ANNO PRIMO

GEORGII IV. REGIS.

Cap. xl.

An Act for repairing or taking down and rebuilding the Bridge within the Borough and Town of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*. [30th *June* 1820.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of King *George* the Second, intituled *An Act for the better ascertaining, recovering, and collecting of certain Duties commonly called Petty Customs or Wharfage, payable upon the Importation and Exportation of Goods and Merchandizes into or out of the Harbour of the Borough and Town of* Weymouth *and* Melcombe Regis, *in the County of* Dorset, *and also the Ballast and Harbour Duties payable in respect of Ships and Vessels coming into and going out of the said Harbour; and for the better repairing and keeping in Repair the said Harbour, and the Wharfs and other public Buildings and Works within the said Borough and Town*, whereby it was amongst other Things enacted, that certain Rates and Customs on all Goods, Wares, Merchandizes, and Commodities imported into and exported from and without the Harbour of *Weymouth* and *Melcombe Regis* (as specified and enumerated in the Titles or Schedules annexed to the said Act), should from and after the Twenty-fourth Day of *June* One thousand seven hundred and forty-nine be paid to the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the said Borough and Town of *Weymouth* and *Melcombe Regis*, and be under the Management of the Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses of the said Borough and Town, as Trustees and Managers thereof: 22 G. 2. c. 22.

thereof: And whereas it was by the said Act further enacted, that as well all the Money to be raised, levied, and collected by virtue and under the Authority of the said Act, and also all Penalties and Forfeitures to be recovered by virtue and in pursuance of the same, should be applied and expended in cleansing and keeping in good and proper Order the said Harbour, and for repairing and keeping in good Repair the Bridge, Wharfs, Quays, and other public Buildings and Works within the said Borough and Town, in such Manner as to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or the major Part of them for the Time being, might seem requisite and expedient: And whereas notwithstanding the due Application to the Purposes aforesaid of the Monies authorized to be levied, as well as of large Sums to the same Purposes, contributed by the said Corporation of the Borough and Town of *Weymouth* and *Melcombe Regis* from other Funds belonging to them, and by certain Individuals, the Bridge across the Harbour in the said Borough and Town is become so much out of Repair as to be very dangerous to Passengers, Carriages, and Cattle going over the same, and it is necessary that the same should be effectually repaired or taken down and rebuilt: And whereas the Obligation from Time to Time to repair and rebuild the said Bridge falls on the Inhabitants of the said Borough and Town of *Weymouth* and *Melcombe Regis*, who have for a long Time past permitted and allowed the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the said Borough and Town to have the Management and Controul of the repairing of the said Bridge, in consequence of a Grant to the said Corporation of certain Ballast and Harbour Duties in part applicable to the Repair of the said Bridge: And whereas the Inhabitants of the said Borough and Town are still willing to leave the Management and Controul of the repairing or rebuilding the said Bridge, and of the Monies to be levied and received under the Authority of this present Act, in the Power and at the Disposal of the said Mayor, Aldermen, Bailiffs, Burgesses and Commonalty of the said Borough and Town of *Weymouth* and *Melcombe Regis*, subject to the Directions in this Act contained, as the Trustees and Managers thereof: And whereas it is expedient, in order to provide sufficient additional Means for the effectually repairing or rebuilding the said Bridge, that the said Mayor, Aldermen, Bailiffs, Burgesses and Commonalty of the said Borough and Town should be enabled to impose and collect a Toll on all Horses and Carriages passing over the said Bridge, and to assess and levy a Rate on the Owners of certain Property within the said Borough and Town, and also to raise and collect an additional Duty on all Coals, Culm, Cinders, and Coke imported and landed in the Port of the said Borough and Town, subject to the Drawback herein-after mentioned; but as the above-mentioned Purposes cannot be effected without the Authority of Parliament, may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, and their Successors, and they are hereby required to effectually repair

New Bridge to be built and old one taken down.

or to cause a new and commodious Bridge to be erected at the same or some more convenient Place across the said Harbour, and from Time to Time and at all Times to maintain and support such Bridge, or intended new Bridge, Harbour, and Quays.

Quays and Harbour to be repaired.

II. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses to treat, contract, and agree with the several Owners or Persons interested in the Messuages, Buildings, Lands, and Tenements for the Purchase thereof, or of such Parts thereof as they shall think necessary for the Purposes of this Act; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsover, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interests therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be set out or ascertained for the Purposes aforesaid, to treat, contract, and agree with the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or with any Person or Persons employed by them for that Purpose, for the Sale and Conveyance of the Premises aforesaid, or of their respective Rights and Interests therein, and all such Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes; and all and every such Persons shall be and are hereby indemnified for what they shall do by virtue of this Act; and that in case the several Owners and Proprietors of or Persons interested in such Messuages, Buildings, Lands, and Tenements, or any or either of them, upon Notice to him, her, or them given, or left in Writing at the usual Place of Abode of such Person or Persons, or at the House of the Tenant in Possession of the Premises wanted for the Purposes of this Act, shall for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case it shall be lawful to and for the said Mayor for the Time being, or either of the said Bailiffs, to issue his Warrant to the Sheriff of the said County of *Dorset*, for the impannelling, summoning, and returning a Jury, and such Sheriff is hereby required accordingly to impannel, summon, and return a Jury of Twelve good and sufficient Men, qualified according to the Laws of this Realm to serve upon Juries, to appear before the said Sheriff or his Deputy, at such Time and Place as by such Warrant shall be appointed, and in default of a sufficient Number of Jurymen appearing, such Sheriff or his Deputy shall return other good and sufficient Men of

Purchase of Buildings and Land.

Impowering the Corporation to purchase Lands, and incapacitated Persons to sell.

If Parties cannot agree, a Jury to determine.

of the Standers-by, or that can be speedily procured to make up the said Jury; and the said Sheriff or his Deputy is hereby empowered to order and authorize the said Jury to view the Place or Places in question, as shall be thought requisite, and to administer the necessary Oaths to them and to such Person or Persons as shall be called upon to give Evidence thereon, and the said Jury shall give in their Verdict, adjudging and assessing the Sum of Money to be paid for the Purchase of such Messuages, Buildings, Lands, and Tenements and any or either of them, to the respective Owner or Owners thereof, and the several Persons interested therein, and thereupon the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall pay such Sum of Money accordingly from or out of the Monies to be raised by virtue of this Act: Provided always, that if either of the Parties shall be dissatisfied with such Verdict, such Party may appeal to the next Quarter Sessions to be holden for the said County of *Dorset*, and it shall and may be lawful for the Justices assembled at such Quarter Sessions to set aside such Verdict, and to order a new Jury to be summoned to assess the Value of the said Messuages, Buildings, Lands, and Tenements, and any or either of them, which Verdict shall be recorded in the said Court, and such Verdict, Adjudication, and Assessment shall be final, binding, and conclusive against all Infants, Tenants for Life or in Tail, Femes Covert, Lunatics, and other legally incapacitated Persons, and his, her, or their Guardians, Husbands, Committees, Heirs, Executors, Administrators, and Assigns, and against all other Persons claiming any Title in or to the Messuages, Buildings, Lands, or Tenements of or for which such Verdict, Adjudication, and Assessment shall be made; provided also, that Notice in Writing of the Time and Place of Meeting of such Jury for the Purposes aforesaid be given by the said Mayor for the Time being, or One of the said Bailiffs, at least Ten Days before every such Meeting, to every Person concerned, or left at his or her usual Place of Abode, or at the House of the Tenant in Possession of the Premises; and every such Verdict shall be fairly entered of Record, and kept with the other Records of the Quarter Sessions of the Peace for the County of *Dorset*, and be and be deemed Matter of Record, and admissible as Evidence in all Courts of Law and Equity, and in all other Places and on all other Occasions whatsoever.

Expences of the Jury and Witnesses how to be paid.

III. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Messuages, Buildings, Lands, and Tenements, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference (the same having been ascertained and settled by some One Justice of the Peace for the said County of *Dorset*,

Dorset, not interested in the Matter in question, who is hereby required to examine and settle the same), shall be borne and paid by the Treasurer or Receiver to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in such Messuages, Buildings, Lands, or Tenements, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some one Justice of the Peace for the said County of *Dorset*, (not interested in the Matter in question), who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Treasurer or Receiver to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, in Manner aforesaid.

IV. And be it further enacted, That all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, and according to the Form following, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance.

'I of in Consideration of the Sum of to me paid by the Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses of the Borough and Town of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, do hereby grant, release, assign, and confirm unto the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses of the said Borough and Town, their Successors and Assigns, all [*describe the Premises to be conveyed*] my Right, Title, and Interest to and in the same and every Part thereof; to hold unto the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, their Successors, and Assigns,

'for the Purposes of, and by virtue and according to the true Intent
'and Meaning of an Act passed in the First Year of His Majesty
'King *George* the Fourth, intituled [*here set forth the Title of this*
'*Act*]. In Witness whereof I have hereunto set my Hand and Seal,
'this Day of in the Year of our Lord .'

Upon Payment of the Purchase Money, the Premises to be vested in the Mayor, &c.

V. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or which shall be assessed by such Jury in Manner aforesaid, for the Purchase of any such Messuages, Buildings, Lands, or Tenements, to the Proprietor or Proprietors thereof, or other Persons entitled to receive such Money, or to the Principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate so entitled, or on depositing the same in the Bank of *England* in the Manner herein-after directed, as the Case may require, it shall and may be lawful for the Agents, Workmen, and Servants of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, who shall be appointed for the Purpose, to take Possession of the respective Messuages, Buildings, Lands, Tenements, and Premises, and to use, convert, apply, appropriate, and dispose of the same, and of all Materials thereof and belonging thereto, for the Purposes and according to the Purport, true Intent, and Meaning of this Act; and that this Act shall in that Case fully indemnify as well the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, as also all and singular their Agents, Workmen, and Servants employed or authorized by them as aforesaid, against the Owners and Occupiers of and all Persons interested in the said Messuages, Buildings, Lands, Tenements, and Premises, and against their Guardians, Husbands, Committees, Heirs, Executors, Administrators, and Assigns respectively, in and for such taking Possession, using, converting, applying, appropriating, and disposing as last aforesaid.

Power to sell Ground not wanted for the Purposes of the Act.

VI. And whereas by reason of the Purchases which the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, may make by virtue of this Act, by the pulling down and Removal of the said old Bridge, they may become seised of Land or Ground, and also of some Piece or Pieces of Ground now used as a Road or Approach to the said old Bridge, which may not be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, by Indenture under their common Seal, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act; and such Conveyances from the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment which shall arise by Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, to sign and give Receipts for the Money for which the same shall be sold, which

Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Buildings shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that before any such Sale or Disposition of such Lands or Buildings shall be so made, the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or their Treasurer, shall first offer to re-sell the same to the Person or Persons from whom the same shall have been purchased, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, (the Price at which the same shall be re-sold being adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof); and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before any Two of His Majesty's Justices of the Peace for the said Borough and Town, stating that such Offer was made by or on Behalf of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, and that such Person or Persons did not agree, or refused to purchase such Lands or Buildings, (as the Case may be); and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused.

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

VII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or any Feme or Femes Covert, or other Person or Persons being incapacitated, to give Discharges for the Purchase or Compensation 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 High Court of Chancery, to be placed to his Account *ex parte* the Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses for executing this Act, or any Seven or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid

laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance or Settlement shall be existing undetermined, and capable of taking Effect, or in such other Manner as the said Court shall direct; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

VIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank, with the Privity and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Seven or more of them, (such Nomination and Approbation to be signified under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 20*l.*

IX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time

Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in Cases of not making out Titles.

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

Respecting disputed Titles.

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

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

Court of Chancery may order Payment of reasonable Expences.

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

Powers to take down and rebuild the present Bridge.

XIII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses of the said Borough and Town, as Trustees and Managers appointed by the Authority of this Act, and for their Agents, Workmen, and Servants, and they are hereby authorized and empowered whenever they shall think it expedient to rebuild the said Bridge, to take down, remove, carry away, sell, and dispose of the present Bridge, and the Materials thereof, in such Manner as they shall think proper, and to construct and build a new Bridge, of sufficient Width for the Passage of Persons, Horses, or Carriages, within Three hundred Yards of the Site, and instead of the present Bridge; and to dig and make proper Foundations on the Lands on each Side thereof, within the Distance last mentioned, for the Piers and Abutments of the said Bridge, in such Manner as they shall think necessary and proper for rebuilding the said Bridge, and to make new or widen the present Approaches, Roads, and Passages to and from the said Bridge, at each End thereof, in such Manner as may facilitate the Approach to and Passage over the same; and also to do, perform, and execute all other Matters and Things requisite and necessary, useful or convenient for taking down, selling, and disposing of the present Bridge, and rebuilding the new Bridge, according to the true Intent and Meaning of this Act; and shall from Time to Time have full Power and Authority to land, on either Side of the River, all Materials and other Things to be used in and about the rebuilding the said Bridge, and there to work and use such Materials and Things accordingly, they the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, and the Persons to

be appointed by them as aforesaid, doing as little Damage as may be, and making such Satisfaction as is herein-after mentioned, to the respective Owners and Occupiers of all such Lands and Grounds as shall be damaged, spoiled, taken, or made use of for the Purposes aforesaid, as upon Complaint in Writing made before any Magistrate of the said County of *Dorset* (not being interested in the Matter), by or on Behalf of such Owners or Occupiers, he shall on due Examination and Inquiry order and adjudge to be made for the same; and if the Person or Persons ordered and adjudged to make such Satisfaction shall refuse to pay the same, it shall and may be lawful for such Magistrate to issue his Warrant, directing a Distress to be made on the Goods of the Party or Parties so refusing to obey such Order, and to direct a Sale of the same; and after Payment of the Sum adjudged by way of Satisfaction, and of the Expences attending such Distress and Sale, to pay the Residue to the Owner of the Goods so distrained: Provided always, that nothing herein contained shall authorize or empower the said Mayor, Aldermen, Bailiffs, or Capital and Principal Burgesses, to take down the present Bridge, or to destroy the Passage over and across the said River, until a new Bridge shall be built and made fit for the Passage of Persons, Horses, and Carriages.

Punishing Persons damaging the Bridges.

XIV. And be it further enacted, That if any Person shall wilfully deface, injure, or damage the said Bridge or intended new Bridge, or any Part thereof, or any Work that shall be constructed thereon, or be appurtenant or incident or preparatory thereto, or any Article, Part, or Particular of the said several Premises, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Owners or Masters of Vessels answerable for Damages done by the Crews.

XV. And be it further enacted, That the Owner, Master, or Captain, or other Person having the Command of every Ship or other Vessel lying or being in the said Port, shall be and is hereby made answerable to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, for the Amount or Value of any Damage or Injury that shall be done by such Ship or other Vessel, through the wilful, negligent, or unskilful Conduct of any Person belonging to the same, to the said intended new Bridge, or any of the Quays or Works constructed or to be constructed at the Port aforesaid; and the said Owner, Master, or Captain, shall for every such Damage, upon Conviction before the Mayor or other Justice of the Peace for the said Borough and Town, either by Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Mayor or other Justice is hereby empowered and required to administer), pay to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, the Damages to be ascertained by him, provided that such Damages do not exceed the Sum of Twenty-five Pounds, and all Costs, Charges, and Expences, attending such Conviction, which Damages, Penalties and Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Master, or Captain, by Warrant or Warrants under the Hand and Seal of such Mayor or other Justice, and the Overplus (if any) after such Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned upon Demand to such Owner, Master,

or

or Captain or Commander; or if the said Damages shall exceed the Sum of Twenty-five Pounds, then and in such Case such Owner, Master, Captain, or Commander, shall or may be sued and prosecuted for the same, in the Name of the Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, in any of His Majesty's Courts of Record at *Westminster*.

Masters to recover Damages from their Servants.

XVI. And be it further enacted, That if the Master or Masters, Owner or Owners, or other Person having the Command of any Ship or Vessel, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his or their Mariners, Boatmen, Servants, or other Persons employed by them, or any of them, such Mariners, Boatmen, Servants, or other Persons employed, and each and every of them, shall be liable to pay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners, or other Person as aforesaid; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, or other Person as aforesaid, of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him or them by such Mariner, Boatmen, Servants, or other Persons, or any of them, although demanded, such Oath to be made before any One Justice of the Peace for the said Borough and Town, the Amount thereof shall be recovered in like Manner as any other Penalty is hereby directed to be recovered.

Regulations for using a Swing or Draw Arch, to be constructed over Two of the Piers of the said Bridge.

XVII. And whereas it is proposed so to alter or construct the said Bridge, or intended new Bridge, by the Addition of a Swing or of a Draw Arch over Two of the Piers, so as that Ships and Vessels with their Masts standing may pass through and beyond the said Bridge into the Western Part of the Harbour of the said Borough and Town, the original Cost of which Mode of Construction, and the subsequent Charge of working and of keeping in Repair the Machinery attached to it, will very much increase the Expences attendant on the Erection and Maintenance of the said Bridge or intended new Bridge; be it therefore enacted and declared, That every Ship and Vessel passing through and beyond the said Bridge or intended new Bridge into the Western Part of the said Harbour with her Masts standing, or otherwise so fitted or constructed as that it shall and may be necessary for the Purpose of such Passage to open or remove such Swing or Draw-Arch, shall pay Five Shillings for every such Ship or Vessel, to the Collector of the Tolls of the said Bridge, for the Use of the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the Borough and Town aforesaid, to be applied to the Purposes of this Act, and Three Shillings to the Toll Collector or his Deputy, for his Labour and Assistance in opening and removing such Swing or Draw Arch: Provided always, that the Ships and Vessels belonging to or consigned to the Occupier or Occupiers of the Warehouses, known at present by the several Names of *Richardsons*, *Hennings*, *Tizards*, *Westons* and *Hocarts*, which are now standing to the East of the existing Bridge, and if a new Bridge be erected, may be to the West of the same, shall not be liable to any Part of the said Toll for such Passage hereby declared

clared to be payable to the Collector for the Use of the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the Borough and Town aforesaid.

Notice to be given to the Harbour Master for opening the Swing or Draw Arch.

XVIII. Provided always, and be it enacted, That no Ship or Vessel shall pass through and above the said Bridge or intended new Bridge, when the Swing or Draw Arch shall have been erected, in Cases in which it shall and may be necessary to open and remove such Swing or Draw Arch for the Purpose of such Passage, but with the Consent and Approbation of the Harbour Master of the Port of the said Borough and Town, on Notice of such proposed Passage being given to the said Harbour Master by the Captain, Master, or other Commanding Officer of such Vessel, who shall direct and regulate the Time at which such Passage shall be made.

Satisfaction to be made for Damage done to the Arch.

XIX. And be it further enacted, That the Owner or Owners, or Captain, Master, or other Commanding Officer of every Ship or Vessel passing through the said Bridge or intended new Bridge, when any Damage or Injury shall be done to the said Bridge or intended new Bridge, or to any of the Works or Machinery attached to it, by the Passage of such Ship or Vessel, through the wilful Conduct or Negligence of any Person on board or belonging to such Ship or Vessel, shall be liable to make good the same in the same Way in which Compensation for all other Injuries to the said Bridge or intended new Bridge are herein directed to be recovered; and provided also, that no Toll shall be collected for or on account of the Return of any Ship or Vessel through the said Bridge or intended new Bridge into the Eastern Part of the Harbour of the said Borough and Town, and that only Three Shillings for each Ship or Vessel so returning shall be paid to the said Collector or his Deputy for their Labour and Assistance in opening and removing the said Swing or Draw Arch.

Power to erect a Toll Gate.

XX. And be it further enacted, That from and immediately after the passing of this Act, the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall and may, and they are hereby authorized and empowered to erect or cause to be erected such Toll House and Toll Gate, Posts, Pales, Rails, Chains, Bars, and Fences, upon or across the present Bridge and intended new Bridge when the same shall be built and completed, or at or near the Ends thereof, as they shall think proper; and that the several Tolls herein-after mentioned shall and may be demanded and taken by such Person or Persons as the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses shall from Time to Time appoint for that Purpose, at the said Toll House or Toll Gate, before any Passage over the said Bridge or intended new Bridge shall be permitted; (that is to say),

Tolls.

For every Horse, Mule, or Ass, laden or not laden, and not drawing, the Sum of One Penny:

For each and every Horse or other Beast drawing any Coach, Chariot, Curricle, Phaeton, Hearse, Caravan, Chair, Gig, Taxed Cart, or other Carriage of the like Nature, the Sum of Three-pence; and,

For each and every Horse or other Beast drawing any Waggon, Cart, or Carriage of the like Nature, if the Lading on such

Waggon, Cart, or Carriage, (exclusive of the Weight of such Waggon, Cart, or Carriage), shall not exceed Fifty Hundred Weight, the Sum of Four-pence; and if such Lading shall exceed the said Weight of Fifty Hundred, the Sum of Five Shillings in Addition to the said Sum of Four-pence, for every such Horse or other Beast so drawing such Waggon, Cart, or other Carriage.

Which said several Tolls shall be and the same are hereby vested in the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty; and in case any Person or Persons subject or liable to the Payment of any of the Tolls aforesaid shall refuse or neglect to pay the same or any Part thereof, on Demand as aforesaid, then it shall be lawful for the Person or Persons appointed to collect the said Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Horse, Beast, Cattle, or Carriage, for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize and distrain for the same any Horse or other Cattle, together with the Loading or Geers thereof, (except the Bridle or Reins of any such Horse or other Cattle, separate from any such Horse or other Cattle), or any Carriage with its Loading, for or in respect whereof any such Toll is by this Act imposed or made payable, or any Part thereof, and to detain and keep the same until such Tolls, with the reasonable Charge of such Distress, and of detaining and keeping the same, shall be fully paid; and if such Tolls, together with the Costs and Charges of making and keeping such Distress, shall not be paid within Three Days after the making or taking such Distress, it shall be lawful to and for the Person or Persons making such Distress to sell or cause to be sold the same, or so much thereof as he shall think needful, returning the Overplus to arise from such Sale, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and all the Expences of such Distress, and of keeping and selling the same, shall be deducted.

Tolls, &c. vested in the Mayor, &c.

XXI. And be it further enacted, That the Right and Property of the said Toll Gate, Toll House, Chain, Bar, and Fence to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, shall be vested in the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the said Borough and Town; and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred, against any Person or Persons who shall steal, break down, take away, injure, or spoil the said Toll Gate, Toll House, Chain, Bar, or Fence, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things for which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty, acting under and by virtue of this Act: Provided always, that if any Person or Persons shall pay the respective Tolls by this Act granted and made payable for the passing of any Carriage or Cattle through the said Toll Gate, he, she, or they shall be permitted to pass through the said Gate, with the same Carriage or Cattle, Toll-free, at any Time or Times during the

same Day, between Twelve of the Clock in one Night, and Twelve of the Clock in the next Night.

For settling Disputes concerning Tolls.

XXII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen), till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, (as the Case may happen), be ascertained by One or more Justice or Justices of the Peace for the said County of *Dorset*, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress, by Authority and by virtue of a Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Collectors of Toll not to be incompetent Witnesses.

XXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall not be deemed incompetent to give Evidence in any such Dispute or Litigation on account of being so appointed.

Toll Collectors to put up their Names.

XXIV. And be it further enacted, That all and every Toll Collector appointed either by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or by any Lessee or Lessees under them, to collect the Tolls payable at any Toll Gate or Bar whereat the Tolls granted by this Act shall or may from Time to Time be payable and collected, 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 such Toll House, Toll Gate, or Bar, immediately upon his coming on Duty, each of the said Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty at any such Toll Gate or Bar; and if any Collector of the said Tolls shall not place and keep such Board as aforesaid during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such

Christian

Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, or shall make use of any scurrilous or blasphemous Language to any Person or Persons passing or going to pass over the said Bridge, or through any such Toll Gate or Bar whereat the said Tolls shall be payable, or shall without sufficient Cause detain or delay any Person or Persons so passing or going to pass, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Penalty on evading Tolls.

XXV. And be it further enacted, That if any Person or Persons shall give to, offer, or dispose of, or receive from any other Person or Persons any such Ticket as aforesaid, or shall forge or counterfeit, or knowingly make use of any forged or counterfeit Ticket, in order to avoid Payment of the said Tolls or any Part thereof, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls or any Part thereof is or shall be evaded; or shall ride, lead, drive, or convey any Horse, Beast, Cattle, or Carriage whatsoever, through, over, or across the said River, within Five hundred Yards of the said Bridge, in order or with Intent to evade the Payment of the said Tolls, or shall do any other Act for the Purpose of evading the Payment of the said Tolls or any of them, or any Part thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Exemptions from Toll.

XXVI. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing any of the Roads in the Parishes in which the said Bridge is situate; or with Seed for seeding the Ground in the said Parishes, or Hay, Turnips, Straw, or Corn in the Straw only, not bought, sold, or disposed of, but passing to be laid up or placed in the Houses, Barns, Out-houses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows, or other Implements of Husbandry, or any Mould, Dung, Compost, or Manure, (Chalk and Lime excepted), employed in Husbandry, or for manuring or improving Lands; or for any Horse or other Beast used by any Person passing over the said Bridge solely for the Purpose of looking after or superintending the Management or Cultivation of any Lands or Grounds which he may occupy in the Parish where he shall usually reside; or for any Horses or other Beasts going to or returning

returning from Pasture or Watering Place, or going to or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his parochial or ministerial Duty; or for any Horses, or Carriages of whatsoever Description, employed or to be employed in conveying or guarding the Mails of 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 back from conveying or guarding the same; or any Horses or Carriages attending His Majesty, or any of the Royal Family; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts, or any Cart, Carriage or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Cart, Waggon, or Carriage used by the Scavengers of the said Borough and Town, for collecting and removing the Soil or Dung in the Streets of the said Borough and Town; or for any Waggon, Cart, or Carriage wholly laden with Coals taken from the *Melcombe* Side of the Harbour; or for any Horses, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Dorset*, on the Day or Days of such Election, or on the Day or Days before or after such Election shall begin or be concluded; or the Drivers of any of the Carriages herein declared to be exempted from Tolls for passing over the Bridge: Provided always, that if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Vessels on His Majesty's Service.

XXVII. And be it further enacted, That nothing in this Act contained shall extend to charge His Majesty, or any other Person on his Behalf, with the Payment of any of the Rates or Duties aforesaid, or any of His Majesty's Ships of War, or any other Ship, Transport, or other Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage, to them or any of them belonging, or the Horse or Horses or other Cattle drawing the same which shall be employed in conveying any Ordnance, Barrack, or other Public Stores belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; nor to any Vessel in the Service of the Customs or Excise, or any Vessel or Boat under the Burthen of Ten Tons, employed solely in fishing by any Person or Persons whomsoever, or any Vessel in the Service of His Majesty's Postmaster General.

Tolls may be leased.

XXVIII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses from Time to Time to lease the said Tolls, or any Part or Parts thereof, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Seven Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls to be so leased are hereby directed to be applied.

Enabling Trustees to take Possession of Toll Houses, &c. in the Hands of Lessees, Farmers, or Collectors.

XXIX. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected under the Powers of this Act, shall at any Time or Times to be demised or let to Farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers, to whom the said Tolls shall respectively be demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in Arrear and unpaid by the Space of Twenty-one Days next after the Days on which the same ought to be paid pursuant to the Contract or Agreement for letting the same, or if any Collector or Receiver of the Tolls who shall be discharged from his said Office by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or if any Person or Persons shall refuse to deliver up the Possession of any Toll House or Toll Houses, with the Buildings and Appurtenances thereto belonging, for the Space of Ten Days next after Demand made thereof in Writing, signed by the said Mayor and any Two of the Aldermen, Bailiffs, and Capital or Principal Burgesses, or by their Treasurer or Receiver, with their Authority, and left in any such Toll House, then and in any of the Cases aforesaid, it shall be lawful for any Justice of the Peace for the said County of *Dorset*, on Complaint to him made of the same, by or on Behalf of the said Mayor, Aldermen, Bailiffs, and

Capital or Principal Burgesses, and due Examination of the same on Oath, to adjudge and direct some Constable or other Officer of the Peace acting in and for the District of the said Borough and Town, taking with him such Assistance as shall be thought necessary, to enter into and upon the Possession of such Toll House or Toll Houses, Weighing Engine or Weighing Engines, and other Buildings and Premises in the Day-time, and remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and from the Collection of the Tolls there payable, and to put the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any of their Officers, or any other Person or Persons appointed by them, or any Seven or more of them, in Possession thereof; and on such Lessee or Lessees, Farmer or Farmers, or any Person or Persons employed by or in Possession under them, being so put out of Possession as aforesaid, it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Seven or more of them, if they shall think fit, to vacate and determine the Contract or Agreement for leasing and letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be accordingly utterly void to all Intents and Purposes as if such Demise, Contract, or Agreement, had never been made (save as to the Covenants or Agreements, for the Payment of the Rent or Rents thereby reserved or made payable); and it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Seven or more of them, in every such Case, to demise, let, or farm the said Tolls again to any other Person or Persons in the same Manner as if no former Demise, Contract, or Agreement, had been made or entered into relative to the same.

Powers of former Act extended to this Act.

XXX. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things, in the said recited Act contained, so far as relate to the repairing the said Bridge, or in building the said intended new Bridge, except such as are altered, varied, or repealed by this Act, shall remain and continue in full force, and be applied to the carrying into Execution the Provisions of that Act, as fully and effectually as if the same were repeated and re-enacted in the Body of this Act.

Power for the Mayor, &c. to make a Rate or Assessment.

XXXI. And, as an additional Means for carrying the Purposes of this Act into Execution, be it further enacted, That it shall and may be lawful for the Mayor and any Two of the Aldermen of the said Corporation of the Borough and Town of *Weymouth* and *Melcombe Regis*, and they are hereby authorized and required in each and every Year after the End of this present Year, and within Three Months after the First Day of *January* in every Year, to make a Rate or Assessment not exceeding Sixpence in the Pound in any one Year, and to be called a Bridge Rate or Assessment on the Owners of all Houses, Lands, Tenements, and Hereditaments, situate within the said Borough and Town, having Reference, in making such Rate or Assessment, to the Proportion and annual Value in rating the said Property to the Relief of the Poor of the Parish of *Melcombe Regis* and Chapelry of *Weymouth* respectively, (which said Parish and Chapelry are comprised within the said Borough and Town) in the

Rates

Rates made by the Churchwardens and Overseers for that Purpose next before the annual making the said Bridge Rate or Assessment; and the Collector or Collectors appointed by the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty under the Authority of this Act, are hereby authorized and required to raise, levy, and collect the said Bridge Rate or Assessment of the several Persons occupying or in Possession of the Property so rated as aforesaid, and to pay the Money so raised and collected, within Ten Days after the same shall be so raised and collected by him or them, to the Treasurer to be appointed by the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty, for the Purposes of this Act, in the Manner hereinbefore mentioned.

Mayor, &c. may order the Parish Poor Rate Books to be produced, and Copies taken.

XXXII. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Mayor and any Two of the Aldermen, shall and may, and they are hereby authorized and empowered to cause any of the Books of Assessments of Rates towards the Relief of the Poor of the said Parish of *Melcombe Regis* and Chapelry of *Weymouth*, to be brought before them, and to take Copies of such Books, or of any Part thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books shall be, shall refuse to attend the said Mayor and Aldermen, or their Clerk, with such Book or Books, or to permit them to take Copies thereof, then and in such Case every Person who shall so refuse or neglect, shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Power for certain Persons to inspect Rates.

XXXIII. And be it further enacted, That it shall and may be lawful for all Persons assessed to the Poor Rates in the said Parish of *Melcombe Regis*, and in the said Chapelry of *Weymouth*, or to the said Bridge Rate, to inspect and take Copies of the Treasurer's Account at all reasonable Hours of the Day, within Fourteen Days in each and every Half Year after the said Accounts shall have been delivered in to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses.

For Recovery of Rates.

XXXIV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed, or shall be directed to pay by virtue of this Act, for the Space of Ten Days next after the same shall become due and payable, and Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person or Persons, or with the Occupier of the Premises so rated, signed by the said Collector or Collectors, of the Amount of such Sum or Sums of Money, then and in every such Case it shall and may be lawful for the said Collector or Collectors, and he and they is and are hereby authorized and required to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of the Mayor, and One other of the Justices of the Peace for the said Borough and Town (which Warrant such Mayor and Justice are hereby empowered and required to grant, after having first issued a Summons under their Hands for such Person or Persons to

to appear before them, and having heard the Matter in a summary Way, or upon the Contempt or Non-appearance of the Person or Persons summoned, and due Proof made upon Oath of the Service of such Summons and of such Refusal or Neglect as aforesaid, which Oath the said Mayor and Justices are hereby empowered and required to administer, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting the Amount of the said Rates or Assessments, and of all Arrears thereof, and the reasonable Costs and Charges of such Distress and Sale.

Power for Occupiers to deduct Rates paid by them from the Annual Rents.

XXXV. Provided always, and be it further enacted, That in every Case where the Rate or Assessment herein-before directed to be made or assessed as aforesaid, shall be paid by or recovered from the Person or Persons in the Occupation or Possession of the Premises so rated as aforesaid, he, she, or they, is and are hereby authorized and empowered to deduct and retain the full Amount of the same from and out of the Rent or any other Payment then due and to become due to the Owner or other Person for the Time being, entitled to the Rent of the said Premises so rated as aforesaid.

Powers for the Mayor, &c. to lay an additional Duty on Coals, Culm, &c.

XXXVI. And as a further additional Means for carrying the Purposes of this Act into Execution, be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty, and they are hereby authorized and empowered to raise, levy, and collect on all Coals, Culm, Cinders, and Coke, brought into and landed within the Port of the said Borough and Town of *Weymouth* and *Melcombe Regis*, in any Vessel, Boat, Barge, or other Craft, the Sum of Sixteen-pence *per* Chaldron, and so in Proportion for any less Quantity than a Chaldron, in addition to any Due or Duty at present payable for the same to the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty; and which said additional Duties shall be receivable by, and be paid to the Collector to be appointed by the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty, by the Master, Owner, or other Person, having the Care or Charge of the Vessel, Boat, Barge, or other Craft in which the same shall be imported.

For ascertaining the Quantity of Coals, Culm, &c. taken through the Turnpike Gate.

XXXVII. Provided always, and be it further enacted, That on all and every Chaldron of Coals, Culm, Cinders, and Coke so imported and landed in the Port of the said Borough and Town, a Drawback after the Rate of Sixteen-pence *per* Chaldron (with the Exception of all such Coal, Culm, Cinders, and Coke as shall be intended to be used and consumed within the adjoining Parish of *Radipole*), shall be returned on such Quantity of the same as shall be taken through the Turnpike Gate situate on *Melcombe Narrows*, or any other Gate hereafter to be erected in place of the same; and that for the Purpose of ascertaining the exact Quantity taken through the said Gate, and hereby entitled to such Drawback, the Master, Owner, or other Person having the Care or Charge of such Vessels importing such Coals, Culm, Cinders, and Coke into the said Port, and selling the same directly from their Vessels, and the Coal Meter attending the Discharge of such Vessel, shall, if required by or on Behalf of any Purchaser of the same, prepare, draw up, and sign, at his and their

own Expence, a Certificate of the Quantity of the said Coals, Culm, Cinders, and Coke so sold; and the said Purchaser, his Agent, or Servant, at the Time of his taking the Coals, Culm, Cinders, and Coke so certified through the said Gate, shall produce and deliver to the Keeper or Renter of the same, or other Person appointed by the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty, the said Certificate, who shall forthwith countersign the same; and the said Purchaser, his Agent or Servant, shall produce the said Certificate, so countersigned as aforesaid, and demand Payment of the Amount within Ten Days after the Coal, Culm, Cinders, or Coke, shall have been discharged from the said Ship or Vessel, otherwise such Drawback shall be forfeited; which Certificate shall be a Voucher and Authority to and for the Payment to the Person producing the same to the Treasurer appointed by the said Mayor, Aldermen, Bailiffs, Burgesses and Commonalty, to receive and collect the said Dues and Duties of Sixteen-pence *per* Chaldron, and after that Rate for any less Quantity of Coals, Culm, Cinders, or Coke, so taken through the said Gate, as and for a proportionate Part of the Drawback of the Whole of the Duty of Sixteen-pence *per* Chaldron, charged on the said Coals, Culm, Cinders, and Coke so imported as aforesaid; provided, that the Person claiming such Drawback shall sign a Declaration, that to the best of his Knowledge and Belief, no Part thereof was delivered in the said Parish of *Radipole*.

No Ship to leave the Port till the Master produces a Certificate that the Duty is paid.

XXXVIII. And to the Intent that the said Rate or Duty on Coal, Culm, Cinders, and Coke, may be duly paid, be it further enacted, That no Collector, Customer, Collector of His Majesty's Customs, Comptroller, Receiver of Entries or Ships Surveyor or Searcher, or other Officer of the Customs whatsoever, belonging to the said Port of *Weymouth* and *Melcombe Regis* aforesaid, shall, at any Time after the Commencement of this Act, enter inwards any Ship or Vessel laden with Coals, Culm, Cinders, or Coke, until the Master or Owner, or other Person or Persons having the Rule, Government, or Command of any such Ship or Vessel, shall produce a Certificate from the Collector or other Person or Persons to be appointed in pursuance of this Act, that the last-mentioned Rate or Duty granted by this Act as aforesaid, hath been paid or secured to be paid, which said Certificate the said Collector or other Person is and are hereby required to give without Fee or Reward to the Person requiring the same; and that any Collector, Customer, Collector of His Majesty's Customs, Comptroller, Surveyor, or other Officer of the Customs, making Default in any of the Premises enjoined by this Act, shall forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered and applied as herein-after mentioned.

Treasurer compelled to return the Drawback.

XXXIX. And be it further enacted, That if the said Treasurer shall refuse or neglect to return and pay on Demand, to any Person or Persons entitled to the same, the Drawback hereby directed to be allowed, or if any Person or Persons shall fraudulently obtain or endeavour to obtain the Allowance of the said Drawback, not being legally entitled to receive the same, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Appointment of Treasurer and Collectors.

XL. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, from Time to Time and at all Times hereafter, to nominate and appoint such Person or Persons to be Treasurer or Receiver, and such other Person or Persons to be Collector or Collectors of all and every the Rates, Duties, and Tolls hereby granted, as they shall see fit: Provided always, that the said Treasurer or Receiver, and Collector or Collectors, shall severally give such Securities, with Two sufficient Sureties, as the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses shall require; the said Collector or Collectors for the due and faithful Discharge of his and their Offices, and for the due collecting the several Rates, Duties, and Tolls, and for duly accounting for the same, and for paying over the whole Amount collected, within Twenty-one Days after every Quarter-day in each Year to the said Treasurer or Receiver; and the said Treasurer also for the due and faithful Discharge of the Duties of his Office, and for making up and delivering to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, Half-yearly Accounts, the First Account within Fourteen Days after the First Day of *January*, and the Second within Fourteen Days after the First Day of *July* in each and every Year, of all Monies received and disbursed by him under the Authority of this Act.

Tolls and Duties to cease after a certain Time.

XLI. And be it further enacted, That when and so soon as it shall appear from the Accounts so delivered in by the said Treasurer to the said Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty that one Moiety of all the Monies disbursed under the Authority and according to the Directions of this Act shall have been raised and collected by Means of the said Tolls, Rates, and Duties, it shall no longer be lawful for the said Mayor and Aldermen of the said Borough and Town to make any further Rate or Assessment called the Bridge Rate or Assessment, on the Owners of all Houses, Lands, Tenements, and Hereditaments within the said Borough and Town as is herein-before directed, or for the said Collector or Collectors to collect under any such former Rate or Assessment any Sum or Sums of Money, except such as may be then remaining due and in Arrear; and that when and so soon as it shall appear that the whole of the Monies disbursed under the said Authority and Direction shall have been raised and collected by Means of the said Duties and Tolls, and also a further Sum of Two hundred Pounds, to be disposed of by the Mayor and any Two of the Aldermen as herein-after mentioned, it shall and may be lawful for the Mayor and any Two of the Aldermen of the said Borough and Town for the Time being, and they are hereby authorized and empowered by Writing under their Hands and Seals, to be affixed on the Door of the *Guildhall* of the Borough and Town aforesaid, to declare that from a Day to be therein named the said Duties and Tolls on the Bridge shall cease, and all Persons with their Horses, Carts and Carriages shall thereafter have Liberty to pass the same Toll-free, except as herein-after is mentioned.

Funds for Repairs.

XLII. Provided always, and be it further enacted, That it shall and may be lawful for the Mayor, Aldermen, Bailiffs, Burgesses and Commonalty of the said Borough and Town for the Time being, and they

they are hereby authorized and empowered to place out the said Sum of Two hundred Pounds, herein-before mentioned to be raised as aforesaid, on Government Security, and continue the same on such Security, to remain with the accumulating Dividends arising therefrom, as and for a Fund to answer any unforeseen Accidents that may happen to the said Bridge or intended new Bridge, and to keep the same from Time to Time in good Repair.

Tolls may be again collected, whenever future Repairs shall render it necessary.

XLIII. Provided always, and be it further enacted, That if at any Time or Times hereafter it shall become necessary to borrow any further Sum or Sums of Money for the necessary and actual Repairs of the said Bridge, that then and from thenceforth it shall and may be lawful for the said Mayor, Aldermen, Bailiffs, Burgesses and Commonalty of the said Borough and Town from Time to Time to collect and demand or cause to be collected and demanded the said Tolls for Passage over the said Bridge, as herein-before provided for, until the several Debts shall have been paid off and discharged by the Perception of such Tolls; any thing herein contained to the contrary thereof in anywise notwithstanding.

Part of Act 22 G. 2. repealed.

XLIV. And whereas by the said recited Act of the Twenty-second Year of King *George* the Second, it is enacted, that the Monies granted and collected under the Authority of the same, should be applicable as well in repairing and keeping in good Repair the Bridge within the said Borough and Town as in repairing the Wharfs, Quays, and other Public Buildings and Works within the same: And whereas it is expedient, that such Part or Parts of the said Act which directs the Appropriation of the Monies so granted should be repealed; be it therefore further enacted, That so much of the said Act which directs the Application of any Monies to the repairing and keeping in good Repair the said Bridge or other Public Buildings within the said Borough and Town, be and the same are hereby repealed; and that from and after the passing of this present Act, the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses shall apply the Monies so granted and collected solely to the cleansing and keeping in good and proper Order and Repair the Harbour, Piers, Sea Walls, Quays, and Wharfs, within the Borough and Town, and Port of *Weymouth* and *Melcombe Regis* aforesaid.

Duties may be leased.

XLV. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, from Time to Time to lease by Auction, to the highest Bidder, all or any Part of the Dues and Duties hereby granted, unto any Person or Persons giving sufficient Security from Year to Year, or for any Term of Years, not exceeding Seven Years at any one Time, for the best Rent that can be gotten for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, shall direct or appoint, and the Money arising thereby shall be applied in such Manner as the Dues and Duties are hereby directed to be paid.

Power to borrow Money on Mortgage.

XLVI. And, for the more speedily raising such Money as may be necessary for the Purposes of this Act, be it further enacted, That it

it shall be lawful for the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, as they shall think necessary, not exceeding the Sum of Fifteen thousand Pounds in the Whole, and by Writing under their Common Seal, assign over or mortgage the Dues, Duties, and Tolls hereby granted, or any Part thereof, and the Toll Gates and Toll Houses erected or to be erected by virtue of this Act, (the Charges of such Assignments and Mortgages to be paid out of the said Dues, Duties, and Tolls,) as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, or Assigns, such Interest to be paid and payable by equal Quarterly Payments; all which Mortgages or Assignments shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*] We, acting in the Execution of the said Act, in consideration of the Sum of to the Treasurer or Receiver of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses in hand, paid by do hereby grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, such Proportions of the Dues, Duties, and Tolls arising by virtue of the said Act as the said Sum of doth or shall have to the whole Sum charged or advanced, or to be charged or advanced on the Credit of the said Act; to be had and holden from this Day of in the Year of our Lord , until the said Sum of , with Interest for the same after the Rate of *per Centum per Annum*, shall be repaid and satisfied: In witness whereof, we the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses have caused our common Seal to be hereunto affixed, this Day of , in the Year of our Lord .'

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Dues, Duties, and Tolls, equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

Money may be borrowed on Annuities.

XLVII. And be it further enacted, That it shall be lawful for any Person or Persons to contribute, advance, and pay into the Hands of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or their Treasurer or Receiver, for the Purposes aforesaid, any Sum or Sums of Money that the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses may from Time to Time think it necessary and expedient to raise for the absolute Purchase of One or more Annuity or Annuities to be paid and payable during the natural

Life of the Person or Persons so contributing, or of such Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors respectively, at the Time of Payment of their respective Contribution Money; which Annuity or Annuities shall be paid and payable by the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, out of the Monies to arise by or from the Dues, Duties, and Tolls to be received by virtue of this Act, by Four equal Quarterly Payments; the first Payment thereof to be made to the Purchaser or respective Purchasers thereof, or his or their Assigns, at the Expiration of One Quarter of a Year after Payment of his, her, or their respective Purchase Monies; and the Grant or Grants of such Annuity or Annuities shall be under the Hands and Seals of the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Seven or more of them, and shall be in the Words or to the Effect following; (that is to say),

Form of Annuity.

'BY virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], we the undersigned Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses for executing the said Act, in consideration of to the Treasurer or Receiver of the Tolls, Dues, and Duties authorized to be collected under the said Act in hand paid, do grant, bargain, and sell unto his Executors, Administrators, or Assigns, one Annuity or yearly Sum of to be paid and payable during the natural Life of , by Four equal quarterly Payments; the First Payment thereof to be made on the Day of , and to be issuing out of and chargeable upon the said Tolls, Dues, and Duties arising by virtue of the said Act: In witness whereof, we the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses have caused our common Seal to be hereunto affixed this Day of , in the Year of our Lord .'

For granting Annuities under certain Restrictions.

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

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

Annuities to be good, &c.

XLIX. And be it further enacted, That all and every Person and Persons who shall purchase any Annuity or Annuities, and shall duly pay the Purchase Money for the same, at the Rates aforesaid, and his, her, and their respective Executors, Administrators, and Assigns shall have, receive, and enjoy the respective Annuity or Annuities by them respectively purchased during the natural Life or Lives of the Person or Persons by them respectively nominated at the Time of such Purchase, and shall have good, sure, absolute, and indefeasible Estates and Interest in the said Annuities respectively, according to the true Intent and Meaning of this Act.

Power to assign, &c. Securities.

L. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities or Annuities aforesaid, at any Time, by Writing under his, her, or their Hand or Hands respectively, or by their last Wills, in Writing, to assign, transfer, or demise such Securities or Annuities to any Person or Persons whomsoever, and so *toties quoties*; and such Assignment or Transfers may be made by Indorsement on the Back of their said respective Securities, in the Presence of One credible Witness, after they shall be respectively entered by the Treasurer or Receiver to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, in Manner herein-after mentioned, (which he is hereby required to do on receiving Ten Shillings and Sixpence for every such Transfer), and shall entitle the Person or Persons to whom the same shall be respectively made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned or transferred; and such Assignment or Transfer shall be in the Words or to the Effect following; (that is to say),

Form of Transfer.

'I do transfer the within Mortgage, with all my Right and Title to the Principal Money thereby secured, and the Interest due or to grow due thereon, [*or*, I do hereby assign and transfer the Annuity within granted to me], and all Arrears thereof, and all my Right and Title thereunto, unto his Executors, Administrators, and Assigns, this Day of .'

And every such Transfer shall be produced and notified to the Treasurer or Receiver within Three Calendar Months next after the Date thereof; and such Treasurer or Receiver shall cause an Entry or Memorial

Memorial to be made thereof, containing the Names of the Parties, and the Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments and Grants of Annuities to be made by virtue of this Act; and for which Entry the Treasurer or Receiver who shall enter the same shall be paid Ten Shillings and Sixpence, and no more; and after such Entry made, every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made as aforesaid, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Dues, Duties, Tolls, Toll Gates, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of any such Mortgages, Assignments, or Grants respectively.

Application of the Money borrowed.

LI. And be it further enacted, That all the Monies raised and borrowed by virtue of this Act, and all Monies arising from any Dues, Duties, Tolls, and Rates to be collected by virtue of this Act, and all Penalties and Forfeitures levied and recovered by virtue and under the Authority of the same (after the Payment of the Charges and Expences of and incident to the obtaining of this Act), shall be laid out and applied in effectually repairing the present Bridge, or in erecting such new Bridge, and for the several other Purposes of this Act.

Allowances to Collector and Treasurer.

LII. And be it further enacted, That the Allowances to the Collector of the Dues, Duties, and Tolls for his Services in collecting and accounting for the same, shall not exceed Sixpence in the Pound on all Sums collected by him and paid over to the Treasurer of the Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses; and that the Allowance to the Treasurer for receiving and accounting for the same, and for receiving and accounting for the Monies collected for passing over the said new Bridge, shall not exceed Three-pence in the Pound on all Sums so received by him.

Accounts of the Trust to be open to the Inspection of Creditors.

LIII. Provided always, and be it further enacted, That the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses shall and they are hereby required, from Time to Time to cause to be entered in a Book, regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed, which Book shall be kept by the Treasurer or Receiver, in order that they the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, or any Creditor or Creditors on the said Tolls, Dues, Duties, and Rates may at all Times have Access thereto, and take Copies or Extracts therefrom, without paying any thing for the same; and in case the said Treasurer or Receiver shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts

tracts from such Book of Accounts, he shall forfeit and pay for every such Offence to the Party aggrieved any Sum not exceeding the Sum of Five Pounds, to be levied and recovered as the other Penalties are directed by this Act to be levied and recovered.

Recovery of Penalties.

LIV. And be it further enacted, That all Penalties and Forfeitures hereby authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justices of the Peace for the said County of *Dorset*, either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Thirty Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Form of Conviction.

LV. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

Dorset, to wit. } ‘BE it remembered, That on the Day of in the Year of our Lord is convicted before me One of His Majesty's Justices of the Peace for the County of *Dorset*, [*here specify the Offence or Omission, and the Time and Place when and where committed, as the Case may be*]. Given under my Hand and Seal the Day and Year first above written.’

Power to appeal.

LVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any of the Rates or Assessments made by virtue of this Act, or by any of the Accounts of the said Treasurer respecting the same, or by any Order, Determination, Judgment, Act, or Neglect of any Mayor, Aldermen, or other Magistrate of the said Borough and Town, or any of the Collectors, or of the Treasurer so appointed as aforesaid, acting in the Execution of this Act, he, she, or they may, within Three Calendar Months after the making of such Rates or Assessments, or of such Order, Determination, Judgment, Act, or Neglect shall have been made or given, appeal to the Justices of the Peace at the next General Quarter Sessions to be held for the said

County of *Dorset*, first giving Ten Days Notice at the least in Writing, of such Intention to appeal, to the Party interested in such Complaint; and the Justices assembled at such General Quarter Sessions shall in a summary Way hear, adjudge, and determine such Appeal, and award such Costs as to them shall seem proper: Provided always, that upon Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace hearing the same, when they shall see just Cause for Relief, shall and are hereby empowered to amend the said Rates or Assessments in such Manner only as shall be necessary for giving such Relief, without altering such Rates or Assessments with respect to any other Person or Persons.

Justices on Appeal may amend the Rates.

Inhabitants not incompetent Witnesses in Actions.

LVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Appeals, Causes, or Proceedings whatsoever relating to or concerning the Execution of this Act, or of any Order, Rule, or Bye Law made in pursuance hereof, no Inhabitant of the said Borough and Town shall be deemed to be an incompetent Witness, by reason of his or her paying or being liable to pay any Rates or Duties imposed by virtue of this Act, or any Part thereof.

Limitation of Actions.

LVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done or alleged to be done in pursuance of this Act, until Fourteen Days Notice in Writing shall be given to the Clerk or Treasurer to the said Mayor, Aldermen, Bailiffs, and Capital or Principal Burgesses, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the County in which the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and 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 same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fourteen Days Notice in Writing thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County than the County in which such Action shall have arisen, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any Case by Law.

Proceedings not to be quashed for Want of Form.

LIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or

Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

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

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