other Vessel, shall obstruct or prevent the said Collector or Collectors of the said Duties, coming or having come into such Ship, Boat, Barge or other Vessel, in order to demand, collect, and receive the said Duties which by this Act shall be due and payable, or for the Purpose of taking the Admeasurement of such Ship, Boat, Barge or other Vessel, to ascertain the Tonnage Duty thereof, or for the Purpose of taking and keeping Possession of the same until Payment of the said Duties, or of making, taking, or selling such Distress as aforesaid, every such Person shall be liable individually to and shall forfeit and pay a Penalty not exceeding Ten Pounds.

For settling Disputes concerning the Duties.

XXXVI. And be it further enacted, That if any Dispute shall happen about the Amount of the said Rates or Duties, or the Charges of making, keeping, or selling any Distress, such Dispute shall be settled and determined by some Justice of the Peace for the said County of *Dorset*, who, upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Rates and Duties due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Party or Parties directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of

of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Exemptions for Vessels in His Majesty's Service, and others.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise, or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively; or in the Service or Employ of the Admiralty, Ordnance or Navy Board, or to any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour for the Use of the Navy or Army, or to any Yachts or Pleasure Boats, or other Vessel belonging to His Majesty, or any other Member of the Royal Family.

Power to lease Duties.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to demise or let to farm, or to agree to demise or let to farm, all or any of the Duties arising by virtue of this Act for any Term not exceeding Three Years at any one Time, upon public Bidding to the highest Bidder, and for the best Price or Rent such Commissioners can get for the same, payable quarterly in advance, or at such other Time or Times as the said Commissioners shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Commissioners shall think fit; and if the said Commissioners at any Meeting for letting the said Duties shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a *bonâ fide* and an advantageous Competition for the same; and at such Letting the Commissioners present shall have and be entitled to One or more Bidding or Biddings for the said Duties either by themselves, or their Clerk or Treasurer or other Person by them authorized, any thing in any Law or Statute to the contrary thereof notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Duties under this Act are directed to be applied; and the Lessee or Lessees of such Duties, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Duties so let, shall, during the Continuance of every such Lease, be deemed Collector or Collectors of the Duties so let, and shall have the same Power and Authority for collecting and recovering the same as if he or they had been appointed for that Purpose by the said Commissioners, provided public Notice of the Intention to let the said Duties, or any Part thereof, be given by the said Commissioners in Manner by this Act directed, at least Fourteen Days prior to any such Meeting at which the said Duties or any Part thereof are intended to be let as aforesaid.

Custom House Officers not to discharge any Vessel before Duties are paid.

XXXIX. And be it further enacted, That no Collector of His Majesty's Customs, or other Officer of Revenue, shall permit any Ship, Boat, Barge, or other Vessel, chargeable with Rates or Duties under this Act, to be entered Inwards, Outwards or Coastwise, or any Commodities to be landed from or put on board of such Ship, Boat, Barge or other Vessel, until he shall have received from the Collector or Collectors of the Rates and

and Duties aforesaid a Certificate of all such Rates and Duties having been paid in full, which Certificate such Collector or Collectors is and are hereby required to give, without Fee or Reward, upon Payment of such Rates or Duties; and in case any Collector of His Majesty's Customs, or other Officer of Revenue at the said Harbour, shall contravene or infringe this Provision, he shall be liable for every such Offence to, and shall forfeit and pay, a Penalty not exceeding Twenty Pounds.

Penalty for cutting or destroying Ropes, &c.

XL. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any manner damage or destroy any Rope or other Thing by which any Ship, Vessel, or Boat lying in the said Harbour shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, besides the Damages thereby occasioned.

To prevent injuring the Works.

XLI. And for preventing any Injury being done to the said Harbour, Piers, and other Works, or to Ships, Boats, Barges, or other Vessels within the Harbour or Piers, be it further enacted, That every Harbour Master to be appointed by the said Commissioners shall and may and he is hereby authorized and empowered, from Time to Time to order and require all Persons having the Care, Command or Rule of any Ship, Boat, Barge or other Vessel entering into or being within the said Harbour or Piers, to lie, anchor, moor, and place such Ship, Boat or other Vessel in such Place or Places within the said Harbour, and in such manner as the said Harbour Master 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, Barge or other Vessel, upon any Pretence whatsoever; and in case any Person having the Care, Command or Rule of any such Ship, Boat, Barge or other Vessel, shall wilfully lay, anchor, moor, or place any Ship, Boat or Vessel, contrary to the Orders and Directions of the Harbour Master so appointed as aforesaid, or if any Person shall empty or throw any Stones, Ballast, Earth or Rubbish, or any other Thing into any Part of the said Harbour to the Prejudice thereof, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and if any Person shall take, remove, or carry away any Ballast, Shingle, or Stones from the said Harbour, or within the Boundary thereof (without the Consent of the said Commissioners or their Surveyor), every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For borrowing Money for paying the Expences of the Act, and for the Purposes of the Act.

XLII. And for the more speedily raising Money for defraying the Expences of this Act, and for carrying the several Purposes thereof into complete Execution, be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, at any Meeting to be holden under or by virtue of this Act, and they are hereby fully authorized and empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Duties hereby granted, so that no greater Sum than Twenty-five thousand Pounds shall be due and owing upon the Credit of the said Rates or Duties at any one Time, and by Writing under their Hands and Seals to mortgage and assign over the said Rates or Duties, or any Part thereof, to the Person or Persons who shall advance and lend such Money, as the

Security for the Money to be borrowed, together with Interest for the same; and every such Agreement may be in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'WE, of the Commissioners appointed to put in Execution an Act of Parliament, passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of the Act*], do by these Presents, by virtue of the said Act, and in Consideration of the Sum of advanced and lent to us by *A. B.* upon the Credit and for the Purposes of the said Act, grant and assign unto the said *A. B.*, his Executors, Administrators and Assigns, the Rates or Duties arising by virtue of the said Act, or such Proportion thereof as the said Sum of doth or shall bear to the whole Sum which is or shall be advanced upon the Credit of the said Act; to be holden from this Day of until the said Sum of with Interest at the Rate of *per Centum per Annum* for the same, to be paid Half-yearly, shall have been repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, this Day of in the Year of our Lord .'

Assignment of Mortgages.

And it shall be lawful for any Person or Persons entitled to any of the Securities for the Money advanced as aforesaid, by Writing under his, her, or their Hand and Seal or Hands and Seals, indorsed thereon, to transfer the same to any Person or Persons in the Form or to the Effect following; (that is to say),

Form of Assignment.

'I *A. B.* do hereby assign the within Mortgage, and all my Right and Title in and to the Principal Money, and Interest thereby secured, unto *C. D.* his Executors, Administrators or Assigns. Dated the Day of .'

Registering of Mortgages and Assignments.

And a Copy of every Security or Assignment, together with an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have free access, and shall have liberty to inspect the same without Fee or Reward; and for entering every such Transfer the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof whatsoever; and all Persons to whom such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Duties equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

Money may be raised on Annuities.

XLIII. And be it further enacted, That in case the said Commissioners, or any Three or more of them, shall think it advisable to raise all or any Part of the said Sum by the granting of Annuities for the Life or Lives

of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

'BY virtue of an Act passed in the Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, being of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and Addition of the Lender*] for the Purposes of the said Act, do hereby grant unto the said *A. B.* his Executors, Administrators and Assigns, one Annuity or yearly Sum of out of the Rates or Duties arising by virtue of the said Act; which Annuity or yearly Sum of shall be paid to the said *A. B.*, his Executors, Administrators and Assigns, at the House or Office of the Clerk to the said Commissioners, quarterly, upon the Day of the Day of the Day of and the Day of in every Year during the natural Life of ; the First Payment thereof to be made upon the Day of next ensuing the Date hereof. In Witness whereof, we have hereunto set our Hands and Seals, this Day of in the Year of our Lord .'

Rates of Annuities on single Lives limited.

XLIV. And for preventing any improvident granting Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life at any higher Rate than the following; (that is to say), when the Age of the Annuitant, or the Person for whose Life the Annuity shall be granted, shall not exceed Thirty-five Years, the Annuity to be granted shall at most be Eight Pounds and Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall exceed Thirty-five, but not exceed Forty Years, the Annuity to be granted shall at most be Eight Pounds and Ten Shillings for each One hundred Pounds of such Consideration Money; where the Age of such Person shall exceed Forty, but not exceed Forty-five Years, the Annuity shall at most be Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall exceed Forty-five, but not exceed Fifty Years, the Annuity shall at most be Nine Pounds and Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall exceed Fifty, but not exceed Fifty-five Years, the Annuity shall at most be Ten Pounds and Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall exceed Fifty-five, but not exceed Sixty Years, the Annuity shall at most be Eleven Pounds and Eight Shillings for each One hundred Pounds of

of the Consideration Money; where the Age of such Person shall exceed Sixty, but not exceed Sixty-five Years, the Annuity shall at most be Twelve Pounds and Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall exceed Sixty-five, but not exceed Seventy Years, the Annuity shall at most be Fifteen Pounds and One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall exceed Seventy-five Years, the Annuity shall at most be Eighteen Pounds and Ten Shillings for each One hundred Pounds of the Consideration Money.

Money how to be applied.

XLV. And be it further enacted, That out of the Rates, Duties, or other Monies already received by virtue of the said former Act, or out of the Rates, Duties, or other Monies which shall be raised or received by virtue of this Act, the said Commissioners shall in the first Place pay and discharge all Costs and Expences relative to procuring and passing this Act, and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed, or now due and owing by virtue or on account of the said former Act, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in defraying the Expences of repairing and extending the said Haven, Piers, and Harbour, and of supporting and maintaining the same, and of doing and performing all such other Works as the said Commissioners shall think necessary to be done and performed, and in otherwise carrying this Act into Execution, and to and for no other Use or Purpose whatever.

Six Months Notice to be given of paying off Money.

XLVI. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage as aforesaid, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice, signed by the Clerk to the said Commissioners, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same.

Liberty to take Rocks and Stones.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and their Servants and Workmen, to have, remove, take, carry away, and use, for the Purposes of this Act, all such Rocks and Stones as shall be found on the Sea Shore between high and low Water Marks, within the Distance of Three Miles from *Bridport* Harbour aforesaid; and to have free Passage in all convenient Places, and at all fit and proper Seasons of the Year, to do all necessary Matters and Things for the better designing, carrying on, and effecting the Purposes of this Act: Provided always, that the said Commissioners shall make Satisfaction for the Value of the said Rocks and Stones to the Owner or Owners thereof, such Satisfaction, in case the said Commissioners and the Parties interested in the Matter in Question cannot agree as to the Amount thereof, to be ascertained by a Jury, and to be paid and applied in the Manner herein-after directed for the Payment and Application of Compensation for Lands to be taken for the Purposes of this Act.

XLVIII. And

Power to purchase Lands, &c.

XLVIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to contract and agree with the Owner or Owners of such Lands, Grounds, Buildings or Hereditaments, near or adjoining to the said Harbour, and within the Limits prescribed by the Map or Plan so as aforesaid deposited in the Office of the Clerk of the Parliaments, as they shall think necessary or proper to purchase and make use of, in and about the said Harbour, Haven or Piers, or for the Purpose of enlarging, adding to, or improving the same, or otherwise, for the Uses or Purposes of this Act.

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

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

The Expences of Contracts and Sales to be defrayed out of the Funds.

Form of Conveyance.

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

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interest whatsoever; and such Conveyances or Assurances shall be kept by the Clerk or Clerks to the said Commissioners, who shall from Time to Time, when thereunto required, deliver attested Copies thereof to any Person or Persons requiring the same, and being interested therein, and shall have and receive One Shilling for every One hundred Words of each such attested Copy, and so in proportion for any greater or less Number of Words.

Satisfaction to be made.

L. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, Trustees, and other Persons herein-before capacitated to sell or convey Lands, Tenements, and other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, in, upon, or over which the said Harbour, Piers, Quays, Wharfs, or other Works hereby authorized, are intended to be made, shall and may accept and receive Satisfaction for the Value of such Lands, Tenements and Hereditaments, and for Damages to be sustained by making and completing the said Works, in Gross Sums, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Commissioners.

Damages not provided for to be settled.

LI. 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 Commissioners, or by a Jury, as herein-after mentioned; and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and in every such case the said Commissioners, or any Three or more of them, are hereby empowered and required to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County, commanding him to summon a Jury in Manner herein-after mentioned.

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

LII. Provided always, and be it further enacted, That if any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall upon Notice in Writing given to the Principal Officer of any such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements or Hereditaments, which the said Commissioners are hereby enabled to purchase, and to make use of for the Purposes of this Act, for the Space of Ten Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Commissioners, or shall not within the before-mentioned Space of Ten Days produce and fully disclose the State of the Title to the Premises of which they are or shall be in Possession, and to the Interest which they shall claim therein, then and in every such case it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County of *Dorset*, commanding him to return and impannel a Jury of Twelve Persons; and the said Sheriff is hereby required to summon and choose a Jury accordingly, in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *England*; and every such Jury shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff is hereby empowered and required by a Summons or Notice under his Hand, either

previous to or at the Time of any such Meeting or Meetings, to summon and call before such Jury all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in question; which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer), shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements or Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary thereof notwithstanding.

Fine upon Persons making Default.

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

Expences of Jury how to be paid.

LIV. And be it further enacted, That in case a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements or Hereditaments, of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements or Hereditaments, or other Property, than had been previously agreed to or offered by or on behalf of the said Commissioners before the summoning of the said Jury; or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to, and receive Compensations from the said Commissioners as herein-before mentioned, then and in all such Cases the Expences of summoning such Jury and taking such Verdict shall be defrayed by the said Commissioners out of the Duties authorized by this Act; and such Costs and

and Expences shall be settled and determined by some Justice of the Peace for the said County of *Dorset*, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in the said Commissioners, or of any Goods or Chattels vested in the Treasurer to the said Commissioners, (unless such Treasurer shall pay such Costs and Expences out of any Money received by him by virtue of this Act, and which he is hereby authorized to do) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Dorset*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if a Verdict shall be given for no more or for a less Sum than had been previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Commissioners, by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat and convey, or receive such Compensations as aforesaid, then and in all such Cases the Costs and Expences of summoning such Jury and Witnesses, and of taking such Verdict, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Commissioners and the Person or Persons with whom the said Commissioners shall have such Concerns, Controversies or Disputes, in equal Moieties; and the Moiety of the said Costs and Expences payable by such Person or Persons with whom the said Commissioners shall have such Concerns, Controversies or Disputes, having been settled by some Justice of the Peace for the County or Place in which such Lands, Tenements, or Hereditaments shall be situated (not interested in the Matters in question), who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; and such Moiety of such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled, shall and may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

Power to enter and take possession of Lands, &c. on Payment or Tender of

LV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such

such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as hereinafter directed and required, for the Use of the Person or Persons entitled thereto, (but not before), it shall be lawful to and for the said Commissioners, and their Agents, Workmen and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively; and then and thereupon such Lands and Grounds, Tenements and other Hereditaments, together with the Yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut the Lands or Grounds, Tenements or other Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making the said Harbour, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made (except by Consent as aforesaid), every Person so offending shall forfeit and pay the Sum of Five Pounds for every Day he shall remain on the said Premises.

Purchase Money.

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

Verdict to be recorded.

LVII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to 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 *ex parte* the said Commissioners, to the Intent that such Money shall be paid, under the Direction and with the Approbation of the said Court, to be

Application of Compensation where amounting to 200*l.*

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 and Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as such Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated 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 be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were not made.

Application where the Compensation is less than 200*l.* and exceeds 20*l.*

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the 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 the said Commissioners, or any Three or more of them (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 or Approbation of the said Court of Chancery.

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

LIX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as herein-before is mentioned 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, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

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

Persons in Possession presumptively entitled.

LXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or

or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

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

LXII. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct, out of the Monies to be raised and received by virtue of this Act.

Resale of Surplus Land.

LXIII. And whereas the Commissioners for executing this Act may be seised of some Piece or Pieces of Ground over and above what may be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners from Time to Time to sell and dispose of any such Piece or Pieces of Ground, together or in Parcels, either by Public Sale or Private Contract, as they may find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Power to make Rules and Bye-Laws.

LXIV. And be it further enacted, That the said Commissioners, or any Three or more of them, at any Meeting to be held by virtue of this Act, shall have Power to make such Rules, Bye-Laws, Orders, Regulations, and Directions, for the good Government and Management of their Officers, Servants, Agents, and Workmen, and of all Matters and Things concerning the said Harbour and Piers, and other Works, and for the Regulation, Relief, or Assistance of Ships, Boats, Barges, or other Vessels resorting to or seeking Shelter therein, as they shall deem necessary or proper, and from Time to Time to alter and repeal any such Rules, Bye-Laws, Orders, Regulations, and Directions, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against any such Rules, Bye-Laws, Orders, Regulations, and Directions, as to such Commissioners shall seem meet, not exceeding the Sum of Five Pounds for any one Offence; which said Rules, Bye-Laws, Orders, Regulations, and Directions, being reduced into writing, or printed, shall be binding upon and be observed by all Parties using or in anywise concerned in the said Harbour, Piers, and other Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under

under the same; provided that such Rules, Bye Laws, Orders, Regulations, and Directions be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* called *England*, or the Provisions and Directions in this Act contained, or to any of them; provided also, that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said Harbour, Piers, and the Works connected therewith, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Harbour, Piers, and Works, or to the Conduct or Behaviour of any Mariners, Boatmen, and Bargemen frequenting the said Harbour, Piers, or other Works, shall be painted on Boards in large Characters, and be affixed and continued in some conspicuous Place or Places upon or near adjoining the said Harbour, Piers, and other Works, and renewed as often as the same shall be obliterated or defaced: Provided always, that in all Cases of Prosecution for Offences against the said Bye Laws it shall be sufficient to prove that such Bye Laws painted on Boards, in Characters sufficiently plain, have been affixed and published in manner aforesaid; and in case of their being afterwards displaced or damaged, have been replaced or repaired as soon as conveniently might be.

Gunpowder and other combustible Matter not to remain on the Quay, Pier or Wharf, more than Twelve Hours.

LXV. And be it further enacted, That no Gunpowder, Pitch, Tar, Rosin, Hemp, Flax, Faggots, or Furze, Brandy, or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other inflammable or combustible Matter or Thing whatsoever, shall be suffered to be or remain on any Quay, Pier, or Wharf belonging to the said Harbour, or upon the Deck of any Ship, Boat, Barge, or other Vessel, within the said Harbour or Piers, above the Space of Twelve Hours after having passed the Custom House Officers; and the Owner or Owners thereof shall and they are hereby required to remove the same from such Place or Places within the Space of Twelve Hours; and in case the same cannot conveniently be removed before Sunset, then the Owner or Owners thereof shall be obliged, and he and they is and are hereby required to set and employ, at his or their own Expence, such a Number of careful and sober Persons to guard and watch over the same, for such and so many Hours from Sunset to Sunrise, as the said Commissioners, or the Harbour Master, Collector or Collectors, or other Person or Persons by them authorized, shall specify and direct; and in case any such Owner or Owners, or the Person or Persons having the Rule or Command of any Ship or Vessel as aforesaid, shall make Default in the Premises, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds, and in addition thereto shall pay all Damages occasioned by his or their Default.

No Fire or Candle to be lighted in the Harbour.

LXVI. And be it further enacted, That if any Fire or Candle shall be found lighted or burning on board of any Ship, Boat, Barge, or other Vessel lying at or within the said Harbour, Basin, or Inner Harbour, Quays, or Piers, between the Hours of Seven in the Evening and Six in Morning, from the Twenty-ninth Day of *September* to the Twenty-fifth Day of *March*, or between Eight in the Evening and Five in the Morning from the Twenty-fifth Day of *March* to the Twenty-ninth Day of *September*, the Master or other Person or Persons having the Care, Rule, or Command of any such Ship, Boat, Barge, or other Vessel, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Persons destroying Works guilty of Felony.

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

Masters of Vessels answerable for Damages done by Crew through Unskilfulness or Neglect.

LXVIII. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship, Boat, Barge, or other Vessel, lying or being in the said Harbour, shall be and is hereby made answerable and accountable to the said Commissioners for the Amount or Value of any Damage or Mischief that shall be done through Unskilfulness or Negligence by him, or by such Ship, Boat, Barge, or other Vessel, or by any of the Mariners, Servants, or Crew on board of or belonging to the same, to the Piers, Quays, Wharfs, or any of the Works which now are or shall be constructed in pursuance of this Act; and the same, if not forthwith paid and satisfied, shall and may be recovered in manner herein-after mentioned.

Masters to recover Damages from their Servants.

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

Declaring what Service shall be good Service on the Commissioners.

LXX. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Notice, Writ, or other legal Proceedings, upon the said Commissioners, the Service thereof respectively upon the Clerk, Harbour Master, Collector or Collectors, or left at his, their, or one of their last or usual Place or Places of Abode, or in case the same respectively shall not be found or known,

then Service upon any other Agent or Officer employed by the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

If Works not completed in Five Years, Act to cease.

LXXI. Provided always, and be it further enacted, That in case the intended Improvements of the said Harbour and other Works herein-before mentioned shall not have been completed within the Space of Five Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only as to so much of such Works as shall have been completed within the Time aforesaid.

Books of Accounts to be produced annually to the County Justices, at the Michaelmas Quarter Sessions.

LXXII. And be it further enacted, That there shall from Time to Time be provided and kept by the said Collector or Collectors, one or more Book or Books, in which all Monies to be received by virtue of this Act shall from Time to Time be fairly set down and entered, expressing the Time when and the Name of the Person or Persons from whom the same were so received; and that there shall also be provided and kept by the said Commissioners one other Book or Books, in which all Sum and Sums of Money disbursed and laid out by them, or by their Order, for the Purposes aforesaid, and the several Articles, Matters, and Things for which the same have been disbursed, laid out, and expended, shall be duly set down and entered; and in each and every Year at the General Quarter Sessions of the Peace held after the Feast of *Saint Michael* the Archangel for the said County of *Dorset*, the said Book or Books to be kept by the said Collector or Collectors, and the said Book or Books to be kept by the said Commissioners, shall be produced and laid before the Justices at such Sessions, together with the proper Vouchers for such Expences and Disbursements, and the Justices then and there assembled shall and they are hereby required to examine into, settle, and balance the Accounts from the said Books; and if the said Collector or Collectors, or the said Commissioners shall neglect or refuse to make and render such Accounts as aforesaid, then the said Commissioners and every such Collector or Collectors so offending shall respectively forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and in case it shall appear to the Justices at such Quarter Sessions that the Rates and Duties then collected and accumulated are more than sufficient for the general Purposes of this Act, and for the Payment of the Interest of the Debt due and owing on the Credit of the same Rates and Duties, then the said Justices may order and direct such Overplus to be paid, so far as the same will extend, towards the Liquidation of such Debt so due to the Creditors to whom the same shall be due; and the said Justices may at such Sessions order and direct the said Rates and Duties, or any of them, to be reduced to such Sums as they may deem sufficient for the Purposes of this Act, and again to be raised and increased, so that the same shall in no case exceed the Maximum of the Rates or Duties hereby authorized to be recovered,

vered, for the Repair of any Damage or casual or accidental Injury to the said Harbour, or the Works connected therewith.

In case of Nonpayment of Compensation for Materials, Damage, or Injury done by the Commissioners, the same to be levied by Distress of the Goods vested in such Commissioners, or their Treasurer.

LXXIII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Commissioners, or their Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned on Demand to the said Commissioners, or their Treasurer for the Time being, as the Case may be.

Recovery of Penalties, by Action or Information.

LXXIV. And be it further enacted, That every Prosecutor or Informer shall sue for and recover any Forfeiture or Penalty imposed by this Act, in the Manner herein-after mentioned; (that is to say), if the same shall be Twenty Pounds or upwards, it shall be recoverable by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of , being forfeited by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*]; and the Plaintiff, if he recover in any such Action, shall have full Costs, provided that there shall not be more than one Recovery for the same Offence, and that Twenty-one Days Notice in Writing be given to the Party offending previous to the Commencement of such Action, and that the same be brought within Three Calendar Months after the Offence for which such Action is commenced shall have been committed; and if such Penalty or Forfeiture shall not amount to Twenty Pounds, the same shall be recoverable only by Information before a Justice or Justices of the Peace, subject to Appeal in manner herein-before mentioned.

Recovery of Fines, Forfeitures, and Penalties.

LXXV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, (the Manner of levying and recovering

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

For securing transient Offenders.

LXXVI. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or their Clerk or Clerks, Collectors, or other Officer respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County, Borough, or Place where such Offence shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

LXXVII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Dorset, to wit. } ‘BE it remembered, That on this Day of in the Year of our Lord *A. B.* ‘is convicted before me *C. D.* one of His Majesty's Justices of the Peace ‘for the County of *Dorset*, of having [*as the Offence shall be*]; and I the ‘said do adjudge him, [her, *or* them] to forfeit and ‘pay the Sum of : Given under my Hand and ‘Seal [*or* our Hands and Seals], the Day and Year aforesaid.’

Justices may administer Oath.

And in all Cases where any Justice or Justices of the Peace is or are by this Act authorized and required to examine any Person or Persons on Oath, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and empowered to administer such Oath.

Collectors of Rates, &c. to be competent Witnesses.

LXXVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Rates or Duties, or any of them, or respecting any Matter relating to the said Harbour, Piers, Quay, or other Works, the Clerk, Treasurer, Harbour Master, Collector or Collectors, or other Person or Persons acting by or under the Authority of the said Commissioners, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being concerned or interested in the Execution of the said Works.

Allowing an Appeal to the Quarter Sessions.

LXXIX. And be it further enacted, That in case any Person shall think himself or herself aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act contained, or by any thing done in pursuance of this Act, and for which no particular Method of Relief is hereby otherwise provided, it shall and may be lawful for such Person to appeal to the Quarter Sessions of the Peace to be held for the County or Place where the Cause of Complaint shall have arisen, next after the Expiration of Three Calendar Months from the Time when the Cause of such Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Six Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the said Clerk, Harbour Master, Collector or Collectors, or such other Person or Persons, Officer or Officers appointed by the said Commissioners, some or one of them, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace acting within such Jurisdiction, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order, and pay such Costs as shall be awarded by the Magistrates assembled at such General or Quarter Sessions; and upon due Proof of such Notice having been given as aforesaid, and the entering into such Recognizance, the said Justices at such Sessions before whom such Appeal shall be brought shall hear and finally determine the Matter of such Appeal in a summary way, and award such Costs to the Parties appealing or appealed against, as the

Justices shall think proper; and the Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, or Regulation, and may also award such further Satisfaction to be made to the Party injured as to them the said Justices shall seem reasonable, and the Determination of such Justices thereupon shall be final, binding, and conclusive upon all Parties.

Proceedings not to be quashed for want of Form.

LXXX. And be it further enacted, That no Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing, signed by his, her, or their Attorney (specifying the Cause of Action) shall have been given to the Defendant or Defendants, at least Fourteen Days before the same shall have been brought; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no Tender of Amends shall have been made, it shall and may be lawful for the Defendant or Defendants (by leave of the Court) at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made and given in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Fourteen Days Notice of Action.

Satisfaction for special Damages.

Limitation of Actions.

LXXXI. And be it further enacted, That no Action against any Person or Persons for or on account of any thing done in pursuance of this Act, shall be commenced after the Expiration of Three Calendar Months next after the Cause of Action shall arise; and every such Action or Suit shall be laid or brought in the County in which such Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in all Actions or Suits so brought shall and may plead the General Issue, and give this Act, and the special Matter, in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Fourteen Days Notice given to the Defendant or Defendants, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for recovering the same as any Defendant or Defendants hath or may have for Costs of Suit in any other Case of Law.

Defendant may plead the General Issue.

Treble Costs.

LXXXII. Pro-

General Saving.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, defeat, lessen, injure, or interfere with the Estates, Rights, Interests, Privilege or Authority of the King's most Excellent Majesty, His Heirs and Successors, or of any Bodies Politic or Corporate, or other Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors or Administrators, other than and except such as are meant and intended to be barred and and regulated by this Act.

Saving Rights of Lords of Manors.

LXXXIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to prejudice, defeat, lessen, or injure or interfere with the Rights and Liberties of Fishing and Fowling, and all Wrecks of Sea, and the other Royalties and Franchises of the Lord and Lords of the several Manors of *Symondsbury*, *Burton*, *Bradstock*, and *Bothenhampton*, within the Precincts or Limits of the same Manors respectively, as the several Lords of the said Manors now have or had before the passing of this Act, so that the Port or Harbour, and Basins, Quays, Wharfs and Works, and other the Purposes of this Act, be not in anywise defeated or destroyed.

Public Act.

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

SCHEDULES

SCHEDULES referred to in this Act.

Schedule (A.)

RATES OF TONNAGE.

For every Ship, Hoy, Bark, or other Vessel of the Burthen of Ten Tons or upwards, which shall hereafter come into the said Harbour, the Sum of Two-pence for every Ton such Ship or other Vessel shall contain; and for every Ship, Hoy, Bark, or other Vessel as aforesaid, that shall be laid up unemployed within the said Harbour, an additional Sum of Two-pence per Ton for every and each Month she shall be so laid up after the Expiration of the First Month.

For every Ship, Hoy, Bark, or other Vessel of the Burthen of Ten Tons or upwards, built at *Bridport* Harbour and sailing therefrom, the Sum of Two-pence for every Ton such Ship, Hoy, Bark, or other Vessel shall contain.

Schedule (B.)

		s.	*d.*
Ale Beer, or Porter	- per Kilderkin	0	2
———	- per Barrel	0	4
———	- per Hogshead	0	6
———	- per Butt	1	0
Alum	- per Cwt.	0	2
Anchors	- per Cwt.	0	2
Anvils	- per Cwt.	0	2
Apples and Pears	- per Bushel	1	1
Ashes of all sorts	- per Cwt.	0	6
Bark (Oak)	- per Ton	1	6
Bacon or Hams	- per Cwt.	0	2
Beef or Pork	- per Tierce	0	4
———	- per Barrel	0	3
———	- other lesser Package	0	2
Barilla	- per Ton	3	0
Bottles of all sorts	- per Gross 12 Doz.	1	0
Brass	- per Cwt.	0	2
Bricks, Bearers or Tiles	- per 1,000	2	6
Brimstone	- per Cwt.	0	2
Bristles	- per Cwt	0	6

		s.	d.
Brushes	- Basket or Bundle -	0	4
Burr for Millstones	- per Cwt. - - -	0	2
Bags and Bed Sackings	- per Ton - -	2	0
Butter	per Tub, Firkin, or Half Firkin	0	1
Bales and Trusses of Silk, Linen or Woollen	- per Foot - -	0	1 1/2
Bells	- per Cwt. - -	0	2
Cables and Cordage, tarred or not,	- per Ton - -	2	0
Candles	- per Cwt. - -	0	2
Cannon	- per Cwt. - -	0	2
—— Balls	- per Cwt. - -	0	2
Casks, empty; viz.			
Pipes	each	0	4
Hogsheads	each	0	2
Barrels	each	0	1
Other Casks	each	0	1
Chairs	- per Dozen - -	1	3
Cheese	- per Ton - -	2	0
Cider	- per Hogshead -	0	8
——	- Half Hogshead -	0	4
Coals and Culm	- per Chaldron - -	1	6
Copper Sheathing	- per Cwt. - -	0	3
—— Bolts	- per Cwt. - -	0	2
—— other	- per Cwt. - -	0	3
Cages	- per Dozen - -	1	0
Cement	- per Barrel - -	0	6
Cork	- per Cwt. - -	0	2
Corks	- per Gross - -	0	1
Corn; viz.			
Beans	- per Quarter - -	0	4
Barley			
Malt			
Oats			
Peas			
Wheat			
Coffee	- per Cwt. - -	0	3
Cattle; viz.			
Bulls	each	0	6
Cows	each	0	6
Calves	each	0	3
Horses	each	1	0
Oxen	each	0	3
Pigs	each	0	3
Sheep	each	0	3
Lambs	each	0	3
Dye Wood	- per Cwt. - -	0	2
Dogs and other Animals	- each - - -	0	6
Drugs	- per Cwt. - -	0	4

Earthenware

		s.	d.
Earthenware	per Crate	0	6
——	Half Crate	0	3
Eggs	per 1,000	0	6
Feathers	per Cwt.	0	4
Fish, salted	per Ton	1	6
—— Herrings or Pilchards	per Barrel	0	3
—— Anchovies	per Barrel	0	2
—— Salmon	per Kit	0	2
Flax	per Ton	2	0
Flour	per Sack	0	3
——	per Barrel	0	2
Furniture, in Case or Packages	per Foot	0	1
Flints	per Bag	0	1
Glass	per Case or Box	0	6
——	Sides	0	6
——	Crate	0	6
Glue	per Cwt.	0	2
Groceries; viz.			
Almonds, Cinnamon, Currants, Cloves, Figs, Mace, Nutmegs, Pepper, Pimento, Plums, Prunes, Raisins, Ginger, Dates, Liquorice, Sugar Candy	for each Box, Basket, or other Package not exceeding 56 lbs.	0	2
	do. from 56 lbs. to 1 Cwt.	0	3
	above 1 Cwt. per Cwt.	0	2
Sugar, Refined, however packed	per Loaf	0	1
—— Raw	per Cwt.	0	2
Gunpowder	per Cwt.	0	8
Gun Stocks	per Hundred	1	0
Hair of all sorts	per Cwt.	0	2
——	Package containing less than 1 Cwt.	0	2
Hardware	per Cwt.	0	2
Hats	per Box	0	9
Hemp	per Ton	2	0
Hides	each	0	2
Hoops, Wooden	per Bundle	0	1
Honey	per Barrel, 42 Gallons	1	0
Hops	per Bag	1	0
——	per Pocket	0	6

Horns

		s.	d.
Horns	- per Cwt.	0	2
Hampers, containing	- 1 Dozen	0	1
———	- 2 Dozen	0	2
———	- 3 Dozen	0	3
———	- 4 Dozen	0	4
———	- 5 Dozen	0	5
———	- 6 Dozen	0	6
Indigo	- not exceeding 1 Cwt.	0	3
———	exceeding 1 Cwt., per Cwt.	0	2
Iron, Pig and Cast	- per Cwt.	0	1
—— Bars, Pots, Hoops, Ware	- per Cwt.	0	2
—— Ballast	- per Ton	1	6
Junk	- per Ton	1	6
Laths	- per Doz. Bundles	0	2
Lead	- per Ton	1	6
—— Shot	- per Cwt.	0	2
—— White, and Paints	- per Cwt.	0	2
—— Black	- per Cwt.	0	2
Leather, and Leather Shreds	- per Cwt.	0	2
Lemons and Oranges	- per Chest	0	3
———	Half Chest, Box, or other smaller Package	0	2
Marble	- per Ton	3	0
Matting	- per Roll	0	1
Millstones	- per Cwt.	0	2
Melasses	- per Cwt.	0	1
Mops	- per Dozen	0	2
Mustard	- per Firkin	0	2
———	- per Barrel	0	3
Nails	- per Cwt.	0	2
Nuts	- per Sack	0	4
———	- per Bag	0	2
Oakum and Tow	- per Ton	1	6
Ochre	- per Cwt.	0	1
Oil; viz.			
Linseed	- per Cwt.	0	2
Rape	- per Cwt.	0	2
Sperm	- per Cwt.	0	2
Sallad	- per Chest or Box	0	6
Turpentine, Vitriol	- per Corboy	0	2
Oil, not otherwise enumerated	- per Cwt.	0	2
Oil Cake	- per Cwt.	0	1
Onions	- per Bushel	0	1

		s.	d.
Paper	per Cwt.	0	2
Pelts	per Cwt.	0	2
Pewter	per Cwt.	0	2
Pipes, Tobacco	per Gross	0	1
Pitch and Tar	per Barrel	0	4
Plaster of Paris	per Cwt.	0	2
Potatoes	per Ton	1	3
Quicksilver	per Case or Package	0	6
Rags	per Ton	1	3
Rice	per Cwt.	0	1
Rosin	per Cake or Barrel	0	2
Rushes	per 12 Bundles	0	2
Sail Cloth	per Bolt	0	$0\frac{3}{4}$
Salt	per Ton	1	6
Salt Petre and other Salts	per Cwt.	0	2
Seeds; viz. Flax, Hemp, Clover, Grass, Vetches, Rape	per Last, of 10 Quarters	3	0
Flax, Foreign	per Barrel	0	2
Canary	per Cwt.	0	2
All other Seeds	per Cwt.	0	2
Skins	per Cask	2	0
——	per Bale	1	6
Slates, Scantel	per 1,000	1	0
—— Common	ditto	0	6
—— Rag	per Gross	0	6
Soap in Chests or Hogsheads	per Cwt.	0	2
——	per Firkin, 64lbs.	0	$1\frac{1}{2}$
Spirits; viz. Brandy, Gin, Rum and other Spirits	per Pipe or Puncheon	2	6
Starch	per Cwt.	0	2
Steel	per Cwt.	0	2
Stones, Grinding	per Cwt.	0	1
Stone, dressed, free or paving	per 100 Feet, Superficial Measure	1	0
—— rough Freestone, Limestone or other Stone	per Ton	1	0
Snuff	per Bladder	0	1
Tallow	per Ton	2	0
Tea	per Chest	0	6
——	Half ditto	0	4

		s.	d.
Tea	Quarter ditto	0	2
——	Box	0	1
Tin	per Box	0	2
—— Ware	per Cwt.	0	2
Tobacco	per Cwt.	0	3
Tongues, dried	per Cwt.	0	2
Tree Nails or Trunnels	per 1,000	0	6
Twine and Thread	per Ton	2	0
Vinegar	per Hogshead	1	0
——	Half ditto	0	6
Wax	per Cwt.	0	6
Whalebone	per Bundle	0	2
Whiting	per Cwt.	0	1
Wine	per Pipe	2	6
——	per Hogshead	1	3
Wood:			
Square	per Load	1	6
Round	ditto	2	0
Deals, Plank and Boards, 3 Inches thick	for every 100 running Feet	1	0
And so in proportion for a less or greater Thickness.			
Lathwood	per Fathom	1	6
Lignum Vitæ	per Cwt.	0	2
Mahogany Balk	per Load	2	6
—— Board, 3 Inches thick	for every 100 running Feet	1	6
And so in proportion for a less or greater Thickness.			
Spars, each	4 Inches Diameter, and under	0	$0\frac{1}{2}$
—— do.	above 4 Inches and under 6 Inches	0	$1\frac{1}{2}$
—— do.	above 6 Inches and under 8 Inches	0	3
—— do.	above 8 Inches and under 12 Inches	0	8
—— do.	above 12 Inches and under 15 Inches	1	6
Masts, do.	15 Inches diameter and under 18 Inches	4	0
—— do.	above 18 Inches	6	0
Staves,	above 4 Feet — for every 120	0	2
——	under 4 Feet — for every 120	0	$1\frac{1}{2}$
All other Staves	for every 120	0	1
Wool	per Ton	2	0
Yarn of all Sorts	per Cwt.	2	0
All Trunks, Chests, Boxes, Bags, Bales, or other Packages, containing Goods above enumerated	not exceeding 28 lbs.	0	2
——	exceeding 28 lbs. and not exceeding 56 lbs.	0	3
——	exceeding 56 lbs. and not 1 Cwt.	0	6

All

		s.	*d.*
All Trunks, Chests, Boxes, Bags, Bales, or other Packages, containing weighable and other Goods, not enumerated or particularly set forth in the above Schedule:			
———	not exceeding 28 lbs.	0	2
———	exceeding 28 lbs. and not exceeding 56 lbs.	0	3
———	exceeding 56 lbs. and not exceeding 1 Cwt.	0	6
———	exceeding 1 Cwt. per Cwt.	0	2
Sand taken within the Boundary of the Harbour for Ballast or other Purposes -	- per Ton	0	1

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