CHAPTER cxxx.

An Act to confirm a Provisional Order of the Local Government Board relating to the County of Dorset. A.D. 1894.

[31st July 1894.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto, under the provisions of the Local Government Act, 1888: 51 & 52 Vict. c. 41.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen'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, as follows:—

1. The Order as altered and set out in the schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 17) Act, 1894. Short title.

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SCHEDULE.

Dorset Order.

COUNTY OF DORSET.

Provisional Order under Section 10 *of the Local Government Act*, 1888.

To the Commissioners of Works ;—

To the County Council of Dorset ;—

To the Portland Ferry Bridge Commissioners ;—

To the Portland Ferry Bridge Committee ;—

To the Portland Local Board, being the Sanitary Authority for the Urban Sanitary District of Portland, in the County of Dorset ;—

And to all others whom it may concern.

51 & 52 Vict. c. 41.

WHEREAS by Section 10 of the Local Government Act, 1888 (herein-after referred to as "the Act"), it is enacted as follows :—

" (1.) After the passing of this Act it shall be lawful for the Local Government " Board to make from time to time a Provisional Order for transferring to " County Councils—

" (*a*) any such powers, duties, and liabilities of Her Majesty's Privy " Council, a Secretary of State, the Board of Trade, the Local Govern- " ment Board, or the Education Department, or any other Government " department, as are conferred by or in pursuance of any statute and " appear to relate to matters arising within the county, and to be of an " administrative character : also

" (*b*) any such powers, duties, and liabilities arising within the county, " of any commissioners of sewers, conservators, or other public body, " corporate or unincorporate (not being the corporation of a municipal " borough or an urban or rural authority, or a school board, and not " being a board of guardians), as are conferred by or in pursuance of " any statute ;

" and such Order shall make such exceptions and modifications as appear " to be expedient, and also such provisions as appear necessary or proper " for carrying into effect such transfer, and for that purpose may transfer " any power vested in Her Majesty in Council :

" (2.) Provided that before any such Order is made, the draft thereof shall " be approved, if it relates to the powers, duties, or liabilities of a Secretary " of State, or the Board of Trade, or any other Government department, by " such Secretary of State, Board, or department, and approved, if it affects " the powers, duties, or liabilities of any commissioners, conservators, or " body, corporate or unincorporate, by such commissioners, conservators, or

" body ; and every such Provisional Order shall be of no effect until it is " confirmed by Parliament.

* * * * *

" (4.) The Act of Parliament confirming any Provisional Order made " under this section shall be a public general Act " ;

And whereas by Section 6 of the Act it is enacted that a County Council shall have power to purchase or take over, on terms to be agreed on, existing bridges not being county bridges, and to erect new bridges, and to maintain, repair, and improve any bridges so purchased, taken over, or erected ;

And whereas in pursuance of an Act (herein-after referred to as " the Act of 1835 ") passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled " An Act for making and maintaining a " bridge over the river called the Portland Ferry, in the County of Dorset, with " proper approaches thereto," a bridge (herein-after referred to as " the Portland Ferry Bridge ") was constructed over the said ferry by the Portland Ferry Bridge Commissioners (herein-after referred to as " the Bridge Commissioners "), and has been from time to time repaired and maintained by them ; and the Bridge Commissioners were empowered to take certain tolls for persons, animals, and carriages passing over the said bridge, or through the toll-gate or toll-bar thereof ; 5 & 6 Will. 4. c. lxx.

And whereas by the Act of 1835 it was enacted that after the Portland Ferry Bridge should have been completed the same should be a public bridge, and that all persons with or without horses, beasts, cattle, or carriages should have free liberty upon payment of the tolls by that Act granted to pass over the same without any interruption whatsoever ; but that such bridge should not be deemed or taken to be a county bridge, so as to subject the County of Dorset to repair the same or any of the approaches by the Act of 1835 authorised to be made to such bridge ;

And whereas the Bridge Commissioners are tenants from year to year upon the terms of an expired lease dated the Tenth day of March, One thousand eight hundred and fifty-one, and made between the Honourable Hugh Arbuthnott of the one part, and five of the then Bridge Commissioners of the other part, of the carriage and foot road communicating with the approach to the east side of the Portland Ferry Bridge, subject to the payment and the covenants by the lessees in the said lease mentioned ;

And whereas the Bridge Commissioners are entitled, under an Indenture of License dated the Sixth day of September, One thousand eight hundred and sixty-seven, and made between the Queen's most Excellent Majesty of the first part, the Honourable Charles Alexander Gore of the second part, Her Majesty's Principal Secretary of State for the War Department of the third part, and five of the then Bridge Commissioners of the fourth part, to take and carry away from the part of the beach at Chesil, in the Island of Portland, therein defined such quantity of shingle and sand as might be required for the purpose, and subject to the payment and covenants by the Bridge Commissioners in the said Indenture of License mentioned ;

And whereas by Section 3 of an Act (herein-after referred to as " the Act of 1850 ") passed in the thirteenth and fourteenth years of the reign of Her present 13 & 14 Vict. c. 116.

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Majesty Queen Victoria, intituled "An Act to amend an Act passed in the tenth "year of Her present Majesty's reign, for empowering the Commissioners of "Her Majesty's Woods to purchase land for a harbour of refuge and breakwater "in the Isle of Portland, and to make further provisions for the division and "application of the purchase money," it was (inter alia) directed that the sum of four thousand pounds (being part of the sum of twenty thousand pounds paid by the Commissioners of Woods for the purchase and extinction of the estates, rights, and interests of the tenants and inhabitants of the Manor of Portland in, upon, and over the common and commonable lands of the said manor mentioned in the Schedule to the Act amended by the Act of 1850) should be invested in the names of the Commissioners, for the time being, of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and accumulated in the way of compound interest until the last day of July, One thousand eight hundred and fifty-two, and that thenceforth the clear income of the accumulated fund, and also the whole or such part of the principal fund as those Commissioners should direct, should be paid over to the Portland Ferry Bridge Committee (herein-after referred to as the "Bridge Committee") constituted by the Act of 1850;

And whereas by Section 4 of the Act of 1850 it was enacted that the Bridge Committee should pay, apply, and expend all moneys so paid to them as aforesaid (after deducting all costs and expenses) in and for or towards procuring and obtaining the reduction from time to time, as far as might be, or the ultimate extinction, if found practicable and thought desirable by the Bridge Committee, of the tolls payable for passing over the Portland Ferry Bridge, and, after such extinction, in acquiring the said bridge and the approaches thereto, and the said ferry and the messuage or toll-house, lands, and hereditaments belonging thereto, and the benefit and exercise of the powers and provisions of the Act of 1835, upon such terms and conditions as might be agreed upon with the Bridge Commissioners, and according to such rules and regulations, and in such manner in all respects as the Bridge Committee should think most for the relief, benefit, and advantage of the inhabitants at large of the Island of Portland; but it was provided that the reduction or extinction of the tolls charged and chargeable in respect of foot passengers passing over the said bridge should be the primary object of the application of the said sum of four thousand pounds and the dividends and income thereof;

And whereas in consideration of various payments made from time to time by the Bridge Committee to the Bridge Commissioners, the tolls upon passengers or persons passing over the Portland Ferry Bridge have been abolished, and the other tolls payable under the Act of 1835 have been reduced;

14 & 15 Vict. c. 42.

And whereas by virtue of the Crown Lands Act, 1851, all the property, powers, duties, and liabilities vested in or attaching to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings under the Act of 1850 are now vested in or attach to the Commissioners of Works;

And whereas the Bridge Commissioners are possessed of the sum of two thousand three hundred and fifteen pounds one shilling and eightpence two and three-quarters per cent. consolidated stock, and of the further sum of three thousand seven hundred and one pounds two shillings and fivepence cash, both

of which sums, together with any moneys which may hereafter come into the hands of the Bridge Commissioners, are herein-after referred to as "The Bridge Commissioners' Fund";

And whereas the sum held by the Commissioners of Works under and subject to the provisions of the Act of 1850 is now represented by the sum of two thousand one hundred and sixty-eight pounds and fifteen shillings two and three-quarters per cent. consolidated stock, and the Bridge Committee are possessed of the sum of three thousand six hundred and fifty pounds two and three-quarters per cent. consolidated stock, and of the further sum of two pounds and fourpence cash, all which sums, together with any sums which may hereafter come into the hands of the Bridge Committee, are herein-after referred to as "The Bridge Committee's Fund";

And whereas the Portland Ferry Bridge having become dilapidated, plans, sections, and specifications were prepared by the late Sir John Coode, C.E., for its re-construction;

And whereas it has been agreed between the Bridge Commissioners, the Bridge Committee, and the County Council of Dorset (herein-after referred to as "the County Council") that the County Council shall take over the Portland Ferry Bridge and shall rebuild it, and shall for ever maintain the same, and its approaches, free of toll;

And whereas it has also been agreed that the balance of the Bridge Commissioners' Fund, after making thereout the payments herein-after mentioned or referred to, and all other property and liabilities of the Bridge Commissioners shall be transferred to the County Council, and that the Bridge Committee shall, with the approval of the Commissioners of Works, contribute the sum of three thousand pounds out of the Bridge Committee's Fund towards the re-construction of the bridge, and that all other property and liabilities of the Bridge Committee shall be transferred to the Portland Local Board upon the terms herein-after provided;

And whereas, in order to carry out the purposes aforesaid, it is expedient that this Provisional Order be made under Section 10 of the Act; and the draft of this Provisional Order has, in accordance with that section, been approved by the Commissioners of Works, the Bridge Commissioners, and the Bridge Committee:

Now therefore, We, the Local Government Board, in pursuance of the powers given to us by Section 10 of the Act, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect:— 51 & 52 Vict. c. 41.

Art. I. This Order shall, except so far as otherwise herein expressly provided, and so far as there may be anything in the subject-matter or context inconsistent therewith, come into operation on the date of the Act of Parliament confirming the same (herein-after referred to as "the date of transfer").

Art. II. The Portland Ferry Bridge and its approaches shall, for all the estate and interest of the Bridge Commissioners and Bridge Committee therein, by virtue of this Order, be transferred to and vested in the County Council.

Art. III. The County Council shall, within three years from the date of transfer, cause a new bridge in substitution for the Portland Ferry Bridge

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to be erected and completed in general accordance with plans, sections, and specifications prepared by the late Sir John Coode as aforesaid.

Art. IV. From and after the date of transfer the Portland Ferry Bridge shall, notwithstanding anything in the Act of 1835 to the contrary, be deemed to be a county bridge, and shall be free from toll, and the new bridge shall be erected and for ever after maintained as a county bridge, free from toll.

Art. V.—(1.) The Bridge Commissioners shall, immediately after the date of transfer, by notice require all persons having any claim against them to send the particulars thereof to the clerks, for the time being, of the Bridge Commissioners at the place and within the period (not being less than two months) to be specified in such notice; and shall advertise such notice once in the "London Gazette," and once in each of two successive weeks in a newspaper published in London and in a newspaper published in the County of Dorset.

(2.) The Bridge Commissioners shall forthwith discharge their liabilities out of the Bridge Commissioners' Fund.

(3.) Upon the expiration of four calendar months from the date of transfer, all the property (including the balance of the Bridge Commissioners' Fund) and liabilities then vested in or attaching to the Bridge Commissioners shall be transferred to and vest in the County Council, and the Bridge Commissioners shall be abolished and cease to exist.

Art. VI.—(1.) Immediately after the date of transfer the sum of two thousand one hundred and sixty-eight pounds and fifteen shillings two and three-quarters per cent. consolidated stock, held by the Commissioners of Works, together with such part of the sum of three thousand six hundred and fifty pounds two and three-quarters per cent. consolidated stock of which the Bridge Committee are possessed as will at the market price make up the sum of three thousand pounds, shall be transferred to the County Council out of the Bridge Committee's Fund (the County Council paying all expenses connected with such transfer), and the County Council shall from time to time sell the same and apply the proceeds towards defraying such portion of their expenses of and incidental to the pulling down of the existing bridge and the erection of the new bridge and works as aforesaid as the amount of the Bridge Commissioners' Fund so transferred to them as aforesaid may be insufficient to defray, and shall pay or transfer any balance of the said sum of three thousand pounds which shall not be required for the purpose aforesaid to the Portland Local Board.

(2.) From and after such transfer out of the Bridge Committee's Fund to the County Council all liability on the part of the Commissioners of Works and the Bridge Committee in relation to the Portland Ferry Bridge under the Act of 1850, or otherwise howsoever, shall absolutely cease and determine.

(3.) The Bridge Committee shall, immediately after the date of transfer, by notice require all persons having any claim against them to send the particulars thereof to the clerk, for the time being, of the Bridge Committee at the place and within the period (not being less than two months) to be specified in such notice; and shall advertise such notice once in the "London Gazette," and once in each of two successive weeks in a newspaper published in London and in a newspaper published in the County of Dorset.

(4.) The Bridge Committee shall forthwith discharge their liabilities, including their costs, charges, and expenses of and incidental to the preparation and confirmation of this Order, or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, out of the balance of the Bridge Committee's Fund.

(5.) Upon the expiration of six calendar months from the date of transfer, all the property (including the balance of the Bridge Committee's Fund) and liabilities then vested in or attaching to the Bridge Committee shall be transferred to and vest in the Portland Local Board, and the Bridge Committee shall be abolished and cease to exist.

(6.) The Portland Local Board shall, out of the moneys transferred to them under subdivision (5) of this Article, pay and discharge the outstanding liabilities (if any) of the Bridge Committee, and any balance of those moneys which shall remain after such payment and discharge, and the moneys or stock paid or transferred to them under subdivision (1) of this Article, shall be invested and applied as herein-after mentioned.

Art. VII. Every officer, either of the Bridge Commissioners or the Bridge Committee, who, by virtue of this Order, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him by the County Council for such pecuniary loss ; and, in determining such compensation, regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act to be had in regard in cases of compensation under that section, and the compensation shall not exceed the limit therein mentioned, and the provisions of sub-sections (2) to (7) of that section shall apply with such modifications (if any) as may be required.

Art. VIII. All moneys received by the Portland Local Board in pursuance of subdivision (1) of Article VI. of this Order, together with the balance of any moneys transferred to them under subdivision (5) of Article VI. of this Order, which may remain after the discharge of the outstanding liabilities (if any) of the Bridge Committee, shall be applied to defray the cost of such permanent works in their District as the Local Government Board may sanction, and upon such terms as to recoupment or otherwise as to the Local Government Board may seem fit, and, pending such application, shall be invested in consols or in any securities in which trustees are for the time being authorised to invest, and the income derived from any such investment shall be carried to the credit of the district fund of their District in relief of the General District Rate : Provided always that in any condition as to recoupment which may be imposed under this Article by the Local Government Board the same shall be limited to the recoupment of principal only, and shall not extend so as to require the payment of any interest upon the moneys applied as aforesaid.

Art. IX.—(1.) The provisions of the Act of 1835 shall be wholly repealed, except so far as the same may have been acted upon, and except so far as it may be necessary to continue the same to enable the Bridge Commissioners to discharge their liabilities as above provided.

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(2.) So much of Sections 3, 9, and 10 of the Act of 1850 as relate to the said sum of four thousand pounds, and the whole of Sections 4 to 8 (both inclusive) of that Act, shall be repealed, except so far as the same may have been acted upon, and except so far as it may be necessary to continue the same to enable the Bridge Committee to discharge their liabilities as above provided.

Art. X. The costs, charges, and expenses of the County Council and the Bridge Commissioners of and incidental to the preparation and confirmation of this Order, or otherwise in regard thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall, except so far as such costs may be paid by the Bridge Commissioners, be paid by the County Council out of the several sums of money or consols to be paid or transferred to the County Council as aforesaid.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order, the costs incurred by that Board in relation to such inquiry (including such reasonable sum, not exceeding three guineas a day, as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the County Council or other authority concerned in such inquiry, and in such proportions as the Local Government Board may direct, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by that Board to be paid by the County Council or other authority shall be a debt due to the Crown from such council or authority.

Art. XII. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the consent of the Board of Trade having been first obtained.

Art. XIII. This Order may be cited as the County of Dorset (Portland Ferry Bridge) Order, 1894.

Given under the Seal of Office of the Local Government Board, this Twenty-fourth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

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