ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxxviii.

An Act for establishing a Steam Communication over *Milford Haven* at or near *Pembroke Ferry* in the County of *Pembroke*. [27th *July* 1838.]

WHEREAS a Ferry called *Pembroke Ferry*, over *Milford Haven* in the County of *Pembroke*, the Embarking and Landing Places of which are situate in the several Parishes of *Saint Mary Pembroke*, *Lanstadwell*, and *Burton*, has existed for many Years, and a very extensive Communication is carried on by means of small Boats; and inasmuch as in tempestuous Weather the Passage is not only dangerous, but sometimes wholly impracticable, it would be of great public Utility if the Conveyance of Passengers, Carriages, Cattle, Goods, Wares, and Merchandize over the same were facilitated by means of a Steam Communication: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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, That Sir *John Owen* Baronet, Sir *Richard Bulkley Philipps Philipps* Baronet, *Hugh Owen Owen* Esquire, *William Evans Paynter*, and *William*

Proprietors incorporated.

Owen, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares, as herein-after mentioned, of and in the said Undertaking, their respective Successors and Assigns, shall be and are hereby united into a Company for the making, providing, erecting, completing, and maintaining the said Steam Communication over *Milford Haven*, and the Embarking or Landing Places belonging thereto, and for maintaining the Approaches communicating therewith, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be and become One Body Corporate by the Name of "The *Pembroke* Ferry Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands, Quay Dues, Tolls, Ferries, and other Hereditaments, to them, their Successors and Assigns, for making, forming, completing, and maintaining the said Communication and other the Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, subject nevertheless to the Provisions of this Act.

Company may raise Money among themselves.

II. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum or Sums of Money for the Purposes of this Act, not exceeding in the whole the Sum of Four thousand Pounds.

The Capital to be divided into Shares.

III. And be it further enacted, That the said Sum or Sums of Money shall be divided into Shares of Ten Pounds each, which shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said Shares are hereby vested in the Persons by whom the same respectively shall have been subscribed, and their respective Successors; and every Proprietor of a Share or Shares shall be entitled to and interested in the Capital Stock of the said Company, and of the Profits and Advantages that may arise and accrue by the Tolls and other Monies to be collected and received by virtue of this Act, in manner herein-after mentioned.

Shares to be deemed Personal Estate.

IV. And be it further enacted, That all such Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Subscribers to pay their Subscriptions as called for.

V. And be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money for and towards the Purposes of this Act, or shall be Owners or Proprietors of any Share or Shares in the said Undertaking, shall be and they are hereby required to pay the Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by virtue of and agreeably to the Powers and Directions of this Act, at such Times and Places and in such Manner as shall be directed by the said Company; and in case any such Subscribers shall neglect or refuse to pay

pay the same at the Time, Place, or in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any of Her Majesty's Courts of Law or Equity whatever; but no Subscriber shall be liable to pay more than the Amount of his Subscription, and the Expences of recovering and enforcing the Payment thereof.

In case of Failure they may be sued.

VI. And be it further enacted, That the said Company shall and they are hereby required, at their First or at some subsequent General Assembly, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to bé affixed thereto; and shall also cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Shareholder, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, or a Certificate for each separate and distinct Share, in case any Proprietor of more than One Share shall request the same; and such Certificate or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Proprietor of any Share or Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and entered by the Clerk as aforesaid.

Names of Proprietors and Numbers of their Shares to be entered in a Book, and Certificates delivered to them.

VII. And be it further enacted, That it shall be lawful for the said Proprietors, or their respective Executors, Administrators, and Assigns, to sell or dispose of any Share or Shares they may be entitled to in the said Undertaking, subject to the Rules and Conditions herein contained; and every Conveyance or Transfer of the said Shares shall be by Deed duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Form or to the Effect following; (that is to say,)

Shares may be sold.

'I *A. B.*, in consideration of the Sum of paid to me by *C. D.*, do hereby bargain, sell, and transfer to the said *C. D.*, his, her, or their Executors, Administrators, and Assigns, all that my Share [*or* those my Shares, *as the Case may require*,] numbered of and in the Ferry over *Milford Haven*, called the *Pembroke Ferry*, with the Appurtenances, to hold to the said his, her, or their Executors, Administrators, and Assigns, subject to the same Rules and Orders and on the same Conditions that I now hold the same; and I the said do accept the said Share [*or* Shares] subject to the same

Form of Transfer.

'same Rules, Orders, and Conditions. Witness our Hands and Seals 'the Day of .'

Transfers to be registered.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence and no more shall be paid to such Clerk by the Person so requiring such Transfer; and the Registry thereof shall specify the Date of such Transfer, the Names of the Parties, and the Numbers by which the Shares transferred are distinguished; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company no Purchaser of any Share, his Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profits or Advantages arising from the said Undertaking, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting as a Member of the said Company in respect of such Share or Shares, until the Expiration of One Calendar Month after such Transfer shall have been registered.

No Share to be sold after a Call till the Money is paid.

VIII. And be it further enacted, That after any Call of such Monies shall be made by Authority of this Act no Person shall sell or transfer his Share or Shares in the said Undertaking until the Monies so called for upon his respective Share or Shares so to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer of any Share or Shares shall be void; and every Person making default herein shall be subject and liable to forfeit such his respective Share or Shares to the said Company, in Trust for the Benefit of all other the Proprietors, unless the Purchaser shall at the Time of such Transfer pay the Money so called for upon such Share or Shares so transferred to the Treasurer of the said Company, such Forfeiture nevertheless to be notified and declared at a General Meeting in manner herein-after directed with respect to other Forfeiture of Shares.

For ascertaining the Proprietors of Shares in certain Cases.

IX. And whereas in Cases where the original Subscriber of One or more Share or Shares in the said Undertaking shall marry, die, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the said Clerk as directed by this Act, it may not be in the Power of the said Company, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or One of Her Majesty's Justices of the Peace, stating the Manner in which such Share or

Shares

Shares hath or have been passed to such other Person, his Executors, Administrators, Successors, or Assigns, and such Affidavit shall be transmitted to the Clerk of the said Company, to the Intent that he may and he is hereby required to enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Undertaking; and none of the Shares held by any Proprietor who shall be absent from *Great Britain* shall be forfeited until after the Expiration of Twelve Calendar Months from the Time that such Absence shall have been made known to the Treasurer or Clerk of the said Company, and an Entry made thereof in the Book of the Proceedings of the said Company.

Company empowered to make Calls.

X. And be it further enacted, That the said Company shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to or Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Company shall from Time to Time find necessary for the Purposes of this Act, so that the first Call by virtue of this Act shall not exceed the Sum of Five Pounds for every Share to be subscribed, and so that the remaining Sum of Five Pounds for every Share shall not be called for previous to the Expiration of Six Calendar Months from the Time of making the said first Call, which Money so called for shall be paid into the Hands of the Treasurer to the said Company for the Time being, or to such Person as he shall authorize to receive the same, at such Time and Place as shall be appointed by the said Company, of which Time and Place Twenty Days Notice shall be given in such Manner as the said Company of Proprietors shall at any Meeting from Time to Time direct; and Notice thereof shall also be given by the Clerk of the said Company by Letter directed to each Subscriber or Proprietor at his, her, or their usual Place of Abode.

On Neglect to pay Calls the Shares to be forfeited, and be sold after Notice given to the Owner.

XI. And be it further enacted, That if any Subscriber or Proprietor of any Share or Shares in the said Undertaking, his Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay his rateable or proportionate Part or Share of the said Money to be called for by the first or any other Call to be made by virtue of this Act, at the Time and Place so to be appointed as aforesaid, or within Thirty Days next ensuing, then and in every such Case such Subscriber or Proprietor so neglecting or refusing shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit his respective Share or Shares and Interest in the said Undertaking, and all the Profits and Benefits thereof, and all Money theretofore advanced by him on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special or General Meeting of the said Company; and all such Shares so forfeited shall be publicly sold, and the Money arising therefrom applied in manner by this Act directed: Provided nevertheless, that the Party so making default shall still be liable to the Payment of his Subscription, and all the Expences attending the Recovery thereof; and no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Undertaking until after

Twenty Days Notice in Writing, signed by the Chairman of the said Company, shall have been given to the Owner thereof, or left at his usual or last Place of Abode; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to the Subscriber or Proprietor, or Executors, Administrators, Successors, or Assigns so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

If the Purchase Money of forfeited Shares shall be more than sufficient to pay Arrears of Calls, and Interest and Expenses thereon, the Surplus to be paid to the Owner on Demand.

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

Mode of Proceeding in Actions for Calls.

XIII. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person who hath subscribed or who shall hereafter subscribe or advance any Money for or towards the Purposes of this Act, or against any Owner or Proprietor of any Share or Shares in the said Undertaking, to recover any Sum of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant, being an Owner or Proprietor of so many Shares in the said Undertaking, is indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Share or Shares belonging to the said Defendant (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Call or Calls was an Owner or Proprietor of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act; and the said Company shall thereupon be entitled to recover what shall appear to be due, unless it shall appear that the first Call to be made by virtue of this Act did exceed the Sum of Five Pounds on every Share so subscribed, or that the succeeding Calls exceeded the Sum of Five Pounds on each Share, or was or were made within the Distance of Six Calendar Months from the last preceding Call, or without Notice given as aforesaid.

XIV. And

First General Assembly.

XIV. And be it further enacted, That the First General Assembly of the said Company of Proprietors shall be held on the *Monday* Fortnight after the passing of this Act, at the *Lion* Inn or at some other convenient House or Place in the Town of *Pembroke* aforesaid, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, for the Purpose of putting this Act into execution; and a General Assembly shall afterwards be holden on the Second *Monday* in the Month of *August* in each and every Year, at such Place within the Town of *Pembroke*, or within Ten Miles thereof, and at such Hour as the said Company of Proprietors shall at any Assembly appoint; and in case no Place or Hour shall have been so appointed then such General Assembly shall be holden where the last General Assembly was holden; and such Notice shall be given of every such General Assembly as any such General Assembly shall appoint.

For assembling Special Assemblies.

XV. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into execution a Special Assembly of the said Company of Proprietors is necessary to be holden, it shall be lawful for any Two or more of the said Proprietors who may collectively be possessed or entitled unto Forty Shares at the least in the said Undertaking to cause Fourteen Days Notice at least to be given thereof in One or more Newspaper or Newspapers circulated in the said County of *Pembroke*, or in such other Manner and with such Notice thereof as the Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requiring such Special Assembly, and the Time when and Place where the same is to be holden, which Place shall be within Ten Miles of the said Ferry; and the said Proprietors are hereby required to meet pursuant to such Notice.

Assemblies may be adjourned.

XVI. And be it further enacted, That any General Assembly or Special General Assembly may be adjourned from Time to Time and from Place to Place within the Distance of Ten Miles of the said Ferry; and where any Adjournment shall be made to a more distant Time than the next Day, such Notice thereof shall be given as any General Assembly shall appoint.

As to the Business to be done at General Assemblies.

XVII. And be it further enacted, That no Business shall be transacted at any General Assembly unless Five Proprietors possessed of in the aggregate at least Seven Shares in the said Undertaking shall assemble and proceed to Business; and no Business shall be transacted at any Special General Assembly besides the Matters specified in the Notice by which it shall have been called; and no other Business shall be transacted at any adjourned General Assembly than the Business left unfinished at the Assembly from which such Adjournment shall have taken place.

Chairman to beappointed.

XVIII. And be it further enacted, That the said Company of Proprietors at their respective Assemblies shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy,

Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote.

Subscribers to have Votes according to the Number of their Shares.

XIX. And be it further enacted, That every Person possessed of One or more Share or Shares in the said Undertaking shall have One Vote for every such Share not exceeding Five, and One Vote for every additional Five Shares in the whole, and no more, in every General or Special Assembly of the said Company.

Power to vote by Proxy.

XX. And be it further enacted, That every Proprietor entitled to vote at any such General or Special Assembly of the said Company may give his Vote or Votes either in Person or by his Proxy appointed in Writing under his Hand, and in case of Infancy, Idiotcy, or Lunacy, then under the Hand and Seal of his Guardian or Committee; and which Appointment may be in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I *A. B.* of one of the Company of 'Proprietors of the *Pembroke* Ferry Company, do hereby nominate, 'constitute, and appoint *C. D.* of to be my 'Proxy, in my Name and in my Absence to vote and give my Assent 'to or Dissent from any Business, Matter, or Thing relating to the 'said Company which shall be mentioned or proposed at any Assembly of the said Company, or any Adjournment thereof, in such 'Manner as the said *C. D.* shall think proper, according to his Opinion 'and Judgment, for the Benefit of the said Company, or any thing 'appertaining thereto. In witness whereof I have hereunto set my 'Hand and Seal the Day of .'

And every such Proxy shall be entitled to give as many Votes for and on behalf of the Principal as such Principal could give in Person: Provided nevertheless, that no Vote shall be given by Proxy respecting the Audit or Settlement of any Accounts.

How Questions are to be decided.

XXI. And be it further enacted, That every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General Assembly to be held in pursuance of this Act shall be finally determined by the Majority of the Votes given by the Proprietors and Proxies present not declining to vote.

General Meetings to examine and audit Accounts and declare Dividends.

XXII. And be it further enacted, That the General or Special Assemblies of the said Company shall audit and settle all Accounts of Money laid out and disbursed on account of the said Undertaking, or on any of the Works thereunto belonging, by any Officer or other Person whomsoever employed by or concerned for or in or about the same, or otherwise relating to the said Company; and at every Annual General or Special Assembly, or some Adjournment thereof, a Dividend or Dividends shall be made out of the Profits of the said Company, unless such General Assembly shall declare otherwise.

Power to raise a further Sum by

XXIII. And be it further enacted, That it shall be lawful at a Special Assembly of the said Company for that Purpose to be called by

by them, and of which Fourteen Days previous Notice shall be given by public Advertisement to be inserted in some Newspaper circulated in the said County of *Pembroke*, to come to a Resolution that any further Sum of Money, not exceeding at any one Time the Sum of One thousand three hundred and thirty Pounds, shall be raised in addition to the Capital of the said Company; and thereupon it shall be lawful for the said Company, pursuant to such Order or Resolution, when One Half of the said Capital of Four thousand Pounds shall have been actually paid up, to borrow or take up at Interest upon Credit or by way of Mortgage of the said Undertaking and the Tolls arising therefrom, as to them shall seem meet and convenient, any such Sum or Sums of Money, so that the Money borrowed shall not at any Time exceed the Sum of One thousand three hundred and thirty Pounds; and the said Company are hereby accordingly fully authorized and empowered, under their Common Seal, to grant, assign, and make over by way of Mortgage the said Undertaking, and the Tolls arising therefrom, or any Part thereof, (the Costs and Charges of which Assignment shall be paid out of such Tolls,) as a Security for the Sum or Sums of Money so to be borrowed, with Interest for the same, unto the Person who shall lend and advance such Sum or Sums of Money, or unto his Trustees or Trustee; all which Assignments or Mortgages shall be in the Form or to the Effect following; (that is to say,) way of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], we the incorporated by virtue of the said Act, in consideration of the Sum of to us lent and advanced by *A. B.* of do hereby bargain, sell, and assign unto the said *A. B.*, his or her Executors, Administrators, and Assigns, the said Ferry and Works, with their Appurtenances, and all and singular the Tolls granted or arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, to, or out of the same respectively, to hold unto the said *A. B.*, his *or* her Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this Day of .' Form of Mortgage.

And all such Persons to whom any such Mortgage shall be made shall be equally entitled one with another to the said Tolls and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of Priority of any such Mortgage or Assignment, or on any other Account whatsoever, but subject to any Mortgage previously made under the Provision herein-after expressed.

XXIV. And be it further enacted, That an Entry or Memorial of every such Mortgage as aforesaid, containing the Date thereof, the Name and Addition of the Party to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid Entries to be made of Mortgages.

for the same, shall be made or entered in a Book to be kept for that Purpose by the Clerk to the said Company; and such Book shall and may be perused *gratis* at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking; and all Persons to whom any such Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and make over their Right, Title, and Interest therein unto any Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.* [*or* We *C. D.*] in consideration of the Sum of
' to me [*or* us] paid by *E. F.* of do hereby
'transfer the within Mortgage [*or* a certain Mortgage made to me
'*or* us] by the bearing Date the
'Day of and the Principal Sum of
'thereby secured, and the Interest now due and hereafter to grow
'due for the same, and all my [*or* our] Right and Property therein,
'unto the said *E. F.*, his Executors, Administrators, and Assigns.
'Witness my Hand and Seal [*or* our Hands and Seals] this
'Day of .'

Entries of Transfers to be made in Company's Books.

And every such Transfer shall within Twenty Days from the Date thereof be produced to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial thereof, in like Manner as is herein-before directed with respect to the original Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Mortgages; and after such Entry shall be made, and not before, such Transfer shall entitle the Assignee therein named, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and for the Entry of every Security or Transfer the Clerk to the said Company shall be paid by the Party to whom the same shall be made the Sum of Two Shillings and Sixpence, and no more.

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

Mortgagees not to be considered Proprietors of the Company.

XXV. Provided always, and be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid (if any) shall be paid by the Treasurer to the Persons entitled thereto in preference to any Dividend or Distribution of Profits to the Proprietors of the said Undertaking or any of them, and shall from Time to Time be fully paid and discharged or provided for before any such Dividend shall be made or declared: Provided always, that no Person to whom any such Mortgage or Security shall be made or transferred as aforesaid shall be deemed a Proprietor of the said Undertaking, or be capable of acting or voting as such, for or on account of his having paid, advanced, or lent any Money on the Credit of the said Undertaking or the Tolls thereof as aforesaid.

Company to appoint Officers.

XXVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and required from

from Time to Time to nominate and appoint a Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk, Collector or Collectors, Receiver or Receivers of the Rates and Tolls herein allowed to be demanded and taken, and such other Officers as to the said Company shall seem proper, and from Time to Time to remove any such Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Collector or Collectors, Receiver or Receivers, or other Officers, or any of them, and to nominate and appoint another Person or other Persons in his or their Room and Stead, taking such Security from any such Treasurer, Collector or Receiver, or other Officer, for the due Execution of their respective Offices, and to grant them respectively such Salary and Compensation as the said Company shall think proper.

Clerk and Treasurer not to be the same Person.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or his Partner, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company (other than as Treasurer), every Person so offending shall for every such Offence 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 Her 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 or Protection, nor more than One Imparlance, shall be allowed.

Proceedings to be entered in a Book.

XXVIII. And be it further enacted, That all Orders and Proceedings of every General Assembly shall be entered in a Book to be kept for that Purpose, and be signed by the Chairman of the Assembly at which such Order or Proceeding shall be made or had; and such Book shall be open at all reasonable Times to the Inspection of any of the Proprietors of Shares in the said Undertaking, without Fee or Reward; and such Orders and Proceedings so entered, and signed by the Chairman as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book shall

shall and may be read in Evidence in all Courts whatsoever in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Books of Accounts to be kept, which shall be open to Inspection.

XXIX. And be it further enacted, That the said Company shall and they are hereby required from Time to Time and at all Times to order and direct a Book to be provided and kept by their Clerk for the Time being, in which Book 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 the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book shall at all seasonable Times be open to the Inspection of the Proprietors of the said Undertaking, or any Creditor or Creditors on the Tolls to be collected and taken in respect thereof, without Fee or Reward; and the said Proprietors or Creditors, or any of them, shall or may take Copies of or Extracts from the said Book, 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 any of the said Proprietors or Creditors to inspect any such Book, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Officers, &c. to account.

XXX. And be it further enacted, That every such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company so to be appointed as aforesaid, shall, under his Hand, at such Times and in such Manner as the said Company shall direct, deliver to the said Company, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant, and Person respectively received by virtue of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purpose, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company, or to such Person as they shall appoint; and if any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or other Person shall refuse to produce or deliver up such Accounts, Receipts, or Vouchers as are in his Possession or Power, or to make Payments as aforesaid, or shall not deliver to the said Company, or to such Person as they shall appoint, within Fourteen Days after being thereunto required by the said Company, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands to the said Company, or as they shall respectively direct or appoint, then and in either of the Cases aforesaid it shall be lawful for any One Justice of the Peace for the County of *Pembroke*, (such Justice not being interested

interested in the said Undertaking,) upon Complaint made to him by the said Company, or such Person as they shall appoint for that Purpose, to summon before him any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person, and upon his appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, (which Oath such Justice is hereby empowered and required to administer,) it shall appear to such Justice that any of the Monies that shall have been collected, raised, or received by virtue of this Act shall be in the Hands of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person respectively; and if no Goods or Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver up to the said Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively in his Possession or Power, or the Books, Accounts, Papers, and Writings in his Custody or Power relating to the said Undertaking, then and in any of the Cases aforesaid such Justice may commit every such Offender to the Common Gaol of the County or Place where the said Justice shall be acting for, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Company are hereby empowered to make,) and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company; but no Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person so committed for Want of such Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Power to take Tolls.

XXXI. And be it further enacted, That the said Company shall and may, as soon as conveniently may be after the said intended Communication shall be established to the Satisfaction of the Magistrates, to be declared at the Quarter Sessions for the County of *Pembroke*, or any Adjournment thereof, cause to be erected and set up

up One or more Toll Gate or Toll Gates at or near the several Approaches to the said Ferry situate in the several Parishes of *Saint Mary Pembroke*, *Lanstadwell*, and *Burton*, and from Time to Time shall and may remove the same Toll Gate or Toll Gates, and erect and set up other Toll Gate or Toll Gates in lieu thereof at any Place or Places near thereto, and shall and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Toll Gate or Toll Gates as the said Company shall think proper; and the respective Tolls following shall and may be demanded and taken at each and every such Toll House, or in or upon such Floating Communication as aforesaid, by such Person or Persons as the said Company shall from Time to Time appoint as aforesaid; (that is to say,)

For each and every Horse or other Beast drawing any Coach, Chariot, Phaeton, Chaise, Gig, or other such like Carriage, the Sum of Sixpence:

For each and every Horse or other Beast drawing any Waggon, Cart, Van, or other such like Carriage, the Sum of Three-pence:

For each and every Coach, Chariot, Phaeton, or other such like Carriage drawn by Two or more Horses, the Sum of Two Shillings:

For each and every Carriage, Gig, or Car drawn by One Horse, the Sum of One Shilling:

For each and every Waggon, Cart, Van, or other such like Carriage the Sum of Three-pence for each and every Wheel:

For every Horse or Mule, rode or not rode, the Sum of Three-pence:

For every Ass, Two-pence:

For every Bull, Ox, Cow, or other Bullock, the Sum of Three-pence:

For every Calf, Pig, Sheep, Lamb, or other Beast, the Sum of Two-pence:

For every Passenger, the Sum of One Penny:

For all Goods, Wares, and Merchandize, the Sum of Two-pence for every One Hundred Weight:

For every Package, Box, or Parcel of Goods or other Things under One Hundred Weight, the Sum of One Penny:

Which respective Tolls shall be paid before any Person, or any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage, Goods, or other Articles or Things as aforesaid, shall be permitted to pass over the said Ferry; and which said Tolls shall be and the same are hereby vested in the said Company and their Successors for the Purposes of this Act; and such Tolls shall be paid and payable for every Time of passing, and for all such Persons, Horses, and other Animals and Carriages as shall be landed from or embark on board Boats on the said Haven or River upon or from any Part of the said Ferry, or the Roads, Avenues, or Approaches to or from the same, having been conveyed and passed over, and having been embarked for the Purpose of being conveyed and passed over the said Haven; and the Hours of working the said Communication shall be from the First Day of *November* to the First Day of *February* yearly from Seven of the Clock in the Morning and continued until Nine of the Clock in the Evening, and from the First Day of *February* to the First Day of

of *May* yearly from Half past Six of the Clock in the Morning to Half past Nine of the Clock in the Evening, and from the First Day of *May* to the First Day of *August* from Six of the Clock in the Morning until Ten of the Clock in the Evening, and from the First Day of *August* until the First Day of *November* from Half past Six of the Clock in the Morning until Half past Nine of the Clock in the Evening.

Power to stop any Person refusing to pay Toll.

XXXII. And be it further enacted, That if any Person, subject to the Payment of the Tolls hereby made payable or any of them, shall, after Demand made thereof by any Collector appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector, by himself, or taking any such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, or Cattle for or in respect of which such Tolls ought to be paid, until full Payment thereof, or after the Passage to seize and distrain any Horse or other Cattle or Beast, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage drawn by such Cattle or Beasts; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person and Persons so seizing and distraining shall and may sell the Horse and Horses, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and if any Person shall forcibly pass over the said Ferry, or through any or either of the said Toll Gates, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person so offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Half shall be paid to the Informer, and the other Half to the Treasurer of the said Company, to be applied for the Purposes of this Act.

Power to reduce the Tolls.

XXXIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General or Special General Meeting to be held in pursuance of this Act, to lessen or reduce all or any of the Tolls hereby granted for such Time as they shall think proper, and to raise again the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted; and the Tolls so lessened or reduced or raised again shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are authorized or directed to be collected, recovered, and applied.

Tolls to be reduced equally.

XXXIV. And be it further enacted, That the Tolls to be taken by virtue of this Act shall be at all Times charged equally to all Persons, and after the same Rate in respect of all Passengers, and of all Animals or Carriages of a like Description, and no Reduction

or

or Advance in any of the said Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person.

For preventing Toll Collectors from taking undue Tolls or misbehaving.

XXXV. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in front or some other conspicuous Part of the Toll House or Toll Gate, or on some Part of the said Steam Communication, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House at which such Collector shall be stationed or on the said Steam Communication, a Board, whereon shall be painted, either in White Letters on a Black Ground or Black Letters on a White Ground, the List of the Tolls payable at such Gate; and if any Collector of the same Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Toll from any Person who shall be exempted from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person from reading the Inscriptions on such Boards respectively, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give (*gratis*) a Ticket to denote the Payment of the Toll, when demanded, or upon legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger from passing through any Toll Gate, or from crossing the said Ferry in the said Communication or Boat, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge (such Justice or Justices not being interested in the said Undertaking); and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty for evading Tolls.

XXXVI. And be it further enacted, That if any Person shall forge, counterfeit, or alter, or receive from or deliver to any other Person, any Note or Ticket, with Intent to evade or to enable or assist any other Person to evade the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

XXXVII. And

For settling Disputes concerning Tolls.

XXXVII. And be it further enacted, That in case any Dispute or Disputes shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress made for Nonpayment of such Toll, it shall be lawful for the Collector or the Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of Toll due, and the Charges of keeping and selling the Distress, be ascertained by some Justice of the Peace for the County of *Pembroke*, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every Justice is hereby authorized to administer), and shall determine the Amount of Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after paying such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of Tolls may give Evidence.

XXXVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or any of them, the Person appointed to collect the same, or any other Person acting by or under the Authority of the said Company, shall not be disqualified from giving Evidence in such Dispute, Suit, or Litigation by reason of his, her, or their being appointed to collect such Tolls.

Power to lease the Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Company, at any General or Special General Assembly to be held under or by virtue of this Act, to lease or demise all or any of the said Tolls for any Term of Years not exceeding Five Years at any one Time, for such Rent, payable at such Times and under such Covenants as they shall think fit, the said Company taking such sufficient Security from the Person to whom such Tolls shall be leased or demised for Payment of such Rent and Performance of such Covenants as they shall think fit, which Rent shall be applied for the Purposes of this Act.

Persons proceeding in Boats not belonging to the Company to be liable to Toll.

XL. And be it further enacted, That all Persons, Horses and other Beasts and Cattle, Coaches, Waggons, Carts, and other Carriages and Things which shall be landed from and embarked in any Boat, Barge, Float, Raft, or Vessel for Hire within the Limits of the Ferry, other than such as shall belong to the said Company of Proprietors, shall be liable to the Payment of the Tolls herein-before specified; and all the Powers and Provisions of this Act shall be in full Force at all Times for recovering and enforcing the Payment thereof.

Company may remove Collectors, and appoint temporary ones.

XLI. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Company, although not assembled at a Meeting, to discharge such Collector or Receiver so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls until the then next Meeting of the said Company, instead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall be vested with the like Power and Authority, and be answerable and accountable in like Manner in all respects as the Collector or Receiver who shall so die or be discharged would have been; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person who may have the Possession of any Toll House or Building, or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Two Days next after Demand thereof made by Notice in Writing, signed by the Clerk of the said Company, for that Purpose, given to such Collector or Receiver or any Person, or left at such Toll House, Building, or Premises, then and in every of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Pembroke*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said County, with such Assistance as may be necessary, to enter such Toll House or other Buildings or Premises in the Day-time, and to remove the Person who shall be found therein, together with his Goods, out of the same, and put the said Company, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

Directing the Application of the Tolls.

XLII. And be it further enacted, That the Tolls or any Rents payable in respect of the same which shall be received by virtue this Act shall be applied in manner herein-after mentioned; (that is to say,) in the first place, in paying the Expences for the Time being of carrying this Act into execution, and for keeping the said Communication and Approaches in proper Repair; and in the next place, in paying to the Mortgagees under this Act the Interest to which they shall respectively be entitled in manner herein-before provided; and the Surplus thereof shall (subject to the Payment of the Principal Monies due to the said Mortgagees, or such of them or such Part thereof respectively as shall be expedient from Time to Time to pay off) be divided amongst the said Proprietors in proportion to the Amount of their respective Shares.

Company to make Satisfaction for the Value of

XLIII. And be it further enacted, That the said Company of Proprietors shall and they are hereby empowered to purchase, or make such other Satisfaction or Recompence for the Value of the present Ferry

Ferry across the said Haven, in lieu whereof the said intended Steam Communication is to be established, and the Tolls in respect of the same. the present Ferry.

XLIV. And be it further enacted, That the said Company shall pay annually to the Owner of the said Ferry such Sum as shall be from Time to Time agreed upon for the Use of the said Ferry and Embarking or Landing Places, Shores, or Premises aforesaid; and if the same shall not be paid upon Demand to such Owner, the said Rent may be levied and recovered by Distress or otherwise. Rent to be paid to the Owner of the Ferry.

XLV. Provided always, and be it further enacted, That if the said Company shall at any Time hereafter cease to maintain a Steam Communication across the said Haven at or within the Limits of the said Ferry called *Pembroke Ferry*, then and in such Case such Ferry shall revert to such Owner, and the said Rent shall in such Case cease and determine; and then and in such Case the said Ferry, and the Tolls payable in respect thereof, shall revert to the Owner of the said Ferry. If Company cease to maintain the Ferry, the Property to revert to the Owner.

XLVI. And be it further enacted, That it shall be lawful for the said Company and their Successors, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, with the Consent of the Owner of the said Ferry for the Time being, to provide, maintain, and keep in good Repair a good and substantial Steam Communication across *Milford Haven* aforesaid, at or within the Limits of the said Ferry called *Pembroke Ferry*, with the several Embarking or Landing Places, and for these Purposes to stretch, throw, fix, or cast an Iron Chain or Chains across the said Haven for the Purpose of working the same, and also to erect, lay down, and make proper Abutments, Embarking and Landing Places, with proper Chains and Implements for working and using such Communication, and embank and do and execute all and every other Thing or Things necessary or convenient for maintaining and repairing the said Works, and to maintain proper and convenient Approaches to communicate therewith. Power to establish the Communication.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the making any Pier, Embankment, Abutment, Buttress, or other Work of any Kind in the Bed of the said Haven, or on the Shore thereof below High-water Mark, or within the Flux of the Tide, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, to be signified in Writing by One of the Secretaries of the Admiralty, and then only under such Conditions and Limitations as the said Commissioners for executing the Office aforesaid shall deem expedient for the Preservation of the Navigation of the said Haven. NoWork to be made in the Bed of the Haven without the Sanction of the Admiralty.

XLVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or any Person for or on their Behalf, to treat, Company may treat for the Purchase of Lands.

treat, contract, and agree for the Purchase of any Houses, Buildings, Lands, Tenements, or other Hereditaments which may be necessary for the Purposes of this Act.

Corporations and Persons under legal Disability empowered to sell and convey Lands.

XLIX. And be it further enacted, That it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any Lands which the said Company may wish to purchase for the Purpose of this Act, to contract for, sell, and convey the same or any Part thereof to the said Company; and all Conveyances for the Purposes of this Act shall be made at the Expence of the said Company, and may be in the Words or to the Effect following, or with such Variations, Covenants, or Conditions as the Number of the Parties and the Circumstances of the Case may render expedient; (that is to say,)

Form of Conveyance to the Company.

'I of in
'consideration of the Sum of to me
'[*or, as the Case may be*, into the Bank of *England*, in the Name and
'with the Privity of the Accountant General of the Court of Exchequer, *ex parte* "The *Pembroke* Ferry Company," *or* to *A. B.* of
' and *C. D.* of Trustees appointed to
'receive the same], pursuant to the Act after mentioned, paid by the
'*Pembroke Ferry* Company [*or* said Company] in pursuance of an Act
'passed in the Year of the Reign of Queen *Victoria*, intituled
'[*here insert the Title of this Act*], do hereby convey [*or, in Cases of Copyhold or Customary Lands requiring Surrender*, do hereby agree
'to surrender] to the said Company, their Successors and Assigns, all
'[*describing the Premises to be conveyed*], together with all Ways,
'Rights, and Appurtenances thereto belonging, and all such Estate,
'Right, Title, and Interest in and to the same and every Part thereof
'as I am or shall become seised, possessed of, or entitled to, or
'am by the said Act capacitated or empowered to convey, to hold
'the Premises to the said Company, their Heirs and Assigns for
'ever, according to the true Intent and Meaning of the said
'Act. In witness whereof I have hereunto set my Hand and Seal
'this Day of in the Year of our
'Lord.'

And

And all such Conveyances and Assurances as aforesaid shall be valid and effectual in Law, and shall operate to bar and destroy all Estates Tail, and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and to the Lands in such Conveyances respectively comprised dependent on the Estate or Interest of the Corporation or Person conveying to the said Company, and also to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed or aliened, except where the said Company shall have express Assignments or Dispositions made of such Terms for their Benefit; but although the said Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the Company, and to attend the Reversion and Inheritance.

Corporations and Persons empowered to agree for Satisfaction and Compensation.

L. And be it further enacted, That all Corporations and other Persons by this Act capacitated to sell and convey any Lands, or to sell and convey any other Rights or Interests, and the respective Owners, Lessees, and Occupiers of any Lands required for the Purposes of this Act, may agree to accept and receive, and may (subject to such Restrictions as in this Act are contained as to the Payment thereof) accept and receive Satisfaction for the Value of such Lands, or of the Interest by them conveyed, and also Compensation for and on account of any Damage occasioned to any Lands by reason or on account of the Execution of any of the Works by this Act authorized, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid), Lessees, and Occupiers respectively and the said Company.

Application of Compensation Money when amounting to 200*l.*

LI. And be it further enacted, That if any Money shall be agreed to be paid for the Purchase of any Lands to be purchased under the Authority of this Act, or of any Interest therein, or for any Compensation or Satisfaction under this Act which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, or unborn, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, "*Ex parte* the *Pembroke Ferry* Company," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the* 1 G. 4. c. 35.

said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and when so paid in there shall remain, until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the Lands in respect whereof such Money shall be paid, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting such Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court 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, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled in case the same had been so purchased and settled.

When less than 200*l.* and not less than 20*l.*

LII. And be it further enacted, That if any Money so agreed to be paid as last herein-before is mentioned shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands in respect whereof such Money shall be so awarded or agreed to be paid, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under the Hands of at least Three of the said Company, be paid into the Bank of *England* in the Name and with the Privity of Accountant General of the said Court of Exchequer, and be placed to his Account as last aforesaid, to be applied in manner last herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, (such Nomination to be approved of by the said Company,) and such Nomination and Approbation to be signified in Writing under the Hands

Hands of the nominating Parties, and under the Hands of Three at least of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

LIII. And be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof such Money Compensation or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid for their Use to their respective Husbands, Guardians, Committees, or Trustees.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Trustees.

LIV. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, or from any other Cause, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

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

LV. And whereas by means of the Purchases which the said Company are empowered to make by virtue of this Act they may happen to be seised of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company

Company to sell any such Lands, or any Estate or Interest purchased by the said Company in such Lands, or any Part thereof, either together or in Parcels, by public Auction, of which Ten Days previous Notice shall be publicly given, and by any Deed duly executed to convey and assure the same to the Purchaser thereof, or as he may request; and all such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company, before they shall dispose of any such Lands, shall first offer to sell the same to the Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, and who shall be in *England*, and conveniently to be found, and capable of entering into a Contract for the Purchase thereof; and all Persons and Corporations hereby capacitated to sell in like Manner shall be and are hereby capacitated to purchase of the said Company; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Company in Writing within Ten Days after such Offer of Sale shall have been made by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case such Persons shall decline or neglect to avail themselves of such Offer, or shall neglect so to signify their Desire and Intention to purchase such Lands for the Space of Ten Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and a Declaration made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the County or Place where such Lands may be situate, by some Person not interested in the said Lands, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and was refused or was not accepted or agreed to (as the Case may be) by the Person to whom the same was made within Ten Days from the Time of making the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof of the Facts therein stated.

If Land not sold within Time limited, the same to revert to the Owners of adjoining Lands.

LVI. And be it further enacted, That if the said Company shall not within the Time herein-before limited have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being of the Land adjoining that which shall not have been sold, in manner following; (that is to say,) one Moiety in the Owners of the Land on the one Side thereof, and the other Moiety in the Owners of the Land on the other Side thereof.

Receipts for Money paid to the Company.

LVII. And be it further enacted, That upon Payment of the Money which shall arise by the Sale of any Lands authorized by this Act to

to be sold by the said Company, or upon Payment to the said Company of any other Money under this Act, it shall be lawful for any Officer appointed by the Company for that Purpose to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands as shall be so sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase or other Monies, or any Part thereof respectively.

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

LVIII. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves, their Heirs and Assigns, and that they the said Company, notwithstanding any Act and Default done by them, were at the Time of the Execution of such Conveyances seised of or entitled to the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company, their Heirs and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company, their Heirs and Assigns, from all Incumbrances committed by the said Company, and also for further Assurance of such Lands by the said Company, their Heirs and Assigns, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be thereby conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Provision for any Deficiencies in the Land Tax.

LIX. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments of Land Tax in the Parishes or Places through or in which the Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall become seised and possessed by virtue of this Act of any Lands charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said

Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax,) be subject and liable from Time to Time to pay or make good to or in aid of the said Parishes or Places, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the several Assessments for Land Tax within the said Parishes or Places by reason or means of taking or using for the Purposes of this Act any Lands liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the said Company are hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments for such Parishes or Places respectively.

Penalty on Persons carrying Passengers, &c. for Hire across the Haven within the Limits of the Ferry without paying Toll.

LX. And be it further enacted, That if any Person, except the said Company or other Person acting under their Authority, shall use any Boat, Barge, Float, Raft, or other Vessel in carrying or conveying any Carriage, or Cattle, Person, Goods, Wares, or Merchandize, or other Things, for Hire, across the said Haven within the Limits of the said Ferry, to or from either of the Embarking or Landing Places in the Parishes of *Saint Mary Pembroke*, *Lanstadwell*, and *Burton*, or of either of them, without paying the Tolls herein-before made payable, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Same Rights vested in the Company as are now enjoyed by the Owner of the Ferry.

LXI. Provided also, and be it further enacted, That with respect to any Act, Matter, or Thing which shall hereafter be done or committed by any Person or Persons to the Prejudice of the said Ferry, by carrying or conveying for Hire any Person or Thing across the said Haven within the Limits of the said Ferry, or in any other Manner or by any other Means whatsoever, in addition to the Provision lastly herein-before contained, the same Rights and Remedies shall be had and enjoyed by the said Company, to all Intents and Purposes, as might have been had and enjoyed by the said Owner, his Lessees, Heirs, and Assigns, in case this Act had never passed.

For preventing Nuisances.

LXII. And be it further enacted, That if any Person shall wilfully or negligently injure, destroy, or otherwise damage any Part of the said Works, or the Avenues or Approaches thereto, or shall wilfully obstruct the Passage thereof; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Works; or if any Person shall make or assist in making any Bonfire, or shall incautiously let off or discharge any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Football or any other Game or Games to the Annoyance of any Inhabitant or Passenger; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the Avenues or Approaches to the said Ferry with any Instrument, so as to damage the said Works or any Part thereof; or if any Person shall

shall leave any Waggon, Wain, Cart, or Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed, or, except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Ferry, Avenues, or Approaches as conveniently may be, in, upon, or on the Sides of the said Works, Roads, Avenues, or Approaches, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever upon any Part of the said Works, Roads, Avenues, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Same Penalties for destroying Ferry, &c. as under Act 7 & 8 G. 4. c. 30.

LXIII. And be it further enacted, That the said Ferry, and the Toll Houses and Toll Gates, Works, and other Property belonging to the said Company, shall be deemed and taken to be within the Meaning of an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to malicious Injuries to Property.*

Penalty on Persons injuring the Works, &c.

LXIV. And be it further enacted, That if any Person shall by Carelessness or Inattention injure or damage any Part of the Boats, Barges, Floats, Rafts, or such other Vessels, Chains, or other Articles or Things belonging to the said Company, or if the Persons working in or navigating the same shall by Carelessness or Inattention injure or damage any Vessel, Barge, or Boat navigating or being on the said Haven, he shall for every such Offence, on Conviction before One or more Justice or Justices of the Peace for the County or Place where the said Justice shall be acting for, such Justice not being interested in the said Undertaking, pay the Amount of the Damage actually sustained by the said Parties.

Owners of Vessels liable for Damage.

LXV. And be it further enacted, That in case any Damage or Mischief shall be done to any of the said Works by any Ship, Lighter, Barge, Boat, Float, Raft, or other Vessel, through the Mismanagement or Negligence of any Person having Command of any such Ship, Lighter, Barge, Boat, Float, Raft, or other Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner or Owners of any such Ship, Lighter, Barge, Boat, Float, Raft, or other Vessel shall be and is hereby made answerable to the said Company for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of Five Pounds, if not forthwith paid and satisfied, shall and may be recovered by Distress and Sale of the Goods and Chattels of such Owner or Owners, in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

LXVI. And

Masters may recover from their Servants any Sum paid for their Default.

LXVI. And be it further enacted, That in case the Owner of any Ship, Lighter, Barge, Boat, Float, Raft, or other Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his Servants or Mariners or any of them, such Servants or Mariners, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Owner; and in case of Nonpayment, on Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and the same and the Costs thereof have not been repaid to him by such Servants or Mariners or any of them, although demanded, (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof, provided the same shall not exceed the Sum of Five Pounds, shall be recovered by Distress and Sale of the Goods and Chattels of such Servants or Mariners, in the same Manner as any Penalty is hereby directed to be recovered.

Company to keep the Works in repair, and if necessary to provide a Ferry Boat.

LXVII. And be it further enacted, That in case the said Steam Communication shall at any Time be incommodious or unsafe for Travellers or Carriages, the said Company shall and they are hereby empowered and required to cause the same to be forthwith repaired, and made safe and commodious for the Passage of Travellers, Carts, and Carriages; and in the meantime, until the same shall be repaired and made safe and commodious, it shall be lawful for the said Company and they are hereby required during all such Time to provide a proper and convenient Ferry Boat for the Passage of Travellers, Cattle, and Carriages over the said Ferry; and it shall be lawful for such Persons as the said Company shall appoint for that Purpose to demand, collect, and receive for the Passage of such Travellers, Cattle, and Carriages in or over the said Ferry, before they shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the same by the Means to be provided under the Authority of this Act, and to apply the same in manner by this Act directed, any thing herein-before contained to the contrary notwithstanding.

In case of Nonpayment of Compensation for Damages, &c. the same may be levied by Distress of the Goods of the Company or of their Treasurer.

LXVIII. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace, in pursuance of this Act, to be paid as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person acting by or under their Authority, or for any Penalty or Costs incurred by the said Company, and such Sum of Money shall not be paid by the said Company to the Party entitled to receive the same within Thirty Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and

and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party entitled to receive any 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 of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

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

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

Justices may proceed by Summons for Recovery of Penalties.

LXX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act (such Justice not being interested in the said Undertaking) to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender; and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Recovery and Application of Penalties.

LXXI. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly

larly directed) shall, upon Proof of the Offence respectively before any One or more Justice or Justices of the Peace for the County of *Pembroke*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and the Overplus, if any, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels; and the Monies arising from such Penalties and Forfeitures respectively, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer of the said Company, for the Use of the Company; and in case such Penalties and Forfeitures respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice or Justices to order such Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before such Justice or Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Six Days from the Time of taking any such Security, and such Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within the Jurisdiction of such Justice sufficient whereon to levy such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol of the said County of *Pembroke*, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

A List of Penalties to be exhibited on Boards affixed in conspicuous Places.

LXXII. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed, continued, and renewed, so often as the same shall be obliterated or defaced, in some conspicuous Place near the said Ferry, or on the said Steam Communication, in White Letters on a Black Ground, or Black Letters on a White Ground, an Account or List of the several Penalties inflicted or which may become payable by virtue of this Act; and if any Person shall, except by Direction of the said Company, wilfully pull down, remove, deface, or destroy any Board whereon any such Penalties shall have been painted according to the Directions of this Act, or shall actually or constructively concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

LXXIII. And

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

LXXIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve any Notice or Notices upon the said Company, or any Writ or other legal Proceeding or Proceedings in Equity, the Service thereof upon the Chairman or any Member of the said Company for the Time being, or delivered to some Inmate at his usual Place of Abode, or upon the Clerk of the said Company for the Time being, or at the Office of such Clerk, or delivered to some Inmate at his usual Place of Abode, or upon any Agent or Officer of the said Company, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed a good and sufficient Service of the same respectively on the said Company.

For compelling the Attendance of Witnesses.

LXXIV. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person accused, shall, on being tendered a reasonable Sum for his Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at any Time and Place to be for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker, on solemn Affirmation,) and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collector, Surveyor, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively to seize and detain any such unknown Person guilty of any Offence against this Act, and forthwith to convey him before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, (such Justice or Justices not being interested in the said Undertaking,) without any other Warrant or Authority than this Act for so doing.

Form of Conviction.

LXXVI. 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 any Matter or Thing done in the Execution of this Act, the Form of Conviction shall be in the Words or to the Effect following; that is to say,

'BE it remembered, That on this Day of
' in the Year of the Reign of
' *A. B.* is convicted before of Her Majesty's
' Justices of the Peace for the of having
' [*as the Offence may be*]; and I [*or* we] the said
' do adjudge him [her *or* them] to forfeit and pay for the same the
' Sum

'Sum of . Given under my Hand and Seal [*or* 'our Hands and Seals] the Day and Year aforesaid.'

Allowing an Appeal.

LXXVII. And be it further enacted, That if any Person shall think himself aggrieved by any Judgment or Determination or by any Matter or Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County in which such Judgment or Determination shall have been made, within Four Calendar Months next after such Matter of Appeal shall have arisen, the Person appealing having first given Thirty Days Notice at least of his Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk of the said Company, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be binding, final, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

LXXVIII. And be it further enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity that shall afterwards be done by the Party so distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

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

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

No Plaintiff to recover without Notice, or after Tender of sufficient Amends.

LXXX. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against the said Company or any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant, Fourteen Days before such Action shall be commenced, of such intended

Action,

Action, signed by the Attorney of the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made him, or to his Attorney, by or on behalf of the Defendant, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Execution upon any Judgment may be issued against any Member of the Company.

LXXXI. And be it further enacted, That Execution upon any Judgment in any Action obtained against the said Company may be issued against any Member for the Time being of the said Company to the Extent or Amount of his Shares unpaid, but not to any further or greater Extent or Amount: Provided always, that every such Member against whom Execution upon any Judgment obtained in any such Action shall be issued shall always be reimbursed and paid, out of the Funds of the said Company, all such Costs and Charges as by the Event of any such Proceeding he shall be put unto or become chargeable with.

For paying the Expenses of the Act.

LXXXII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto; and all the Residue and Remainder of such Money for and towards purchasing any Houses, Buildings, Lands, Tenements, or Hereditaments, or the Interest of the Owner of the said Ferry over or across the said Haven, and in making, completing, and maintaining the said Steam Communication and all other Works, and for other the Purposes of this Act.

Construction of certain Words in the Act.

LXXXIII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall comprise and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Company" is used the same shall be understood to mean the *Pembroke Ferry* Company; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

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.

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