



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. ci.

An Act for making a Bridge across the River *Backwater* near *Weymouth*, and a Turnpike Road, and other Works in connexion therewith, in the County of *Dorset*; and for other Purposes. [27th July 1857.]

WHEREAS the Construction of a Bridge across the River *Backwater* from *Little George Street* on the East Side thereof in the Parish of *Melcombe Regis* to *Little Field* on the West Side thereof in the Parish of *Wyke Regis* in the County of *Dorset*, and a Turnpike Road in connexion therewith commencing on the West Side of the said River, and terminating at a Place called *Powell Villa* in the said County, all as herein-after described, would be of great local and public Advantage: And whereas it is expedient that Powers should be granted to the Trustees after mentioned to construct and maintain the said Works; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

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16 T

present

The Backwater Bridge and Road Act, 1857.

present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

Short Title. I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression “ The *Backwater* Bridge and Road Act, 1857.”

Interpreta-
tion of
Terms.

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

The Expression “ the Trustees ” shall mean the Trustees for the Time being acting in the Execution of this Act :

The Expression “ Toll Gate ” shall include Turnpikes, Bars, Chains, and Side Gates, either on the said Bridge and Road or the Sides thereof :

The Word “ Person ” shall include Corporation :

The Word “ Lands ” shall include Messuages, Tenements, and Hereditaments of any Tenure.

Provisions
of Public
Acts to
apply to
Bridge here-
by autho-
rized.

III. All the Clauses and Provisions of every Public General Act relating to Turnpike Roads in *England* applicable to the said Road shall also extend and apply to the said Bridge, unless there be something in the Subject or Context repugnant to such Extension and Application.

Appoint-
ment of
Trustees.

IV. Sir *John Hesketh Lethbridge* Baronet, Colonel *William Lockyer Freestun*, *Robert Hassell Swaffield*, *William Eliot*, *William Schollar Ferris*, *Talbot Greaves* Clerk, Rector of *Melcombe Regis*, *Philip Dodson*, *William Smith*, *James Eaton Robens*, *Thomas Atherton*, *John Lundie*, and *Joseph Tizard* shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to ap-
point addi-
tional Trus-
tees.

V. The Trustees may from Time to Time, at any Meeting under this Act, elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby nominated.

Meetings of
Trustees.

VI. The Trustees shall hold their First Meeting at the Town Hall in the Borough of *Weymouth* in the said County of *Dorset* on the First *Thursday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then, and from Time to

The Backwater Bridge and Road Act, 1857.

to Time thereafter, adjourn to and meet at such Times and at such Places in the said Borough of *Weymouth* or elsewhere in the Neighbourhood of the said Bridge and Road as they shall think proper, or as shall be fixed and agreed upon at the last preceding Meeting of the Trustees.

VII. The Works by this Act authorized to be made shall be as follows; (that is to say,) Description
of Works.

A Bridge across the Stream or River called the *Backwater*, commencing at a Point in the Parish of *Melcombe Regis* and County of *Dorset*, on the East Side of the said Stream or River, at or near to a Street called *Little George Street*, and terminating at or near to a Point on the West Side of the said River in or near to a Place called *Little Field* in the Parish of *Wyke Regis* in the said County of *Dorset*:

A Turnpike Road, with Toll Houses, Toll Bars, and all proper Works and Conveniences connected therewith and Approaches thereto, commencing at the Abutment of the said Bridge on the West Side of the said Stream or River in the said Parish of *Wyke Regis* and County of *Dorset*, and thence proceeding in a westerly Direction in, through, or into the said Parish of *Wyke Regis* to, at, or near to a Place called the Cemetery, and from thence proceeding through a Close of Meadow Land called *Rock Close* in a westerly Direction through the said Parish of *Wyke Regis*, and from thence in the Line of the existing Parish Road from the said Meadow called *Rock Close* to the public Highway leading from the Town of *Weymouth* in the said County of *Dorset* to *Chickerell* in the said County, and terminating in the said Parish of *Wyke Regis* and County of *Dorset* at a Point at or near to the Point of Junction of the said Parish Road with the said public Highway at or near to a Place called *Powell Villa* in the said County.

VIII. And whereas Plans and Sections describing the Line and Levels of the said intended Bridge and Road, and the Lands through which the same are to be made, together with Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Dorset* at his Office in *Sherbourne* in the said County: Therefore it shall be lawful for the Trustees to make and maintain the said intended Bridge and Road, as herein-before described, in the Lines and in and through the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown upon the said Sections, together with all such Piers, Abutments, Walls, Approaches, Causeways, Footpaths, Embankments, Cuts, Ditches, Drains, Fences, Works to be
made accord-
ing to depo-
sited Plans.
Diversions

The Backwater Bridge and Road Act, 1857.

Diversions of Water, Toll Gates, Toll Houses, and other necessary Works and Conveniences connected therewith or for the Purposes thereof, as they may think requisite, and for all or any of the Purposes aforesaid to take possession of the Lands and Premises described in such Plans and Books of Reference, making Satisfaction to the Owners thereof and other Persons interested therein for all such Lands, and for all Damage which such Owners or other Persons may respectively sustain by such Works; and it shall be lawful for the Trustees, their Surveyor and Workmen, from Time to Time to enter upon the said Lands, and to mark and stake out the same, and to do any other Work necessary for the Purposes of this Act at such Times and in such Manner as the Trustees or their Surveyor shall think necessary or expedient.

Power of
Deviation.

IX. The Trustees may, in the Construction of the Works by this Act authorized, deviate laterally from the Line thereof to the Extent delineated upon the said Plans, but not to any greater Extent than One hundred Yards from the said Line, nor in any Case into any Lands not described in the Plans of such Work so deposited as aforesaid or in the said Books of Reference thereto, without the Consent in Writing of the Owner and Occupier of such Lands.

Deviation
from Levels.

X. The Trustees may deviate from the Levels of the said Works as marked on the Sections so deposited as aforesaid to any Extent not exceeding Three Feet, or, upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made, to any greater Extent than Three Feet; provided that any such Deviation made with the Consent of such Owner and Occupier be made only for the Purpose of improving the Gradients of the said Bridge and Road.

Lands may
be taken not-
withstand-
ing Errors
in Books of
Reference,
&c.

XI. The Works by this Act authorized may be made in or through any Lands delineated on the said Plans so deposited as aforesaid, although such Lands, or the Situations thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be mis-stated or erroneously described or omitted in those Plans or in the Books of Reference thereto, in case it shall appear to any Two or more Justices of the Peace for the County of *Dorset* in Petty Sessions assembled, and be certified in Writing under their Hands, that such Mis-statement or erroneous Description or Omission proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County for the Time being, with the original Plans and Books of Reference to which such Certificate refers.

Mode of con-
structing the

XII. In constructing the Bridge by this Act authorized to be made the Trustees shall make and maintain a good and sufficient Swivel or
Opening

The Backwater Bridge and Road Act, 1857.

Opening Bridge of open Pile Work, with a clear opening Span of not less than Fifty Feet in Width at some Point to be determined upon by the Board of Admiralty, so that there may at all Times be an uninterrupted navigable Waterway of such clear Width as aforesaid so as to admit Vessels navigating the said River to pass through, and the Piers of the said Bridge shall be so placed as to be parallel with the Ebb and Flow of the Tide, and the Height of Headway or Distance between the Surface of the said River and the under Part of the said Bridge, when closed or shut, shall not at any Time or in any Place within the said opening Span be less than Six Feet above the Level of High Water at ordinary Spring Tides.

Bridge over
Backwater.

XIII. The Trustees shall cause the Bridge to be opened when required for the Passage of Vessels through the same, and shall defray the Expenses incurred for the proper Attendance of some Person or Persons at the Bridge for such Purpose, and it shall not be lawful for the Trustees, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the *Backwater* for a longer Space of Time than may be sufficient for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Trustees, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat for a longer Space of Time than may be reasonably sufficient for opening the said Bridge to admit such Vessel, Barge, or Boat to pass, or demand, take, or receive from any Person or Persons any Toll for the Passage of any Vessel, Barge, or Boat through the Bridge, the said Trustees, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds, but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

No Deten-
tion at Open-
ing Bridge.

XIV. If at any Time hereafter the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth* and *Melcombe Regis*, or any Company or Commissioners constituted or authorized by Parliament so to do, shall be desirous of improving the Navigation of the *Backwater River*, or of constructing Docks, Basins, or other Works of a similar Description therein, and shall require for such Purposes or any of them the Site of the intended Bridge, then and in such Case, upon Six Months Notice in Writing from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, or from the said Mayor, Aldermen, and Burgesses, to be signified in Writing under the Hand of the Town Clerk of the Borough, or from the Company or Commissioners so constituted or authorized, and upon Payment by the said Corporation, Company, or Commissioners of the then existing Debt on the Security of the said Bridge and Road connected therewith, and the Expense of removing the said Bridge, the

Bridge may
be removed
for public
Improve-
ments on
Payment of
Debt.

[Local.]

16 U

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The Backwater Bridge and Road Act, 1857.

said Bridge shall, subject to any Rights of the Crown, vest in the said Mayor, Aldermen, and Burgesses, or Company or Commissioners, as the Case may be, for the Purpose of such Works, and may be taken down and removed; and if the Bridge be removed, the Roads thereto under the Management of the Trustees by virtue of this Act shall thenceforth after such Removal cease to be Turnpike Roads: Provided always, that if the Site of the said Bridge shall not be required for the Purposes aforesaid, or any of them, but an Alteration in the said Bridge, or in the Roads or Approaches thereto, shall be necessary for such Purposes, or any of them, the Trustees shall permit the said Mayor, Aldermen, and Burgesses, or the said Company or Commissioners, as the Case may be, to make such Alterations, but the said Mayor, Aldermen, and Burgesses, or such Company or Commissioners, shall indemnify and save harmless the Trustees from all the Costs, Charges, and Expenses of such Alterations, or in any way incident thereto: Provided further, that in the event of any Application to Parliament for Powers to extend the *Wilts, Somerset, and Weymouth* Railway from its present Terminus at *Weymouth* to any Point beyond the Site of the said Bridge, or to promote the Improvement of the said Port and Harbour by means of Docks, Basins, and other Works, the Trustees shall not impede or obstruct any such Application for Powers for such Purposes, but this Provision shall be without Prejudice to any Compensation to which the Trustees may be otherwise entitled.

Admiralty may order local Survey at the Expense of the Trustees.

XV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of the Bridge or of the intended Site thereof, the Trustees shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Trustees, and if not paid on Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Trustees.

Bridge and Works, or any Portion thereof, abandoned or suffered to decay to be removed by Admiralty at Expense of Trustees.

XVI. If the Bridge to be constructed by the Trustees, or any Portion thereof, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

XVII. Pre-

The Backwater Bridge and Road Act, 1857.

XVII. Previously to commencing the Construction of the said Bridge or the Works connected therewith the Trustees shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge and Works connected therewith for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval; and when any such Bridge shall have been commenced or constructed it shall not be lawful for the Trustees at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Bridge shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

Plans to be submitted to Admiralty before commencing Works.

XVIII. All the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England*, with respect to the taking, Purchase, and Sale of Lands for the Purpose of widening, diverting, altering, or improving any Road, the Conveyances of such Lands, the Compensation to be made for the same, and the making out of Titles thereto, shall (except where those Clauses and Provisions are expressly varied by this Act) extend and apply to the Lands to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any enclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans so deposited as aforesaid, and described in the said Books of Reference, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein: Provided always, that "The Lands Clauses Consolidation Act, 1845," shall be excluded from and shall not be held applicable to this Act.

As to Construction of certain Provisions of General Turnpike Acts.

XIX. The Freehold and Inheritance in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*), by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof,

Freehold, &c. of Land to remain in Owners of adjoining Lands.

The Backwater Bridge and Road Act, 1857.

thereof, be vested in the Trustees ; but such Freehold and Inheritance shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Owners for the Time being of the adjoining Land from which the same shall have been taken, subject to a perpetual Right of Way in, over, or upon the Lands so purchased.

Trustees to have Power of digging and using Lands, &c.

XX. The Trustees shall have the same Rights and Powers of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Arch or Arches thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands.

Period for compulsory Purchase of Lands.

XXI. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized and shown on the said Plans shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Period for Completion of Works.

XXII. The Works by this Act authorized may be completed within Five Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised.

Trustees to fence Road and provide Gates, &c.

XXIII. The Trustees shall make and plant proper Quickset Hedges, or shall make or build proper Fences or Walls on both Sides of the said Road, with sufficient Ditches to the same, and sufficient Posts and Rails or other Fences on both Sides of such Quickset Hedges to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining the said Road from Trespass or Injury by Horses, Asses, Cattle, Sheep, or Swine, and also proper Gates, Stiles, Posts, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Ten Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in repair from an earlier Period for such Time as aforesaid: Provided always, that the Owner for the Time being of any Land adjoining the said Road, and all Persons authorized by such Owner, shall have free and uninterrupted Access from such adjoining Land to such Part of the Road as lies contiguous thereto, not only through the Gates or Stiles to be provided as herein-before mentioned, but at any other Place or Places, except where a Turnpike or Toll House shall be erected, and for that Purpose may remove or take down all or any Part of any Fences or Walls which may have been made or built by the Trustees without incurring or being liable to any Penalty, Prosecution,

The Backwater Bridge and Road Act, 1857.

secution, or other Proceeding whatsoever, anything in the 3rd *Geo.* 4th, Cap. 126, Secs. 60 and 121, or the 4th *Geo.* 4th, Cap. 95, Sec. 72, to the contrary notwithstanding: Provided nevertheless, that upon any such Removal or taking down as last aforesaid the said Trustees shall be exonerated and discharged from all further Liability to repair or keep up any Fences or Walls at the Places where the same have been so removed or taken down, and that the Owner who shall have taken down or removed the same shall thenceforth be answerable or accountable for all Loss or Damage which may happen or be sustained by reason or on account thereof.

XXIV. If the Surveyors of the Highways of the Town of *Weymouth* and *Melcombe Regis* apprehend Danger to the Passengers using the Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon any Railway within Fifty Yards of the said Road, it shall be lawful for such Surveyors, after giving Fourteen Days Notice to the Clerk to the Trustees, to apply to the Justices of the Peace for the County of *Dorset* in Petty Sessions assembled with respect thereto; and if it shall appear to any Two of such Justices that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of the Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Trustees for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Trustees to execute such Works within a certain Time after the Service of such Certificate to be appointed by the said Justices.

Screen for Road to be made, if required by Justices.

XXV. Where by any such Certificate as aforesaid the Trustees shall have been required to execute any such Work in the Nature of a Screen, they shall execute and complete the same within the Period appointed for the Purpose in such Certificate.

Trustees to execute Works according to Certificate.

XXVI. Where the Formation of the said Bridge, Road, or Works hereby authorized shall in any Manner interfere with or affect the existing Drainage of any Lands lying near or adjacent to the Bridge or Road, the Trustees shall make and provide all necessary Culverts, Drains, or other Passages either under or by the Sides of the said Bridge and Road of such Construction and Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the said Bridge and Road as before the making thereof, or as nearly so as may be, and such Works shall from Time to Time be proceeded with as the Formation of the said Bridge and Road proceeds.

Trustees to provide for Drainage of Land affected or injured by Formation of Bridge and Road.

The Backwater Bridge and Road Act, 1857.

No Land purchased to be used for any other Purpose than forming Bridge and Road, &c., and Land not wanted to be sold, the First Offer being made to the original or adjoining Owner.

XXVII. No Land purchased by the Trustees under this Act shall be used for any other Purpose than the Formation of the Bridge and Road and other Works hereby authorized, and if the Trustees shall have purchased or be possessed of any Piece or Pieces of Ground not wanted for the Purposes of the Bridge and Road and Works, they shall sell or dispose of the same: Provided always, that the Trustees, before they shall sell and dispose of any such Piece or Pieces of Ground not wanted for the Purposes aforesaid to any other Person or Persons, shall first offer the same to the Owner for the Time being of the adjoining Land from which the same shall have been taken at the like Price *per Acre* as the Trustees originally paid for the same; and if such Person or Persons shall then and thereupon refuse to purchase the same, then such Piece or Pieces of Land shall be sold and disposed of in manner provided by the 89th Section of the Act of 3rd *George 4th*, Cap. 126.

Style of the Trust.

XXVIII. The Bridge and Road comprised in this Act shall be called "The *Backwater* Bridge and Road," and the Trustees for executing this Act shall be styled "The Trustees of the *Backwater* Bridge and Road."

Tolls.

XXIX. The Trustees may demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Bridge and Road such Tolls as the Trustees at any of their Meetings may from Time to Time direct, not exceeding the Sums following, anything in "The Public Health Act, 1848," or in "The Public Health Supplemental Act, 1855," to the contrary notwithstanding; (that is to say,)

For every Horse, Ass, or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Chair, Phaeton, Caravan, Omnibus, Gig, Taxed Cart, Spring Cart, Spring Waggon, Hearse, Litter, or other such Carriage, Sixpence:

For every Horse or other Beast, except an Ass, drawing any Waggon, Wain, Dray, Cart, or other such Carriage, Fourpence Halfpenny; and for every Ass so drawing, Threepence:

For every Horse, Mule, Ass, Ox, or other Beast, laden or unladen, and not drawing, Twopence:

For every Drove of Oxen, Cows, Neat Cattle, Calves, or Pigs, Tenpence *per Score*, and so in proportion for any greater or less Number:

For every Drove of Sheep or Lambs, Fivepence *per Score*, and so in proportion for any greater or less Number:

For every Carriage or Vehicle drawn or propelled by any Power (except Animal Power), the Sum of One Shilling for each Wheel thereof:

And

The Backwater Bridge and Road Act, 1857.

And for every Foot Passenger passing over the said Bridge, One Penny :

And the Tolls hereby made payable at any Toll Gate which shall be by virtue of this Act upon or across the said Bridge and Road, or on the Sides thereof, shall be taken before any Foot Passenger, Animal, or Carriage whatsoever liable to Toll shall be permitted to pass through the same.

XXX. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be taken in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

XXXI. Except as herein-after provided, no more than One full Toll in the whole shall be payable or paid for passing and repassing each Time on the same Day through all the Toll Gates erected or to be erected across or upon the Sides of the said Bridge and Road for the whole Extent thereof. Not more than One full Toll to be taken on Bridge and Road.

XXXII. In case the Tolls hereby authorized shall have been paid for or in respect of any Animal or Carriage passing through any of the Toll Gates to be erected upon, across, or on the Sides of the said Bridge and Road, no Toll shall be demanded or taken for or in respect of such Animal or Carriage for returning through the same Toll Gate the same Day, to be computed from Twelve o'Clock at Night to Twelve o'Clock on the succeeding Night, but that every Person on producing and delivering a Note or Ticket denoting the Payment of such Toll shall (except as herein-after mentioned) be permitted to return through such Toll Gate on the same Day with such Animal or Carriage Toll-free : Provided, that if any Animal in returning be drawing any Carriage in respect of the drawing of which a higher Rate of Toll would be payable than was paid for such Animal on first passing through the said Toll Gate, the Difference of Toll between that paid on first passing and that payable on returning the First Time shall be paid. No Tolls to be paid on returning on the same Day.

XXXIII. The Tolls hereby authorized shall be payable at each and every Toll Gate belonging to the Trustees in respect of Horses, Asses, or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage for every Time during the same Day that any such Horse, Ass, or other Beast of Draught shall pass through any of the Toll Gates of the Trustees drawing any other laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage than that which such Horse, Ass, or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid. Horses, &c. drawing different Waggon, &c. to pay every Time of passing.

XXXIV. The

The Backwater Bridge and Road Act, 1857.

Stage
Coaches, &c.
to pay every
Time of pass-
ing.

XXXIV. The Tolls hereby made payable for and in respect of Horses, Asses, or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, shall be payable and paid every Time of passing or repassing along the said Bridge and Road.

Postchaises,
&c. on every
new Hiring.

XXXV. The Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Bridge and Road whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horses or Beasts had been made on the same Day.

Foot Passen-
gers to pay
every Time
of passing.

XXXVI. The Toll hereby made payable for or in respect of Foot Passengers passing over the said Bridge shall be payable and paid every Time of passing or repassing over the said Bridge: Provided always, that the Driver of any Cart or other Carriage shall not be liable to Toll as a Foot Passenger.

Persons
attending
Funerals at
Cemetery
exempt from
Toll.

XXXVII. No Toll shall be demanded or taken by virtue of this Act of or from any Inhabitant of the Borough of *Weymouth* going on Foot to or returning from attending the Funeral of any Person carried or conveyed on Foot who shall die in such Borough, and be buried in the Cemetery belonging to the Parish of *Melcome Regis* in the Parish of *Wyke Regis* in the County of *Dorset*.

Powers to
borrow on
Mortgage of
Tolls.

XXXVIII. For the Purposes of this Act the Trustees may borrow on Mortgage of the Tolls any Sum not exceeding in the whole Six thousand Pounds.

Power to
borrow Mo-
ney at a
lower Rate
of Interest
to pay off
Securities at
a higher
Rate:

XXXIX. If the Trustees can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than any Securities given by them and then in force shall bear, they may borrow such Sum at such lower Rate as aforesaid in order to pay off and discharge the Securities bearing such higher Rate of Interest, and may mortgage the Tolls to secure the Money so borrowed at such lower Rate of Interest: Provided always, that the Sums so borrowed shall be applied only in paying off the Sums bearing such higher Rate of Interest, and it shall not be lawful for the Trustees, by such Power of borrowing, to increase the Amount of Principal Money for the Time being owing on the said Tolls.

Application
of Sums
borrowed.

XL. All Sums borrowed by the Trustees under the Authority of this Act shall be applied, in the first place, in paying and discharging
all

The Backwater Bridge and Road Act, 1857.

all the Costs, Charges, and Expenses attending the applying for, obtaining, and passing of this Act, or incidental thereto, and, in the next place, in purchasing the Land necessary for and in making the said Bridge and Road and other Works by this Act authorized, and in erecting the requisite Toll Houses and Toll Gates.

XLI. All Tolls and other Income which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows: Application of Income.

First, in defraying the necessary Expenses of Management, including Salaries of Officers and incidental Expenses (exclusive of Salaries of Toll Collectors and the Expenses of prosecuting or defending Suits or Actions or Indictments and Proceedings before Justices), or any other Proceedings for maintaining or protecting their Trust, and in defraying the necessary Expenses of making, repairing, and painting the said Bridge and Road, and of keeping in repair the Approaches thereto, and all Culverts and Arches under such Approaches, and all Toll Gates, Chains, and Toll Houses of the Trustees, and of lighting the said Bridge and Road: Provided always, that so long as any Sum shall be due on Mortgage of the Tolls, the Sums to be expended in any Year in defraying the Expenses aforesaid shall not (except in the event of the Occurrence of any serious Accident to the said Bridge and Road) exceed the Sum of One hundred and fifty Pounds:

Secondly, in setting apart a Sum of Twenty Pounds *per Centum per Annum* on the gross Amount of the annual Revenue as a Sinking Fund:

Thirdly, in paying Interest not exceeding the Rate of Five Pounds *per Centum per Annum* on all Principal Sums for the Time being due and owing on the Credit of the Tolls:

Fourthly, in further maintaining and repairing the Bridge and Road and Approaches:

Fifthly, in further reducing, paying off, and discharging in the Manner herein-after mentioned all Principal Sums of Money for the Time being due and owing on the Credit of the Tolls:

Provided always, that the Sum by this Act directed to be set apart as a Sinking Fund shall be in lieu of and in substitution for the Sum required to be set apart as a Sinking Fund by the Act 12 & 13 *Vict.* Chapter 87.

XLII. Whenever and so long as the Interest upon all Mortgages charged upon the Tolls arising on the said Bridge and Road, under the Provisions of this Act, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of any Toll Gate, Mortgagees not to take possession except for Arrears of Interest.

The Backwater Bridge and Road Act, 1857.

Toll House, or Building upon the said Bridge and Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into possession of any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the said Mortgages, without any Priority or Preference, and may also reimburse himself all Costs to which he may be entitled; and every Mortgagee so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance, if any, remaining in his Hands, and deliver up Possession of all Toll Gates, Toll Houses, and Buildings to the Trustees, or any Person appointed by them to receive the same, and discontinue the Receipt of the said Tolls and such Rent as aforesaid, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding: Provided always, that until after the Expiration of Two Years from and after the Commencement of this Act no Holder of any Mortgage or Security on the Tolls collected on the said Bridge and Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Building thereon or on the Sides thereof, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Mortgagees not to take possession of Toll Gates, &c. until Two Years after passing of Act.

As to Mode of discharging Debts.

XLIII. When and so often as the Sinking Fund or the Sum applicable to the Discharge of the Principal Moneys for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall at any General, Annual, or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Moneys to the Persons or Person entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Object or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Dorset*, or by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge

The Backwater Bridge and Road Act, 1857.

charge of Moneys owing on Security of the said Tolls to the Mortgagee who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Moneys, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Payment of the other Moneys owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Moneys due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Mortgagees, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same as far as may be necessary in or towards the Discharge of the Moneys to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Mortgagees on the said Tolls, or to such of them as may be determined by Lot, as the Trustees shall think fit.

XLIV. Nothing contained in this Act or in any of the Acts herein referred to shall extend to authorize the said Trustees to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving
Rights of the
Crown.

XLV. Nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Road not
exempt from
Provisions of
General
Acts.

XLVI. This

The Backwater Bridge and Road Act, 1857.

Commence-
ment and
Term of Act.

XLVI. This Act shall commence on the Fourth *Thursday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.