ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxx.

An Act for making and maintaining a Bridge over the River called "The *Portland Ferry*," in the County of *Dorset*, with proper Approaches thereto.

[21st *July* 1835.]

WHEREAS it would greatly contribute to the Safety and Convenience of the Inhabitants of the Island of *Portland* and the Public in general if a Bridge were erected over the River or Inlet of the Sea called the *Portland Ferry*, in the County of *Dorset*, and if convenient Approaches were made to such Bridge: And whereas the several Purposes aforesaid cannot be beneficially effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *Hugh Arbuthnot*, Reverend *John Harington*, *Gabriel Tucker Steward*, *Richard Augustus Tucker Steward*, *Steward Wardle*, *Granville Penn*, Reverend *George Chamberlaine*, *Charles Augustus Manning*, *Charles Ruxton*, *Roper Weston*, Reverend *Thomas Dade*, Reverend *George Gould*, *Joseph Hardy*, *William Manfield*, *John Searle*, *John Foot*, *William Freeman*, *John Swaffield Orton*, Reverend *William Marshall*, Reverend *Willoughby Brassey*, Reverend *Henry Poole*, Reverend *F. J. C. Trenow*, *Robert Bridge*, *William Eliot*, *Joseph Horsford*, *William Oakley*, *William Devenish*, *William Heath*, *William Bayly*, *James Bower*, *Richard Bower*, *John Martin*, *Thomas Atkinson*, *John Flew*, *George Welsford*, Commissioners appointed.

Welsford, Thomas Fisher, Edward Balston, Charles Friend, John Williams, Edward Johnson, William Hodges, William Payne, Charles Payne, Robert Radclyffe, James Davis, William Drayton, Solomon Sly, James Richards, Robert Gear, James Willis Weston, Robert Hassel Owen, William Barrett, Frederick Meissner, William White, George Buckham, William Pearce, Bartholomew Comben, Richard Lano, Jonathan Lano, William Lock, John Stone, William Gibbs, Robert Spencer, William Lowman, Edward Pearce, William Spencer, John Pearce, Abel Pearce, Benjamin Pearce, Benjamin Scriven, Richard Way, James Mabey, Robert Pearce, Abraham Winter, Joseph Read, Benjamin White, William Pearce, Richard Noster, Robert Penny, George Andrews, William Legg, Andrew Lithgow, Abel Ferris, Samuel B. Deecker, William Bartlett, John Bartlett, Edward Bartlett, Samuel Penny, George Light, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into full and complete Execution.

Qualification of Commissioners.

II. Provided nevertheless, and be it further enacted, That no Person in this Act named shall be capable of acting, nor shall any Person hereafter be capable of being elected, or if elected be capable of acting, as a Commissioner for the Purposes of this Act, unless he shall be, either in his own Right or in the Right of his Wife, in the actual Possession or in the Receipt and Enjoyment of the Rents and Profits of Freehold or of Copyhold or Customary Lands, Tenements, or Hereditaments, held for a Life or Lives, of the clear yearly Value of Forty Pounds above Reprizes.

Commissioners to take an Oath.

III. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at some Meeting to be held under the Authority of this Act, have taken and subscribed an Oath, or have made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Form of the Oath.

'I *A.B.* do swear, [*or, being a Quaker,* do solemnly affirm,] That I am in my own Right [*or* in the Right of my Wife, *as the Case may be,*] in the actual Possession of [*or* in the Receipt and Enjoyment of the Rents and Profits of] Freehold [*or* of Copyhold *or* Customary] Lands, Tenements, or Hereditaments, held for a Life or Lives, of the clear Value of Forty Pounds above Reprizes. So help me GOD.'

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

'And I, the said *A.B.*, do hereby declare and promise that I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*].'

And the Oath or Affirmation herein-before required to be taken, and the Declaration to be made, by the Commissioners for executing this Act, shall and may be administered by any of the said Commissioners.

Certain Persons not to act as Commissioners.

IV. And be it further enacted, That no Person shall be capable of being elected or of acting as a Commissioner for the Purposes of this Act who shall be a Licensed Victualler, nor shall any such Person be capable of acting as such Commissioner during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act,

or be concerned directly or indirectly in any Contract under this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Tolls by this Act authorized to be received and levied): Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Commissioner under this Act.

Penalty on Commissioners acting not being qualified.

V. And be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued shall prove that he was qualified, or (as the Case may be) that he was not disqualified, at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Commissioner without being qualified or being disqualified as aforesaid shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

Election of Commissioners on Vacancies.

VI. And be it further enacted, That whenever any Commissioner named in or hereafter to be appointed under or by virtue of this Act shall die, resign, neglect or refuse to act, or by Bankruptcy, Insolvency, or otherwise, shall become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or continuing Commissioners from Time to Time, at any Meeting to be held in pursuance of this Act next after the Decease of any such Commissioner, or on the Notice of the Resignation or Refusal or Incapacity of any such Commissioner, to elect some fit and proper Person to be a Commissioner in the Room of every Commissioner so dying, resigning, neglecting, or refusing to act, or becoming incapable of acting as aforesaid; and every Person who shall be so elected a Commissioner, if duly qualified, shall and may act with the surviving or continuing Commissioners, in the same Manner and with the same Powers as if he had been originally named a Commissioner in this Act.

Meetings of Commissioners.

VII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall assemble and hold their First General Meeting in either of the Parishes of *Portland*, *Wyke Regis*, and *Melcombe Regis* in the said County of *Dorset*, within Twenty-one Days from and after the passing of this Act, or as soon after as conveniently may be, to put this Act in execution, and shall and may from Time to Time adjourn themselves and appoint their next Meeting to be holden at such Place or Places in either of the said Parishes of *Portland*, *Wyke Regis*, and *Melcombe Regis* as they shall think proper; and if at any such Meeting there shall not be Seven or more Commissioners present within One Hour after the Time appointed for such Meeting, then any Three of the said Commissioners

sioners assembled at such Meeting may, if they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place in either of the said Parishes of *Portland*, *Wyke Regis*, and *Melcombe Regis*; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act, and at which Five Commissioners at least shall be present (except the calling and adjourning of Meetings as herein mentioned); and all Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of Commissioners present at any such Meeting not being less than Five; and at every such Meeting the first Business shall be the Election of a Chairman to preside over the same, and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote: Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized to hold any Special Meeting, so that such Special Meeting shall be required by Five or more of the said Commissioners, and Notice thereof in Writing be given to or left with the Clerk to the said Commissioners, who shall thereupon give Seven Days Notice thereof in some Newspaper published and circulated within the said County of *Dorset*, or by affixing a written or printed Notice on One of the outer Doors of the several Parish Churches in the Parishes of *Portland*, *Wyke Regis*, and *Melcombe Regis* aforesaid, of the Time, Place, and general Purport of such Meeting.

Restriction as to revoking Orders.

VIII. And be it further enacted, That no Order, Rule, Regulation, Act, Resolution, or Proceeding made or done by the said Commissioners shall be revoked, altered, or suspended unless at some subsequent Special Meeting to be required as aforesaid, and of which Seven Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting, nor unless there shall be at such subsequent Special Meeting a greater Number of Commissioners than were present at the Meeting of Commissioners when such Order, Rule, Regulation, Act, Resolution, or Proceeding was made or passed.

Proceedings to be entered in a Book.

IX. And be it further enacted, That the Orders and Proceedings of all Meetings of the said Commissioners shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners.

Commissioners to defray their own Expences.

X. And be it further enacted, That the said Commissioners shall respectively at their several Meetings defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they respectively shall meet for the Purposes of this Act, and which Sum the said Commissioners are hereby respectively authorized to pay out of the Money raised under the Authority of this Act.

XI. And

Commissioners to appoint Officers, &c. and to take Security.

XI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time at any of their Meetings to elect a Treasurer and Clerk, and also all such other Officers as they shall think proper, to transact the Business of the said Commissioners, and it shall also be lawful for the said Commissioners at any subsequent Meeting from Time to Time to remove and displace any of the before-mentioned Officers, and elect in manner aforesaid some other Person to act in the Place of such of the said Officers as shall die, or resign, or be removed from their respective Offices, and it shall be lawful for the said Commissioners to allow such Salaries or other Emoluments to the said Officers respectively as they shall from Time to Time think proper: Provided always, that the said Commissioners shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Commissioners, and from every Collector, Receiver, or Officer of the said Commissioners who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

No Person to hold the Offices of Clerk and Treasurer at the same Time.

XII. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such 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, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Commissioners for the Purposes of this Act; or if any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of 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 any Place of Profit or Trust under the said Commissioners other than that of 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, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Officers, &c. to account.

XIII. And be it further enacted, That every Officer, Collector, Receiver, and Person who shall be appointed or employed by virtue of this Act shall from Time to Time when thereunto required by the said Commissioners make out and deliver to the said Commissioners, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer, Collector, Receiver, and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Commissioners, or to such Persons as they

they respectively shall appoint to receive the same; and if any such Officer, Collector, Receiver, or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners or to such Persons as they respectively shall appoint, within Seven Days after being thereunto required by the said Commissioners or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioners or by any other Person on their Behalf to any Justice of the Peace for the County of *Dorset*, such Justice may and he is hereby required by Warrant under his Hand and Seal to cause such Officer, Collector, Receiver, or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer, Collector, Receiver, or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer, Collector, Receiver, or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, Collector, Receiver, or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer, Collector, Receiver, or Person to some Common Gaol or House of Correction for the said County of *Dorset*, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Commissioners for such Money and Charges, and have paid the Composition Money to the said Commissioners (and which Composition the said Commissioners are hereby respectively empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XIV. And

Commissioners may sue and be sued in the Name of their Clerk, or of a Commissioner.

XIV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk, or of any One of the said Commissioners; and no Action or Proceeding which may be brought or instituted by or against the said Commissioners by virtue or on account of this Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk or Commissioner shall be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Actions prosecuted between the said Commissioners and their Clerk for the Time being: Provided always, that in all Cases in which the Clerk for the Time being or Commissioner as aforesaid shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the Commissioners for executing this Act shall be suing or be sued in the Name of such Clerk or Commissioner as aforesaid, such Clerk or Commissioner as aforesaid may and shall, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Commissioners, and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding shall and may be made by such Clerk or Commissioner (as the Case may be) notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk or Commissioner as aforesaid, in whose Name any Action or Proceeding shall be instituted or defended as herein-before mentioned, shall always be reimbursed out of the Money to arise by virtue of this Act all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or been instituted or defended without the Order or Direction of the said Commissioners.

Commissioners to build a Bridge and make Approaches thereto.

XV. And whereas a Map or Plan describing the Line of the said intended Approaches, and the Lands through or over which the same are to be made or carried, and the Situation of the said Bridge, together with a List of the Names of the Owners and Occupiers of such Lands, hath been deposited in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said Map or Plan and Lists shall remain in the Custody of the Clerk of the Parliaments, to the end that all Persons may at any reasonable Time have Liberty to inspect and peruse the same, and to take Copies of or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Parliaments for the Time being the customary Fees for such Inspection and Copies or Extracts; and the said Commissioners, in building the said Bridge, and in making the said Approaches to communicate therewith, shall not deviate more than One hundred Yards from the Situation or Lines described in the said Map or Plan without the Consent in Writing of the Owner or Owners for the Time being of the Lands and Grounds in which such Deviation shall take place.

Commissioners may make Roads conformably to Plan, &c. notwithstanding Errors.

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to set out and make the said Approaches into, through, or over the several Lands, Tenements, and Hereditaments of any Person or Persons who is or are or may be the Owner or Owners or Occupier or Occupiers of Lands, Tenements, and Hereditaments over which

which the same is or are set out and described in the said Map or Plan, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Dorset*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Ascent to the Bridge.

XVII. And be it further enacted, That the Ascent to the said Bridge over the said River or Ferry on either Side shall not be more than One Foot in Thirty, and that the Fence on each Side of such Bridge shall not be less than Three Feet above the Surface of the said Bridge, nor less than Two Feet above the Surface of the said Approaches.

Power to take Lands, &c.

XVIII. And be it further enacted, That for the Purposes of constructing the said Bridge and Approaches, and any Toll Houses and other Houses and Buildings which may be necessary for the Purposes of this Act, and subject to the Provisions and Restrictions of this Act, it shall be lawful for the said Commissioners, and their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, to dig and make Foundations in the said River, Inlet, or Ferry, on the said Line or Course described in the said Map or Plan, or within Three hundred Feet thereof, and to erect Dams and Embankments in the said River, Inlet, or Ferry, and to cut and remove all Beds of Gravel, Sand, and Mud, and all other Impediments whatsoever therein, and also, for the several Purposes of this Act, to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the several Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands, or any Lands adjoining thereto, or within Five hundred Yards thereof, to bore, cut, take, fetch, carry, and remove or lay, and also to use, work, and manufacture, any Clay, Earth, Stone, Rubbish, Pebbles, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for constructing, making, maintaining, altering, repairing, or using the said Bridge and Approaches and other Works by this Act authorized, or which may obstruct the constructing, making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act, and as the said Commissioners shall think proper, and also from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, making, maintaining, altering, or repairing and using the said Bridge and Approaches and other Works by this Act authorized, they the said Commissioners, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Commissioners making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damage to be by them sustained in or about the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Commissioners and all other Persons for what they or any of them shall do by virtue of the Powers by this

this Act granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Persons under legal Disability empowered to sell and convey Lands, &c.

XIX. And be it further enacted, That after any Lands or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, 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, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuisque Trust, 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 in, and for all other Persons whomsoever seised or possessed of or interested in any such Lands and Hereditaments, to contract for, sell, and convey the same or any Part thereof unto the said Commissioners; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Commissioners, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of the Conveyance, &c.

'I *A. B.* of in consideration of the Sum of to me [*or as the Case may be*] paid by the Commissioners of the *Portland Ferry Bridge* and Approaches, appointed by or under or by virtue of an Act passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby convey to the said Commissioners and their Successors all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate and Interest therein as I am or shall become seised or possessed of by the said Act capacitated or empowered to convey, to hold the said Hereditaments and Premises, with the Appurtenances, unto the said Commissioners and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and .'

Conveyances in that Form to be valid.

And all such Conveyances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests, so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same.

Power to purchase the Ferry.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, before they shall make any Purchase of other Lands or Hereditaments under the Authority of this Act, to purchase, take, and hold the ancient Ferry called the *Portland Ferry*, with the Rights, Members, and Appurtenances thereunto belonging,

belonging, and the Land and Hereditaments now held and occupied therewith, making full Satisfaction to all Persons and Corporations interested therein; and every Provision, Clause, Matter, and Thing herein contained concerning the Purchase and Sale, Conveyance and vesting of Lands and Hereditaments to be taken or used for the Purposes of this Act, and the Purchase Money thereof, and all other Clauses, Matters, and Things whatsoever concerning such Lands and Hereditaments, and the Owners thereof and the Persons interested therein, shall extend and be applicable to the said Ferry, with its Rights, Members, and Appurtenances, and the Owners thereof and the Persons interested therein.

Power to purchase the the Release of Lands not wanted from any Rents charged thereon.

XXI. And be it further enacted, That where any Lands intended to be purchased by the said Commissioners shall be subject, solely or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, and also (where necessary) for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this Act authorized and empowered to convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Value of the Lands intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Commissioners and any such Party as aforesaid respecting such Release (and which may be of the like Forms as by this Act are directed to be used in the Case of Conveyance of Lands,) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that when any of the Lands purchased by the said Commissioners shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Commissioners, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Commissioners, or for any Five or more of them, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to sign their Names to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue

virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

Mortgagees to convey to Commissioners.

XXII. And be it further enacted, That all Persons and Corporations having any Mortgage on any Lands to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person, and whether in Possession thereof by virtue of such Mortgage or not,) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Two Calendar Months Interest on the said Principal Money by the said Commissioners, immediately assign and transfer such mortgaged Premises to the said Commissioners or to such Person as they shall appoint, and which Assignment and Transfer may be of the like Form as the Conveyance by this Act directed to be made in Cases of Conveyance of Lands, or as near thereto as the Case will permit; or in case such Mortgagees shall have Notice in Writing from the said Commissioners that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the mortgaged Premises to the said Commissioners, or as they shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid into the Bank of *England* at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or, in lieu of such Notice and in addition to the said other Monies, of Two Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee and of all Persons in Trust for him shall vest in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Commissioners and certain Mortgagees shall be settled.

XXIII. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Land shall be of less Value than the Principal Monies, Interests, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due or to become due thereon,

thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands on the one Part and the said Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Commissioners, and the said Commissioners shall be deemed to be in actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payment of their Mortgage Money or the Residue (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Conveyance or Assignment thereof to the said Commissioners, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Conveyance or Assignment to the said Commissioners, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Commissioners at their Expence to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Satisfaction to be made for Lands taken for Works.

XXIV. And be it further enacted, That all Corporations and other Parties by this Act capacitated to sell and convey Lands, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Land in, through, or upon which the Works by this Act authorized are intended to be constructed or made, may agree to accept and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive, Satisfaction for the Value of such Lands or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by

reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said Commissioners; and in case the said Commissioners and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

In case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

XXV. And for settling all Differences which may arise between the said Commissioners and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted; be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled, and capacitated to sell, agree, or convey as aforesaid, shall not agree with the said Commissioners as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall thereon request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of Ten Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Commissioners for the Sale and Conveyance of their respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall, by reason of any Impediment or Disability not provided for by this Act, be incapable of making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Commissioners to proceed in constructing the Works by this Act authorized, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in the Execution of this Act cannot be made, then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue a Warrant under the Hands of any Three or more of them to the Sheriff of the said County of *Dorset*, or in case such Sheriff or his Under Sheriff shall be one of the said Commissioners, or enjoy any Office of Trust or Profit under them, or shall be in anyways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return, and the said

Sheriff or Coroner is hereby accordingly empowered and required to impannel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Three or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or, being Quakers, upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest thereon as shall have been of right purchased by the said Commissioners from any other Person, and also the Sum of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, or Coroner shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Corporations and Persons whatsoever: Provided always, that in such Inquiry as aforesaid the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided always, that not less than Four Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the

Party with whom any such Controversy shall arise by leaving such Notice at the Dwelling House of the Person, or of the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued or respecting which or any Damage to which any such Question shall arise.

Compensation Money to be apportioned.

XXVI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises for his Interest therein.

Verdicts to be recorded.

XXVII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, or Coroner presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and also to take or make Copies thereof, paying for every Copy after the Rate of Nine-pence for every One hundred Words.

Penalty on Sheriff, &c. Jurors or Witnesses, making default.

XXVIII. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being a Quaker, to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or, being a Quaker, affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, or Coroner,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Five Pounds; all which said Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or Place in which the said Lands shall be situate, or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus, if any, of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regula-

XXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties

tions as those at Westminster.

Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or, being Quakers, upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, or Coroner, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Punishment for false Evidence.

Expences of Jury how to be paid.

XXX. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the said Commissioners, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Coroner as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners or of the Treasurer of the said Commissioners, (and which Treasurer shall be at liberty to reimburse himself all such Costs and Expences, if paid by him, and all Costs and Expences incurred by him by reason of any such Distress, out of any Monies received by him by virtue of this Act,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place where such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Commissioners, One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the other Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Persons requesting Juries to enter

XXXI. And be it further enacted, That all Parties with whom the said Commissioners shall have any such Disputes, and who shall require a Jury

Jury to be summoned as aforesaid, shall, at their own Costs, before the said Commissioners shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond with Two sufficient Sureties to the Treasurer or Clerk of the said Commissioners in a Penalty of Fifty Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

into Bonds to prosecute their Complaint and to pay Expences.

XXXII. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by or on behalf of the Corporation or by the Person making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Commissioners Five Days before the summoning of such Jury, and within the Space of Two Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Commissioners before Complaint.

XXXIII. And be it further enacted, That all Tenants at Will, Lessees for a Year, Tenants from Year to Year, and other Persons in Possession of any Lands which shall be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver the Possession of such Premises to the said Commissioners, or to such Person as they shall appoint to take possession of the same, at the Expiration of Two Calendar Months next after Notice to that Effect shall have been given by the said Commissioners to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, or at such other Time after the Expiration of Two Calendar Months as they shall be respectively required, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Commissioners; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to deliver such Possession as aforesaid, it shall be lawful for the said Commissioners to issue their Precept to the Sheriff of the County or Place in which the Premises shall be situate to deliver Possession of the said Premises to such Person as in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver the Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person so refusing to deliver Possession by Distress and Sale of his Goods and Chattels.

Tenants at Will or for Years to quit Lands, &c. after Notice.

XXXIV. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver the Possession of any Premises so occupied by him before the Expiration of his Term or Interest therein,

Interest of such Tenants may be settled by a Jury.

therein, the said Commissioners shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands taken or used by the said Commissioners is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

XXXV. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands intended to be taken or used, under the Authority of this Act, under or by virtue of any Lease or Agreement for Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease or Agreement for Lease, or Grant, shall not be produced or shown, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

For settling Disputes as to Damages.

XXXVI. And be it further enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken for the Purposes of this Act as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some One or more Justices of the Peace for the County, Liberty, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, provided such Compensation do not exceed the Sum of Five Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten Days after the same shall become due, to levy such Damages and all Charges respecting the same by Distress and Sale of any Goods and Chattels by this Act vested in the said Commissioners, in the same Manner as by this Act is directed with respect to the Recovery of Compensation for other Damages done by the said Commissioners.

In case of not making out Titles, &c. the Money to be paid into the Bank.

XXXVII. And be it further enacted, That in case any Party to whom any Money shall be awarded for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Lands to the Satisfaction of the said Commissioners for the Purposes of this Act, or if any Party entitled unto or to convey such Lands be not known, or shall be absent from

from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Commissioners to order the Money so awarded to 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 to the Credit of the Parties interested in the said Lands (describing them as far as the said Commissioners can do), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof by Petition, is hereby empowered, in a summary Way of proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

XXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, Estate, or Interest.

Application of Compensation Money amounting to 200*l.*

XXXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or for the Release of any such Lands from any Rents or other Incumbrances charged thereon, 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 Persons whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby

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 Commissioners of the *Portland Ferry Bridge* and Approaches," 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 said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there 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 said Lands, 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 the said 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 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.

1 G. 4. c. 35.

Application of purchase Money when less than 200*l.* and exceeding 20*l.*

XL. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any Rents or other Incumbrances charged thereon, or for Compensation or Satisfaction as aforesaid in respect of any Lands, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall 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 so taken or used, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners signified in

Writing under the Hands of any Five or more of them, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner 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 Commissioners), and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; 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 is 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.

Application of Compensation Money when not exceeding 20*l.*

XLI. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, 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 so taken or used for the Purposes of this Act, or in respect of which such 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 to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

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

XLII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the reasonable Expences of all Purchases from Time to Time to be made in pursuance of this Act, and of the Re-investment of Money in Land, together with the necessary Costs and Charges of obtaining the Orders for such Purposes, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to enter Lands on Payment of Purchase Money.

XLIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury in manner aforesaid for the Purchase of any Lands, or as a Satisfaction and Compensation for any Loss or Injury as aforesaid, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money or Satisfaction or Compensation respectively, within Ten Days after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands (to the

Satisfaction of the said Commissioners), or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then upon Payment of such Money into the Bank of *England* as herein-before directed to the Credit of the Parties interested in such Lands, or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or such Compensation or Satisfaction as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of *England*, as herein-before directed, to an Account *ex parte* "The Commissioners of the *Portland Ferry Bridge* and Approaches," then and in every of such Cases it shall be lawful for the said Commissioners immediately to enter upon such Lands, and thereupon such Lands and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Commissioners or for any Person acting under their Authority to bore under, dig or cut into, or enter upon such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Compensation to be made for temporary Damage.

XLIV. And whereas in executing the several Works by this Act authorized it may be necessary for the said Commissioners, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the said Bridge and Approaches and other Works, for the Purpose of laying or depositing thereon the Earth, Clay, and other Materials which shall have been taken out in making Excavations, or of manufacturing such Clay into Bricks; but, inasmuch as a Jury, summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted, cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Commissioners, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Commissioners, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Bridge and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose

Purpose of depositing or manufacturing upon such Lands or upon any Part thereof respectively any Soil, Gravel, Clay, Sand, Stone, or other Materials which shall have been excavated, dug, or got in constructing the said Bridge and Approaches or other Works, or which may be taken or dug out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to manufacture the same, without having previously made such Payment, Tender, or Investment as herein-before mentioned, they the said Commissioners, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of the said Lands to the Owners or Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Disputes as to Damages to the Amount of Five Pounds: Provided always, that the said Commissioners shall and they are hereby required, within Two Calendar Months next after the Expiration of the Period by this Act granted for executing the said Bridge and Approaches and other Works, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Commissioners: Provided also, that before it shall be lawful for the said Commissioners to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Bridge and Approaches the said Commissioners shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto, if so required by the Owner or Owners of such Lands.

Commissioners may contract for Works.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, in the Name of the said Commissioners or of such Person as they shall for that Purpose appoint, to contract and agree with any Person or Persons for constructing the said Bridge and Approaches, or any Part thereof respectively, and that in such Manner, and for such Sums, and under such Regulations and Restrictions, as the said Commissioners shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Commissioners and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Contractor or Contractors, or other Person or Persons, or any of the Parties failing in the Execution thereof.

Commissioners to keep Ferry Boats till Bridge is built.

XLVI. And be it further enacted, That the said Commissioners, from and after they shall be in Possession of the said Ferry under or by virtue of this Act, shall and may keep and use Boats for the carrying and conveying Persons over the said Ferry until the said Bridge so to be erected shall be built and completed; and it shall not be lawful for any other Person to carry or convey Persons over the said Ferry, or within the Limits thereof, for Profit or otherwise.

XLVII. And

Ferry Tolls till Bridge is built.

XLVII. And be it further enacted, That the said Commissioners shall and may demand and take for the Conveyance of Persons over the said Ferry the Tolls herein-after mentioned; (that is to say,)

For every Foot Passenger being an Inhabitant of *Portland*, the Sum of Two-pence:

And for every Foot Passenger not being an Inhabitant of *Portland*, the Sum of Three-pence.

Ferry Boats to be provided in case of Accident to Bridge.

XLVIII. And be it further enacted, That in case at any Time or Times after the said Bridge shall have been completed the Passage over the same shall become dangerous in consequence of Accident or Damage, it shall be lawful for the said Commissioners, during such Time or Times as shall be necessary for repairing or rebuilding the said Bridge, to provide such Ferry over the said River, Inlet, or Ferry as they shall think proper, and to receive such Tolls as are herein-after authorized to be taken for passing over the said intended Bridge; provided that such Ferry shall continue for such Time only as shall be necessary for repairing or rebuilding the said Bridge.

Power to erect Toll Gates.

XLIX. And be it further enacted, That the said Commissioners shall and they are hereby empowered to erect upon or across the said Bridge, and upon or across the said Approaches, or either of them, or any Part thereof respectively, or upon the Sides of such Approaches, or of either of them, or of any Part thereof respectively, when and where and as they shall judge necessary, any Toll Gates or Toll Bars and Toll Houses, and other Houses, Outhouses, and Conveniences thereto, and from Time to Time to alter or take down and rebuild or to discontinue and remove the same or any of them, as they the said Commissioners shall think proper; and it shall be lawful for the said Commissioners to take at each such Toll Gate or Toll Bar the Tolls herein-after mentioned; (that is to say,)

Tolls.

For every Foot Passenger or Person passing over the said Bridge, or through the said Toll Gate or Toll Bar, any Sum not exceeding One Penny Halfpenny:

For every Person passing over the said Bridge, or through the said Toll Gate or Toll Bar, in any Coach, Chaise, Car, Gig, Waggon, Cart, or other Carriage, or on the Back of any Horse, Mule, Ass, or other Beast or Cattle, any Sum not exceeding One Penny Halfpenny:

For every Horse, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Landau, Barouche, Sociable, Chariot, Hearse, Litter, Break, Chaise, Curricle, Car, Gig, or other such like Carriage, any Sum not exceeding One Shilling:

For every Horse, Mule, or other Beast or Cattle (except an Ass) drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, any Sum not exceeding Ten-pence:

For every Ass or Dog drawing any Waggon, Wain, Cart, Truck, or other such like Carriage, One Half the Toll payable for a Horse or Mule:

For every Horse, Mule, or other Beast or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage (which shall have passed over the said Bridge loaded), returning on the same Day loaded or partly loaded with Timber, Stone, Pebbles, Sand, Hay, Straw,

Goods, Wares, or Merchandizes, (except empty Barrels, Casks, or Baskets, or Lime for the Purpose of Manure, and all other Manure not being Sea Weed,) any Sum not exceeding One Half the Toll payable for passing over the said Bridge:

For every Horse, Mule, or other Beast or Cattle (except an Ass), laden or unladen, and not drawing any Carriage, any Sum not exceeding Five-pence:

For every Cow, Bull, Ox, or Neat Cattle (Calves excepted), any Sum not exceeding Four-pence:

For every Calf or Pig, any Sum not exceeding Two-pence:

For every Score of Sheep or Lambs, any Sum not exceeding Five-pence, and so in proportion for any less Number than a Score:

And for every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings *per* Wheel for each Wheel thereof.

Fractional Part of a Halfpenny.

L. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny may be demanded and taken in lieu of such fractional Part.

Limiting the Number of Tolls.

LI. And be it further enacted, That no more than One Toll shall be taken, for or in respect of any Foot Passenger, for passing or repassing any Number of Times in the Course of the same Day through all or any of the Toll Gates or Toll Bars upon the said Bridge and Approaches.

Horses let to Hire subject to Toll on every distinct Hiring.

LII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding, or for drawing Post Chaises or other Carriages, and passing upon the said Bridge and Approaches, upon each Occasion of a new and distinct Hiring of such Horses, Beasts, or Cattle.

Weights allowed to be carried over the Bridge.

LIII. And be it further enacted, That no Waggon, Cart, or other Carriage or Engine shall be allowed to come upon or pass over the said Bridge with a greater Weight than Four Tons, over and above the Weight of such Waggon, Cart, or other Carriage or Engine, under the Penalty of Two Pounds, to be forfeited and paid by the Owner or Owners of such Waggon, Cart, or other Carriage or Engine, to the said Commissioners, for every Time such Waggon, Cart, or other Carriage or Engine shall come upon or pass over the said Bridge with a greater Weight than Four Tons, over and above the Weight of such Waggon, Cart, or other Carriage or Engine; which said Penalty or Sum of Two Pounds shall and may from Time to Time be levied and recovered in such and the same Manner as any Toll or Duty or Penalty payable or recoverable under this Act shall or may be levied and received, and the Monies arising therefrom shall be applied to the Purposes of this Act in such or the same Manner as the Tolls or other Penalties or Forfeitures are by this Act directed to be applied.

Power to erect Weighing Machines.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners at any of their respective Meetings, if they think proper, to order and cause to be built and erected at or near the said Bridge or Toll

Toll Bars, or at such Distance as they shall think expedient, One or more Crane or Cranes or Weighing Engines, proper for the weighing of Waggons and other Carriages conveying Goods, Wares, or other Articles whatsoever.

Toll Keeper may weigh Carriages, &c.

LV. And be it further enacted, That the Keeper of the said Weighing Engine or Toll Bars, or any other Person or Persons to be appointed by the said Commissioners or by their Lessee or Lessees, shall or may require every Driver or Conductor of any Waggon, Cart, or other Carriage or Engine which shall come upon or pass over the said Bridge, and which he shall suspect and believe to carry a greater Weight than Four Tons, to be weighed at such Crane, Weighing Engine, or Weighing Machine as aforesaid; and if any such Driver, Conductor, or Owner of such Waggon, Cart, or other Carriage or Engine shall refuse to allow the same to be weighed, or shall resist any Gate Keeper, Toll Keeper, or Toll Collector in weighing the same, every such Owner, Driver, or Conductor shall forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings, to be levied and enforced in the same Manner as any Toll or other Penalty may by this Act be enforced or recovered.

Exemptions.

LVI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse, Beast, or Cattle belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse, Beast, or Cattle of any Description employed in conveying or guarding Mails or Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Soldiers upon their March or on Duty, or for any Horse, Beast, or Cattle attending Soldiers upon their March or upon Duty with Arms and Baggage, and returning after having been so employed; or for any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, Commissariat, or other Public Stores of or belonging to His Majesty, or to or for the Use of His Majesty's Forces, or for any Horse, Beast, or Cattle furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them, or from any Yeomanry Cavalry-man or Volunteer Infantry-man in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horse, Beast, or Cattle conveying Vagrants sent by legal Passes, or Prisoners sent by any legal Warrant, or returning having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings.

Persons may be stopped for refusing to pay Tolls.

LVII. And be it further enacted, That if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or other Person to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Person

to stop and prevent the Passage of any Person so refusing, or of any Horse, Beast, or Cattle or Carriage for or in respect of which any such Toll ought to be or to have been paid, and to detain the same until such Payment shall be made, and to seize and detain any Horse, Beast, or Cattle, together with its Bridle, Saddle, Gear, Harness, and other Accoutrements (except the Bridle or Rein by which such Horse or other Beast shall be guided or restrained); or any Carriage drawn by such Horse, Beast, or Cattle; and if such Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within Twenty-four Hours after such Seizure and Distress made, the Collector or Person seizing and distraining as aforesaid shall or may sell the Horse, Beast, or Cattle, Carriage, or Things seized or distrained, or any Part thereof, returning the Overplus (if any) and so much of such Carriage or Thing as shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Penalty on evading Tolls.

LVIII. And be it further enacted, That if any Person shall forcibly attempt to pass over the said Bridge, or through any of the said Toll Gates or Toll Bars, without having paid the said Toll, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, or shall take off any Horse, Beast, or Cattle from any Carriage, of whatsoever Description, before arriving at any of the Toll Gates to be erected by virtue of this Act, and afterwards shall put on or add the same or any of them after having passed the said Toll Gate, or shall afterwards add or put to any Gig, Car, Chaise, Coach, Cart, Waggon, or other Carriage, after having passed the said Toll Gates, any Horse, Beast, or Cattle, or shall cross or pass over the said River, Inlet, or Ferry, or over the Bar or Sandbank below the said Ferry, or within Five hundred Yards of the said Toll Gates or Bridge, in any Boat, Wherry, or Raft, or on any Horse, Beast, or Cattle, or in any Gig, Car, Chaise, Coach, Cart, Waggon, or other Carriage, and shall thereby evade, or in any other Manner evade or endeavour to evade, the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or deliver to or receive from any other Person, any Note or Ticket with the Intent to evade the Payment of any Part of the said Tolls, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

Tolls may be reduced.

LIX. And be it further enacted, That the said Commissioners shall have full Power from Time to Time to lower or reduce all or any of the said Tolls or Tonnage Dues and Duties, and again to raise the same to such Amount as they shall think proper, not exceeding the respective Sums by this Act authorized to be received: Provided always, that no Reduction of any such Tolls, Tonnage Dues and Duties shall be made or take place unless Four Fifth Parts in Value of the Persons to whom Money may at that Time be owing on the Credit of this Act shall assent thereto.

For settling Disputes about Tolls.

LX. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Tolls due to the said Commissioners, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain

detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Tolls due, or, as the Case may require, the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said County of *Dorset*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Tolls due, or, as the Case may be, of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable, and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

A List of Tolls to be affixed in conspicuous Place.

LXI. And be it further enacted, That the said Commissioners shall cause to be painted on Boards, and to be affixed and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Toll Gate at which any of the Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act.

Tolls only payable whilst Boards remain affixed.

LXII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to demand or take any Toll for or in respect of any Person, or of any Horse, Beast, or Cattle, or Carriage, except during the Time that the Board on which such Tolls shall be so painted as aforesaid shall remain affixed to such Toll House or Toll Gate at which such Tolls shall be received as aforesaid.

Penalty on Persons defacing Boards.

LXIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Tolls shall have been painted according to the Directions of this Act, or shall concur or aid therein, he shall on Conviction forfeit and pay any Sum not exceeding Five Pounds for every Offence.

For punishing Toll Collectors misbehaving.

LXIV. And be it further enacted, That every Collector of the Tolls by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole of the Time he shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act and of the Orders of the said Commissioners made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or

shall

shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Toll, or shall in answer to such Demand give a false Name, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Horse, Beast, Cattle, Carriage, or any Person from passing upon or over the said Bridge or Approaches, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Commissioners, or to any Passenger upon the said Bridge or Approaches, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power of Re-entry in case of Nonperformance of Conditions of Leases of Tolls, &c.

LXV. And be it further enacted, That in case any of the Tolls granted by this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Twenty Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls; or in case any temporary or other Collector of any of the said Tolls shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or any other Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Three Days after Demand thereof made in Writing given or left at such Toll House, Office, Weighing Machine, or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector, Lessee, or Person, such Demand in Writing to be signed by the Clerk or Treasurer for the Time being of the said Commissioners, it shall be lawful for any Justice of the Peace of the said County by Warrant under his Hand and Seal to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of such Toll House or other House and Premises, with the Appurtenances thereto belonging, and to remove and put out such Collector, Lessee, or Farmer, or other Person or Persons who shall be found thereon, together with his, her, or their Goods, from and out of Possession thereof and from the Collection of such Tolls, and to put the said Commissioners, or their Agent, or their new Lessee, Farmer, or Collector, into Possession thereof, and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes, (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed Covenants or Agreements on the Lessee's Part to be paid, done, and performed,) and

the said Commissioners may thereupon again let or demise the said Tolls and Premises to any other Person or Persons.

To prevent Nuisances on the Bridge, &c.

LXVI. And be it further enacted, That if any Person shall ride upon any Footpath by the Side of the said Bridge or of either of the said Approaches, or shall lead or drive any Horse, Beast, Cattle, Swine, or Carriage of any Description, or run or carry thereon any Wheelbarrow, Truck, Sledge, or any single Wheel of any Waggon, Cart, or other Carriage apart therefrom, or roll any Cask or Tub upon any such Footpath, or shall cause any Injury or Damage to be done to the same, or the Walls, Posts, Rails, or Fences thereof; or shall haul or draw, or cause to be hauled or drawn, upon any Part of such Bridge or of either of the said Approaches, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon Wheel Carriages to drag or trail upon such Bridge or either of the said Approaches, to the Prejudice thereof; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage upon such Bridge or either of the said Approaches, or on the Side or Sides thereof, without some proper Person in the sole Custody or Care thereof, or longer than may be necessary to load or unload the same (except in Cases of Accident), or shall not place such Waggon, Wain, Cart, or Carriage, during the Time of loading or unloading the same or of taking Refreshment, as near to one Side of the said Bridge or Approaches as conveniently may be, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto; or shall wilfully obstruct the Passage of any Passenger, or any Carriage, Horse, Beast, or Cattle thereon; or shall lay any Timber, Hay, Stone, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of such Bridge or of either of such Approaches, to the Annoyance, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Bridge or either of such Approaches from any Premises adjacent thereto; or if the Driver of any Waggon, Cart, or other such like Carriage shall, on the said Bridge or either of the said Approaches, ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage, without proper Reins to the Horses or Cattle drawing the same; or if any Person riding any Horse, Beast, or Cattle, or driving any Sort of Carriage, shall ride or drive the same furiously so as to endanger the Person of any Passenger; or if the Driver of any Carriage meeting any other Carriage shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any Person from passing him or her in any Carriage under his or her Care on the said Bridge or on either of the said Approaches, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage of any of His Majesty's Subjects on the said Bridge or Approaches or either of them, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire to remain longer than may be necessary for the taking up and setting down of any Passenger; or if any Person shall allow any Oxen, Sheep, Lambs, Calves, Swine, or other Cattle or Beast, to remain longer upon the said Bridge or Approaches than whilst passing along the same, or shall, by loitering or remaining on such Bridge or Approaches or either of them

(without some reasonable Cause), or in any other Manner, obstruct or impede the free Passage of such Bridge or Approaches, or either of them; every Person offending in any of the Cases aforesaid, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing (as the Case may be), in any Instance in which the Party actually offending cannot be found, shall for each and every such Offence forfeit and pay any Sum not exceeding Two Pounds, at the Discretion of Two or more Justice or Justices of the Peace of the said County of *Dorset*, over and above the Damages occasioned thereby; and it shall be lawful for any Officer appointed by virtue of this Act and for any Constable to take away and remove any of the before-mentioned Obstructions and Nuisances in case the Party occasioning the same shall not remove the same within a reasonable Time after having been required so to do by any Person whomsoever.

Bridge to be a public Bridge.

LXVII. And be it further enacted, That after the said Bridge shall have been completed the same shall be a public Bridge, and all Persons, with or without Horses, Beasts, Cattle, or Carriages, shall have free Liberty, upon Payment of the Tolls by this Act granted, to pass over the same without any Interruption whatsoever; but such Bridge shall not be deemed or taken to be a County Bridge, so as to subject the said County of *Dorset* to repair the same or any of the Approaches by this Act authorized to be made to such Bridge.

Commissioners empowered to borrow Money on Credit of the Tolls.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, by an Order of any Meeting of the said Commissioners, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Eight thousand Pounds on the Credit of the Tolls, Dues, and Duties by this Act granted or authorized; and the said Commissioners, after an Order shall have been made for that Purpose at any General or Special Meeting of the said Commissioners, are hereby empowered to mortgage, assign, and charge the Property of the said Commissioners, and the Tolls, Dues, and Duties arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Tolls, Dues, and Duties,) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and all such Mortgages or Assignments and Charges shall be made by not less than Five of the said Commissioners in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of the Mortgage, &c.

‘ *Portland Ferry Bridge* and Approaches.

‘ Number

‘ BY virtue of an Act passed in the Fifth Year of the Reign of His ‘ Majesty King *William* the Fourth, intituled [*here set forth the Title* ‘ *of this Act*], we, the Commissioners of the *Portland Ferry Bridge*, con- ‘ stituted by and under the said Act, in consideration of the Sum of ‘ to us in hand paid by *A. B.* of do assign unto ‘ the said *A. B.*, his Executors, Administrators, and Assigns, all and ‘ singular the Tolls and Tonnage Dues and Duties arising by virtue of the ‘ said Act, and all the Estate, Right, Title, and Interest of the said Com- ‘ missioners

missioners in and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Dated this Day of in the Year of our Lord .'

No Preference to be given to Mortgagees.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their respective Proportions of the said Tolls, Dues, Duties, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Order of Meeting or Priority in Date of such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Seven Days next after the Date thereof be entered in a Book to be kept by the Clerk of the said Commissioners, which said Book may be perused at all reasonable Times by any of the Commissioners or Mortgagees of the said Tolls, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person or Persons; and every Transfer thereof may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.* of in consideration of the Sum of paid by *C. D.* of do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Commissioners of the *Portland Ferry Bridge* to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Tolls and Property thereby assigned. Dated this Day of in the Year of our Lord .'

Transfer to be registered within a limited Time.

And every such Transfer shall, within Seven Days after the Date thereof if executed in *England*, or otherwise within Seven Days next after the Arrival thereof in *England* if executed elsewhere, be produced to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk shall be paid the Sum of Five Shillings; and after such Entry or Memorial made every Transfer shall entitle such Assignee, or his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Securities not to be assigned except by an Instru-

LXIX. Provided always, and be it further enacted, That no such Mortgage issued by the said Commissioners under the Authority of this Act shall be assigned or transferred except by Deed or Instrument in Writing duly

duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignments or Transfer shall be truly specified and set forth.

ment in Writing duly stamped.

LXX. And be it further enacted, That in case the said Commissioners shall raise the Whole or any Part of the said Sum of Eight thousand Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so secured upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Commissioners immediately or at any Time thereafter again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Commissioners shall not in any Event borrow upon Mortgage, Assignment, or Charge as aforesaid, in such Manner or to such Extent as that more than the Sum of Eight thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Tolls.

In case the Mortgages are paid off, the Commissioners may raise the Amount again.

LXXI. And be it further enacted, That the several Tolls, Dues, and Duties by this Act granted, and all other Monies to be received by the said Commissioners, or to arise under this Act, shall be vested in the said Commissioners, and shall be by them applied in manner herein-after mentioned; (that is to say,) in the first place, in paying all the Costs, Charges, and Expences incurred in preparing and obtaining this Act; and in the next place in defraying the Expences of making a Survey, Estimate, and Drawings, and of building and making the said Bridge and Approaches, and Toll Bars, Toll Houses, and other Houses and Buildings as aforesaid, and of maintaining the same in proper Repair, and all other Expences relating or incident thereto; in the next place, in paying to any Mortgagee or Bondholder under this Act the Interest to which they shall be respectively entitled; and in the next place in paying off to each of the gagees or Bondholders the Principal Money advanced by them respectively upon the Credit of the said Tolls, Dues, and Duties.

Application of the Tolls, &c.

LXXII. And be it further enacted, That if any Person shall wilfully injure, break, throw down, destroy, steal, or take away any of the Works, of whatsoever Description, constructed or made by virtue of this Act, or any Part of the Materials of any such Works, every Person being lawfully convicted of any such Offence shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Felony.

Penalty on destroying the Works.

LXXIII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the said County of *Dorset*; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are

Damages and Charges in case of Disputes to be settled by Two Justices.

are hereby authorized and and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalty or Forfeiture.

In case of Nonpayment of Compensation for Damages, &c. the same may be levied by Distress of the Goods of the Commissioners.

LXXIV. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Seven Days after Demand in Writing shall have been made upon the said Commissioners in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such 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 such Overplus shall be returned, on Demand, to the Treasurer of the said Commissioners for the Use and Benefit of the said Commissioners or Treasurer, as the Case may require: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive under or by virtue of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

Recovery and Application of Penalties.

LXXV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for the said County of *Dorset* on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Commissioners for the Use and Benefit of the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, One Moiety

to the Informer, and the Remainder to the Overseers of the Poor of the Parish within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before such Justices or before some other Justices of the Peace having Jurisdiction at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Five Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required by Warrant under their Hands and Seals to commit such Offender to some Common Gaol or House of Correction for the said County of *Dorset*, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

LXXVI. 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 to summon before him the Party complained against, 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 or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

LXXVII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him before some Justice for the County, Liberty, or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act, and such Justice is hereby empowered and required

required to proceed immediately to the hearing and determining of the Complaint.

Form of Conviction.

LXXVIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted for or in respect of any Offence against this Act may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case may require; (that is to say,)

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' *A. B.* is convicted before me *C. D.*, one of His Majesty's Justices of
' the Peace for the County of [*here describe the Offence,*
' *and the Time and Place when and where committed*], contrary to an Act
' passed in the Fifth Year of the Reign of His Majesty King *William* the
' Fourth, intituled [*insert the Title of this Act*]. Given under my Hand
' and Seal the Day and Year first above written. *C. D.*'

General Power to Justices to administer Oaths.

LXXIX. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or receive the Affirmation of any Person before he shall be examined by or before such Justice.

Compelling Witnesses to attend.

LXXX. 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 or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or, in the Case of a Quaker, on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXI. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Order of the said Commissioners, and also the said Commissioners and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the alleged Cause of Appeal shall arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint

Complaint is intended to be made, or to the said Commissioners, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place, and the said Justices may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Declaring what shall be good Service of Notice on the Commissioners.

LXXXII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Commissioners, personal Service thereof respectively upon the Clerk or Treasurer of the said Commissioners, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or leaving a Copy thereof at the principal Office of the said Commissioners, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Commissioners, or any One of the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Commissioner, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notice to be given by the Commissioners.

LXXXIII. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon any Person or Corporation under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member, or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by the Chairman, Clerk, or Treasurer for the Time being of the said Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

Commissioners to grant Releases to Witnesses.

LXXXIV. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations,

tions, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Five or more of the said Commissioners to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Commissioners so as to qualify such Person to give Evidence as a Witness in any such Action, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding.

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, in any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXXVII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Two Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or if it shall appear that

such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Plaintiff not to recover after Tender of Amends.

LXXXVIII. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Rules for the Interpretation of this Act.

LXXXIX. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; 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.

Enabling the Commissioners to sell Lands not wanted.

XC. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act or otherwise 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 Commissioners and they are hereby required to sell and by any Deed to convey to the Purchasers thereof any Part of such Lands, or any Estate or Interest purchased by the said Commissioners in such Lands, or any Part thereof, in such Manner as they shall deem most advantageous; and such Conveyances from the said Commissioners shall be valid and effectual to all Intents and Purposes.

If the Works shall be abandoned, the Lands to revert to the

XCI. And be it further enacted, That if the said Bridge and Approaches thereto shall at any Time hereafter be abandoned or given up by the said Commissioners, or, after the same shall have been completed, shall for the Space

original Owners.

Space of Five Years cease to be used and employed for the Purposes of this Act, then and in either of such Cases the Land so purchased or taken by the said Commissioners for the Purposes of this Act, or otherwise the Parts thereof in, through, over, and upon which the said Bridge and Approaches which shall be so abandoned or given up by the said Commissioners shall be situated, shall vest in the Persons who would at the Time have been entitled to such Lands as if the same had not been so purchased by the said Commissioners.

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

XCII. And be it further enacted, That in all Conveyances to be made by the said Commissioners 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 Commissioners, for themselves and their Successors, that they the said Commissioners, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all the 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 Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Commissioners and their Successors and all claiming under them, and be indemnified and saved harmless by the said Commissioners and their Successors from all Incumbrances committed by the said Commissioners, and also for further Assurance of such Lands and Premises by the said Commissioners or their Successors 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 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.

Treasurer, upon Payment of Money, to give Receipts.

XCIII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands or of any Interest therein belonging to the said Commissioners which shall be sold by the said Commissioners under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Commissioners to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt 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 Money or other Money, or of any Part thereof.

XCIV. And

If Land not contracted for within Two Years, the Power to take Property on Compulsion to cease.

XCIV. And be it further enacted, That unless the said Commissioners shall within the Space of Two Years, to be computed from the Day of the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of constructing the said Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void.

If Bridge, &c. not completed in Three Years, Powers to cease, except as to such Part, if any, as shall be completed.

XCV. And be it further enacted, That in case the said Bridge and Approaches shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Three Years, to be computed from the Day of the passing of this Act, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Dorset* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or, in the Case of Quakers, Affirmation, to be produced before such Justices for that Purpose.

To compel Payment of Subscriptions, &c.

XCVI. And be it further enacted, That the several Parties who have subscribed or shall or may hereafter subscribe for or towards the said Bridge and Approaches, or other Works by this Act authorized, shall and they are hereby required to pay the respective Sums of Money, or to provide, supply, do, and perform the Stone, Materials, Work, and Labour done by them respectively subscribed or engaged for, or such Parts or Proportions thereof and at such Times and Places as shall from Time to Time be called for and directed by the said Commissioners under and by virtue of the Powers of this Act; and in case any Party shall refuse or neglect to pay the Money, or to provide, do, and perform the Stone, Materials, Work, and Labour by him so subscribed or engaged for, or the Part thereof so called for at the Time and in the Manner required for that Purpose, it shall be lawful for the said Commissioners to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Four Pounds *per Centum per Annum* from the Time when the same shall have been directed to be paid by the said Commissioners.

Saving the Rights of His Majesty.

XCVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, by Implication or otherwise, to affect, alter, take away, destroy, lessen, or prejudice the Right or Interest of His Majesty in right of or in respect of the Manor of *Portland* aforesaid, but all such Right shall remain of the same Force and Effect as if this Act had not been passed.

Public Act.

XCVIII. 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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