

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

Hay, Grain, Seeds, and other Provisions, Goods, Wares, Merchandise, marketable Commodities, and also a separate Market House for the Sale of Fish, would be of great public Advantage: And whereas a suitable Site for the first-mentioned Market House might be obtained in the Parish of *Melcombe Regis*, within the Borough, between *Saint Mary Street* and *Maiden Street*, on the Northern Side of the Churchyard of the Parish Church; and a suitable Site might be obtained for the Fish Market at or near *Helen Lane*, *Maiden Street*, and the Quay, in the said Parish of *Melcombe Regis*; and the whole of the said proposed Site to be taken for the Fish Market belongs to or is claimed to belong to the said Mayor, Aldermen, and Burgesses, and they have purchased or contracted to purchase certain other Portions of the said Site proposed to be taken for the said Market House, and it is expedient to authorize the said Mayor, Aldermen, and Burgesses to purchase and take the Remainder thereof: And whereas the Construction of a Pier and other Works on the North Side of the Entrance to the Harbour, by means of the Improvement and Extension of the Pier known as the *Pile Pier*, will promote the Recreation of the Inhabitants and Visitors of the Town of *Weymouth* and *Melcombe Regis*, and facilitate the embarking and disembarking of Passengers from Steam and other Vessels, and otherwise be of public Utility: And whereas the Mayor, Aldermen, and Burgesses of the said Borough are desirous of being empowered to construct the said Pier, and it is expedient that they should be enabled so to do, and that certain Rates, Tolls, and Duties should be levied for the Use thereof: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. I. This Act may be cited for any Purpose as "The *Weymouth and Melcombe Regis Markets and Pier Act, 1854.*"

Commencement of Act. II. This Act shall commence and have effect on and from the Third *Wednesday* next after the passing thereof.

Interpretation of certain Expressions. III. In this Act the Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth* and *Melcombe Regis*; the Expression "the Borough" shall mean the Municipal Borough of *Weymouth* and *Melcombe Regis*; the Expression "the General Market House" shall mean the Market House or Market Place, and the Works connected therewith, erected or provided by the Corporation on the Lands between *Saint Mary Street* and *Maiden Street* for the Sale of Provisions and other marketable Commodities

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modities (except Fish); and the Expression "the Fish Market House" shall mean the Fish Market House and the Works connected therewith erected or provided by the Corporation at or near *Helen Lane, Maiden Street, and the Quay*; and the Expression "the Markets" shall comprise both the said Markets; unless there be something in the Subject or Context repugnant to any such Constructions.

IV. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meanings of Words in incorporated Acts and this Act.

V. The Limits of this Act for the Markets shall be the Municipal Borough of *Weymouth and Melcombe Regis*.

Limits of Act.

VI. This Act shall (subject to the Powers and Provisions herein contained) be executed by the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth and Melcombe Regis*, acting by the Council of the Borough.

Act to be executed by Mayor, Aldermen, and Burgesses.

VII. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act: Provided always, that, except such Lands as are defined in this Act, or comprised in the Schedules hereunto annexed, or are delineated upon the Plans and described in the Books of Reference hereafter referred to, nothing herein contained shall authorize the purchasing or taking of any Lands otherwise than by Agreement.

Incorporation of Lands Clauses Act.

VIII. The Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Limit of Period for compulsory Purchase.

IX. The Corporation, subject to the Provisions of this Act, from Time to Time may enter upon, take, and use such of the Lands specified in the Schedule (A.) to this Act annexed, as they think requisite for the Purposes of this Act with respect to the Markets.

Power to take Lands for Markets.

X. The Corporation from Time to Time may appropriate, for any of the Purposes of the Markets, such Part as the Corporation think fit of the Lands comprised in the Schedule (A.) to this Act as are the Property of the Corporation, and as have been or shall be purchased or contracted to be purchased as aforesaid; and all Contracts entered into by the Corporation previous to the passing of this Act for the Purchase of any Lands comprised in the said Schedule (A.) shall be as

Power to appropriate Lands of Corporation for Markets.

as

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as valid and effectual as if the same had been entered into subsequently to the passing of this Act, and under the Powers herein contained.

Corporation not to sell, &c. without the Approbation of the Treasury.

XI. Except as regards the Appropriation of the Land for the Markets by this Act authorized, nothing in this Act contained shall enable the Corporation to sell, alienate, encumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, any Lands, Houses, Tenements, or Hereditaments which they could not have sold, alienated, encumbered, or demised, without such Approbation, before the passing of this Act, anything in this Act to the contrary notwithstanding.

10 & 11 Vict. c. 140. incorporated.

XII. "The Markets and Fairs Clauses Act, 1847," shall be incorporated with this Act, and the Expression "the Undertakers" in that Act shall mean, for the Purposes of this Act, "the Corporation."

Power to erect Market Houses.

XIII. Subject to the Powers and Provisions of this Act, the Corporation from Time to Time may, in and upon the said Lands between *Saint Mary Street* and *Maiden Street*, or any Part thereof, purchased or to be taken by them for the Purposes of the Market, erect, alter, enlarge, improve, and maintain a Market House and Place for the Sale of Provisions, and Goods, Wares, Merchandise, and marketable Commodities, and all such Buildings, Yards, and Conveniences as they think fit, and upon the said Lands at or near *Helen Lane*, *Maiden Street*, and the Quay, or any Part thereof, may erect, alter, enlarge, improve, and maintain a Market House and Place for the Sale of Fish, with all such Buildings as they think fit.

Power to hold Markets in Market Houses.

XIV. It shall be lawful for the Corporation to hold within the General Market House an open Market for the Sale of Butchers Meat, Poultry, Butter, Cheese, Vegetables, Fruit, and other Provisions, Corn and Hay, Grain, Seeds, and of any marketable Commodities mentioned in Schedule (B.) to this Act annexed, daily in every Week (except on *Sundays*, *Good Friday*, and *Christmas Day*); and after the said General Market House shall have been completed and opened for public Use, all Markets within the Borough for the Sale of Provisions and marketable Commodities mentioned in such Schedule (B.) (except the Fish Market), whether held by Prescription, Charter, or otherwise, shall be held in the said General Market House; and it shall be lawful for the Corporation to hold in the Fish Market House an open Market for the Sale of Fish daily in every Week (except on *Sundays*, *Good Friday*, and *Christmas Day*); and after the Fish Market House shall have been completed and opened for public Use, all Markets for the Sale of Fish within the
Borough,

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Borough, whether held by Prescription, Charter, or otherwise, shall be held in the said Fish Market House.

XV. It shall be lawful for the Corporation, by Byelaw made for that Purpose, in manner provided for by "The Markets and Fairs Clauses Act, 1847," to prohibit the Sale of Fish in the General Market House, and to prohibit the Sale of any other Article than Fish in the Fish Market House.

Corporation may require Fish to be sold only in the Fish Market.

XVI. It shall be lawful for the Corporation to let any of the Stalls, Standing Places, or other Conveniences in the said Market Houses, or any Rooms, Offices, Shops, Buildings, Cellars, or Grounds belonging thereto, to any Person or Persons, for any Term not exceeding Three Years.

Power to lease Stalls, &c. in Market.

XVII. It shall not be lawful for the Lessee of any such Stall, Standing Place, Rooms, Offices, Shops, Cellars, or Buildings, or other Convenience, his Executors or Administrators, to assign the same without the Consent of the Corporation first had and obtained.

Lessee not to assign Lease without Consent.

XVIII. It shall be lawful for the Corporation from Time to Time to demand and receive, from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in either of the Markets or Buildings or Grounds connected therewith respectively, or bringing into such respective Markets, Market Houses, or Market Place, or Buildings or Grounds as aforesaid, any marketable Commodities specified in Schedule (B.) to this Act annexed, such Tolls, Stallages, and Rents as the Corporation shall from Time to Time appoint, not exceeding the several Tolls, Stallages, and Rents specified in Schedule (B.) to this Act annexed.

Tolls to be taken for Markets.

XIX. The Tolls, Stallages, and Rents hereby authorized to be demanded and received by the Corporation shall include all and every Market Tolls, Stallages, and Market Rents whatever which the Corporation may at the passing of this Act be entitled to demand or receive for the same Articles, by Prescription, Charter, or otherwise, within the Borough.

Tolls to include the Market Dues now payable to the Corporation.

XX. It shall be lawful for any Person from Time to Time appointed to attend any Weighing House or Place for weighing or measuring any Article sold or exhibited by Weight or Measure, from Time to Time to demand such Tolls as the Corporation shall appoint, not exceeding in any Case the Amount set forth in the Schedule (C.) to this Act annexed.

Tolls for weighing and measuring.

XXI. It shall be lawful for the Person for the Time being appointed to attend the Machines belonging to the Corporation for weighing
[Local.] 6 C Waggon, Tolls for weighing Carts, &c.

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Waggons, Carts, and Carriages, to demand from the Person requiring the same to be weighed such Tolls as the Corporation may from Time to Time appoint, not exceeding in any Case the Amount set forth in the Schedule (D.) to this Act annexed; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Penalty for
damaging
Market
House.

XXII. Any Person who shall spoil, deface, or injure any Part of any such Market House, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market House cause any Obstruction, or commit any Damage, Injury, or Nuisance, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justice before whom the Conviction shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Certain
Streets to be
deemed im-
mediate Ap-
proaches to
Markets.

XXIII. The Streets called *Maiden Street, Saint Mary Street, the Quay, and Helen Lane*, shall be deemed immediate Approaches to the Markets, and the Powers given to the Corporation by "The Markets and Fairs Clauses Act, 1847," of making Byelaws for preventing Nuisances and Obstructions in the Markets, or in the immediate Approaches thereto, shall extend to such Streets respectively.

As to Ex-
emption of a
licensed
Hawker.

XXIV. A licensed Hawker shall not be exempt from the Penalty imposed by the Thirteenth Section of "The Markets and Fairs Clauses Act, 1847," except in respect of the Sale or exposing for Sale of Articles within the Borough for the Sale of which by him, as a Hawker, a Hawker's Licence is by Law required.

Pier to be
constructed
according to
deposited
Plans and
Sections.

XXV. And whereas a Plan and Section of the Pier and Works, showing the Situation and Levels thereof respectively, and the Limits within which the same are to be constructed, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands upon or through which the same are intended to be or may be made, have been deposited with the Clerk of the Peace for the County of *Dorset*: Therefore, subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Corporation to make and maintain the said Pier and Works in the Situation and upon the Lands delineated upon the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and within the Limits aforesaid to make and maintain such other Works and Conveniences as they may think necessary, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

XXVI. "The

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XXVI. "The Harbour, Docks, and Piers Clauses Act, 1847," shall be incorporated with and form Part of this Act: Provided always, that, notwithstanding anything herein-before contained, the Clauses in the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to Lifeboats, and with respect to keeping a Tide and Weather Gauge, shall not be in force under or for the Purposes of this Act until the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or any Two of them, shall require such Clauses to be observed; and at and from the Expiration of Six Calendar Months from the Time of any such Requirement the same Clauses shall be in force under and for the Purposes of this Act, and be binding upon the Corporation accordingly.

10 & 11 Vict.
c. 27. incor-
porated.

XXVII. 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 said Pier, or any Works of the Corporation constructed under the Powers of this Act, in or affecting any tidal Water, or of the intended Site thereof, the Corporation 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 Corporation, and if not paid upon 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 Corporation.

The Admi-
ralty may
order local
Survey.

XXVIII. If the said Pier or any Work to be constructed by the Corporation under the Powers of this Act in any tidal Water, or if any Portion of such Pier or Work which affects any such Water, or Access thereto, 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 Corporation; and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty
may order
Removal of
the Work, if
suffered to
fall into
Decay.

XXIX. The said Market Houses, Pier, and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers given by this Act to the Corporation for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Period for
Completion
of Works.

XXX. Every Person who shall land from or embark in any Boat or Vessel at or from the said Pier, and every Person who shall be on

Rates to be
taken by the
Corporation.
or

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or otherwise use the same, shall pay to the Corporation such Sum or Sums of Money as the Corporation shall appoint, not exceeding in any Case the Rate or Rates mentioned in the Schedule (E.) to this Act annexed: Provided always, that every Officer of Customs, and every Person employed in any Service relating to the Customs, and every Policeman going on to or using or passing over the said Pier in the Discharge of his official Duty, shall not be liable to pay to the said Corporation any Sum whatever, and every such Officer or Person shall have free Access to the said Pier at all Times for the Purpose of discharging his official Duty.

Tolls on Vessels remaining at Pier longer than necessary for taking in or discharging Cargo.

XXXI. There shall be paid to the Corporation, by the Owner or other Person having the Control of any Vessel made fast to or remaining at the said Pier, under the Circumstances mentioned in the Schedule (E.) to this Act annexed, any Sum or Sums of Money not exceeding the Rate or Rates mentioned in the Schedule (E.) to this Act annexed.

Passengers only to be landed at Pier.

XXXII. Unless with the Consent of the Corporation or their Piermaster, Goods (except Passengers Luggage) shall not be landed or put on board any Vessel on or from the said Pier.

Pass Tickets and Return Tickets not to be transferable.

XXXIII. Pass Tickets and Return Tickets from Time to Time granted by the Corporation shall not be transferable, and shall not be used by or available to any Persons, except the Party who has paid for the same, or in respect of whom the same have been granted, nor shall any Pass or Return Ticket be used by the Party who may have paid for the same, or in respect of whom the same has been granted, after the Period limited by such Ticket for the Use thereof; and any Party acting in any way contrary to or contravening these Provisions, or using or attempting to use any false or counterfeit Ticket, shall be liable to a Penalty not exceeding Twenty Shillings for each Offence, to be recovered as other Penalties under this Act are directed to be recovered.

Exemption from Rates.

XXXIV. Nothing in this Act contained shall authorize the Corporation to demand or take any Rate or Toll in respect of any Person *bonâ fide* engaged in launching any Vessel for the Purpose of going to the Assistance of any Vessel in Distress, or in respect of the landing of any Person from any Vessel in Distress, or in respect of any Parcels, being personal Luggage, not exceeding together Twenty-eight Pounds in Weight, carried by any Passenger who shall land at or embark from the Pier.

Penalty for evading Payment of Rates.

XXXV. If any Person shall in any Manner evade, or shall in anywise aid or assist in evading, or do any Act in order or with an Intent to evade, any Rate or Toll granted by this Act, or if any Person shall claim

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claim to be exempt from Rate or Toll where such Exemption shall not exist, every Person so offending shall forfeit and pay a Sum not exceeding the Sum of Forty Shillings for every such Offence, together with the Rate or Toll, Rates or Tolls, the Payment whereof shall have been evaded.

XXXVI. In addition to any other Remedies by this Act or the incorporated Acts given to the Corporation, or to any Person as against the Corporation, for the Recovery of Rates, Costs, Charges, and Expenses, such Rates, Costs, Charges, and Expenses may be recovered in any Court of competent Jurisdiction.

Rates, Costs, &c. may be recovered in the County Court.

XXXVII. All Rates and Tolls payable under the Provisions of this Act shall be paid to the Collector appointed by the Corporation, in such Manner and at such Place as the Corporation shall appoint.

Collection of Pier Tolls from Passengers.

XXXVIII. Every Collector of Pier Rates shall place on the Front or other conspicuous Part of the Toll House or other Place where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is on Duty.

Regulations as to Collectors.

XXXIX. Every Collector of Pier Rates who shall commit any of the following Offences shall forfeit a Sum not exceeding Forty Shillings for every such Offence; (that is to say,)

Penalties on Toll Collectors.

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty :

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board :

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person :

If he demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of this Act, and the Orders of the Corporation made in pursuance thereof :

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Person from passing upon the Pier :

If he make use of any scurrilous or abusive Language to any Passengers upon or to any Person lawfully using the Pier.

XL. If any Collector of Pier Rates be discharged or suspended from his Office, or die, or absent himself, and if such Collector so discharged

Power to Justices to give Posses-

[Local.]

6 D

charged

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sion of Toll
Houses to
Corporation.

charged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Twenty-four Hours Notice in Writing for that Purpose, to deliver up to the Corporation, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Corporation, in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the Corporation to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Corporation or any Person appointed by them for that Purpose.

Limits of
Power of
Piermaster
prescribed.

XLII. The Powers of the Piermaster from Time to Time appointed by the Corporation in reference to the preventing of Obstructions to the Pier, and the placing or removing of Vessels, shall extend to a Distance of Two hundred Feet from and around the said Pier.

Passengers
to be landed
and em-
barked at
Pier.

XLII. After the Pier shall have been completed and open for public Use, all Steamboats carrying Passengers for Hire or Reward to or from the Harbour of *Weymouth* and *Melcombe Regis* shall embark and disembark their Passengers at the said Pier, and not elsewhere within the Harbour (Weather permitting); and if the Master of any Steamboat shall embark or disembark any Passengers elsewhere (Weather permitting) than upon or from the said Pier, such Master shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that the Harbour for the Purposes of this Act shall be deemed to commence at the North-eastern Extremity of the South or outer Pier now in the course of Construction on the One Side, and the North-eastern Extremity of the Pier by this Act authorized to be constructed and completed on the other Side.

Power to
lease the
Tolls and
Rates.

XLIII. It shall be lawful for the Corporation from Time to Time to let the Market and Pier Tolls arising by virtue of this Act, or any of them, and all or any of the Toll Houses or Weighing Machines, and the Conveniences and Appurtenances thereunto belonging, for any Period the Corporation may deem expedient, not exceeding Three Years: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls, Toll Houses, or Weighing Machines respectively shall have been given by the Corporation,
by

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by Advertisement in a Newspaper circulating in *Weymouth*, at least Fourteen Days prior to the Meeting at which it shall be intended to let the same.

XLIV. During the Continuance of any such Lease, the Lessee or reputed Lessee named therein, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and they shall have the same Powers to collect and recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Corporation.

Lessees to
be deemed
Collectors.

XLV. If any Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for Twenty-one Days after the same shall have become payable, then, upon Application made by the Corporation to any Justice of the Peace, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to the Corporation, and remove from the same the Lessee or Collector or other Persons found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Corporation, and deliver the same to them, or any Person by them for that Purpose authorized.

Lessees
making de-
fault to be
removed.

XLVI. Upon such Possession being obtained, it shall be lawful for the Corporation to determine the Lease, if any previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or for unperformed or broken Obligations or Conditions on the Lessee's Part, all of which Remedies shall remain in force; and in every such Case, either during such Proceedings or on the Determination thereof, the Corporation may again let the Tolls and Rates to the same or any other Person, or cause them to be collected in the same Manner as if no such Lease had been made relative thereto.

Power of re-
letting Tolls.

XLVII. The Corporation may, for the Purposes of the Markets, and under the Authority of this Act, borrow at Interest on the Security of the Market Houses, Tolls, Stallages, Rents, and other Payments to be received for or in respect of the Markets, such Sums as they may think necessary for the Purpose of erecting and providing the said General Market House and Fish Market House, and the Sites thereof, and other the Purposes of this Act relating to the Markets, not exceeding in the whole the Sum of Ten thousand Pounds, and may accordingly

Corporation
may borrow
on Market
Rates.

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accordingly grant Mortgages of those Rates, Stallages, Rents, and Payments, or any of them, and of the Property authorized to be purchased, taken, and appropriated by virtue of this Act, for the Markets, or any Part thereof, to the Persons advancing the Money, or their Nominees.

Power to borrow on Mortgage of Pier Rates.

XLVIII. The Corporation from Time to Time, for any of the Purposes of erecting, completing, improving, and maintaining the Pier and the Works connected therewith, and under the Authority of this Act, may borrow at Interest on the Security of the Pier Rates granted by this Act such Sums as they think necessary for such Purposes, not exceeding in the whole the Sum of Twelve thousand Pounds, and may grant Mortgages of those Rates accordingly to the Persons advancing the Money or their respective Nominees.

Power to re-borrow.

XLIX. The Corporation from Time to Time may reborrow any Amount from Time to Time repaid by them, unless it be repaid by Means of a Sinking Fund, in which Case, and to the Extent of the Amount paid off by means of the Sinking Fund, their Powers for borrowing and reborrowing shall cease.

10 & 11 Vict. c. 16. relating to Mortgages incorporated with this Act.

L. The several Clauses in "The Commissioners Clauses Act, 1847," contained, with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with and form Part of this Act, and shall be construed as if the Word "Corporation" had been inserted therein instead of the Word "Commissioners," and as if the Words "Town Clerk" had been inserted therein instead of the Words "Clerk to the Commissioners;" and the Form of such Mortgage may be similar to the Form of Mortgage contained in Schedule (B.) to "The Commissioners Clauses Act, 1847," or in such other Form as the Corporation may think proper.

As to priority of certain Mortgage to be granted to Mr. Bond.

LI. And whereas the Corporation have, by Articles of Agreement, dated the Twenty-seventh Day of *October* One thousand eight hundred and fifty-three, contracted to purchase the Interest of *William Francis Bond* in a Portion of the Lands authorized to be taken for the General Market House, and it has been agreed that the Purchase Money shall be advanced upon Mortgage of the Market House and Tolls, with Interest after the Rate of Four Pounds *per Centum per Annum*, and that the same shall have Priority over all other Mortgages on the same Tolls and Property, and be repaid as therein mentioned: Therefore nothing in this Act contained shall affect the Priority of the said Mortgage intended to be granted to the said *William Francis Bond*, but it shall be lawful for the Corporation to grant such Priority, in conformity with the said Contract.

LII. In

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LII. In order to discharge the Principal Money borrowed on Mortgage as aforesaid, the Corporation shall every Year, after Payment of the Interest upon such Mortgages, and the Expenses incident to the Maintenance and Management of the Pier and Markets, and the Collection of the Rates and Tolls, appropriate the Surplus of the Pier Rates and Market Tolls respectively, as the Case may be, as Sinking Funds for paying off the respective Principal Monies borrowed upon the Credit of such Rates or Tolls respectively, and shall from Time to Time cause such Sinking Funds to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased, by Accumulation in the way of Compound Interest or otherwise, until the same respectively shall be of sufficient Amount to pay off the Principal Debts respectively to the Payment of which such Sinking Funds shall be applicable, or some Part thereof, which the Corporation shall think ought then to be paid off, at which Time such accumulated Monies, or an adequate Part thereof, shall be so applied in paying off such Principal Debts in the Manner mentioned in the said "Commissioners Clauses Act, 1847;" and the Powers of borrowing upon Mortgage by this Act granted to the Corporation shall thenceforth, to the Extent of the Principal so paid off by means of such Sinking Fund, be extinguished.

Sinking
Fund to be
provided.

LIII. Provided always, That when and so soon as the Money accumulated by means of either of the said Sinking Funds shall amount to the Sum of Two thousand Pounds, the Corporation shall and they are hereby required to apply the same towards the Liquidation of the Debt to which such Sinking Fund is applicable.

As to Liqui-
dation of
Debt.

LIV. Except as is by this Act otherwise provided, all Monies from Time to Time borrowed by the Corporation for the Purposes of the Markets, and all Market Tolls, Rates, Rents, Stallages, Penalties, and other Monies from Time to Time received by or for the Use of the Corporation under this Act, or in carrying it into execution in respect of the Markets, shall from Time to Time forthwith, after the Receipt thereof, be paid to the Credit of an Account to be called the "Markets Account."

Money re-
ceived by
Corporation
from Market
Tolls, &c. to
be paid to
Markets
Account.

LV. One Half of the Costs, Charges, and Expenses of obtaining and passing this Act, and preparatory or incident thereto, and all the Costs, Charges, and Expenses, Interest, Debts, and Liabilities from Time to Time paid or incurred by the Corporation in executing the Powers and Provisions of this Act in relation to the Markets, and charged upon the Market Houses, Tolls, and Rents, shall from Time to Time be paid and borne by and out of the Market Account; and after discharging all such Costs, Charges, and Expenses, and the Interest and Principal of all Mortgages granted by the Corporation

Expenditure
for Markets
to be paid
out of Mar-
ket Account.

[Local.]

6 E

on

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

on the Credit of the Market Houses, Tolls, and Rents, and all other Debts and Liabilities aforesaid, any Surplus from Time to Time remaining on such Account shall be carried to the Borough Fund.

Income from Pier to be paid to the Credit of Pier Account.

LVI. All Monies from Time to Time borrowed by the Corporation under this Act for the Purposes of the Pier, and all Rates, Tolls, Rents, Penalties, and other Monies whatsoever from Time to Time received by or for the Use of the Corporation under this Act, or in carrying it into execution in relation to the said Pier, shall from Time to Time, forthwith after the Receipt thereof, be paid to the Credit of the "Pier Account."

Expenditure for Pier to be defrayed out of Pier Account.

LVII. One Half of the Costs, Charges, and Expenses of obtaining and passing this Act, and preparatory or incident thereto, and all Monies from Time to Time paid by the Corporation for or with respect to the Execution of the Powers and Provisions of this Act with relation to the Pier, and all other the Costs, Charges, and Expenses, and the Interest and Principal of the Mortgage Debt and other Debts and Liabilities whatsoever from Time to Time paid or incurred by the Corporation with respect to the Execution by them of those Powers and Provisions with relation to the said Pier, shall be borne and paid by and out of the Pier Account; and after discharging all such Costs, Charges, and Expenses, and the Interest and Principal of the Mortgage Debt, and other Debts and Liabilities, any Surplus remaining on such Account shall be carried to the Harbour Fund, and be appropriated and applied by the said Corporation in repairing and keeping in good Order and Repair the Wharfs, Quays, and Piers of and belonging to the Harbour of the said Borough, and particularly in raising the South Pier to the same Height as the North Pier, and transferring the Lighthouse on the South Pier to the outer End of the same Pier; and when the said South Pier shall be so raised, and the Lighthouse so transferred as aforesaid, the same shall be kept by the Corporation in good Order and Repair.

Power to appoint Officers for Execution of Act.

LVIII. The Corporation may appoint such Officers and Persons to assist in the Execution of this Act as they shall think necessary and proper, and from Time to Time remove any such Officers and Persons, and appoint others in the Room of such as shall be so removed, or as may die, resign, or discontinue their Offices, and may, out of the Monies to be raised or received under the Powers of this Act, for the Purposes of the Markets and Pier respectively, pay such Salaries and Allowances to the said Officers respectively as the Corporation shall think reasonable.

Town Clerk and Treasurer to hold same Offices under this Act.

LIX. The Town Clerk and the Treasurer respectively for the Time being of the Borough shall be respectively the Clerk and the Treasurer for the Purposes of this Act.

LX. The

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

LX. The several Rents, Stallages, Standages, Tolls, Duties, Penalties, and other Sums of Money which shall at any Time be received, collected, or recovered by the Corporation, for or in respect of the said Markets or Pier, shall from Time to Time be paid to the said Treasurer, and by him applied and disposed of as the Corporation shall direct and appoint.

Rents and Tolls to be paid to Treasurer.

LXI. The said Treasurer shall, in Books to be kept for that Purpose, enter true and distinct Accounts of all Sums of Money by him received and paid under this Act for the Purposes of the Markets and Pier, to be sufficiently distinguished from each other and from his other Accounts, and of the several Matters for which such Sums shall have been received and paid; and the Books of Account shall at all reasonable Times be open to the Inspection of the Mayor or any of the Aldermen or Councillors of the said Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to such Member of the Council as the Mayor shall name, in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or in case of extraordinary Vacancy, within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall be so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing, and cause to be printed, a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the Corporation by virtue of this Act, and of all the Ratepayers of the Borough; and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of a reasonable Price for each Copy.

Treasurer to keep Accounts.

LXII. The Justice by whom any Penalty shall be imposed under this Act shall, if he shall think proper so to do, award any Part, not more than Half thereof, to the Informer, and the Remainder shall be paid to the said Treasurer; and if no Part shall be so awarded to the Informer, the whole of any Penalty shall be paid to the said Treasurer.

Justices may award Part of Penalty to be paid to Treasurer of the Borough.

LXIII. It

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

Mayor, &c.
not incom-
petent to act
as Justice.

LXIII. It shall be lawful for the Mayor of the said Borough for the Time being, and for every Justice of the Peace having Jurisdiction within the Borough, though a Member of the said Corporation, to act as a Justice of the Peace in all Matters relating to the Execution of this Act.

Hawking of
Fish and
Milk not to
be prevented.

LXIV. Nothing in this Act or the Acts incorporated therewith shall prevent the hawking of Milk, Firewood, Mackerel, Herrings, Sprats, Prawns, or Shrimps in any of the public Streets or Places of the said Borough, or the vending of Fish from Boats in the Harbour of the said Borough.

Saving
Rights of
Mayor,
Aldermen,
and Bur-
gesses.

LXV. Except as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth and Melcombe Regis*, nor prevent the Mayor, Aldermen, and Burgesses from holding the Markets in the Borough as heretofore, and receiving the heretofore accustomed Rents, Tolls, Stallages, and Payments in respect thereof, until the Completion of the said Markets respectively, within the Period of Five Years herein-before limited for such Completion, nor after such Completion to prevent the holding of the Market in the Parish of *Melcombe Regis*, or elsewhere within the said Borough, for the Sale of Horses, Bullocks, Cows, Calves, Sheep, and Pigs, nor the levying of Tolls, Rents, and Payments in respect thereof, but all such Rights, Privileges, Powers, and Authorities respectively may be had, exercised, and enjoyed in as full and ample a Manner as if this Act had not been passed.

Provision as
to the Rights
of the Crown.

LXVI. That nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Corporation to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

PROPERTY TO BE TAKEN OR APPROPRIATED FOR THE GENERAL MARKET HOUSE.

Parish of Melcombe Regis.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Dwelling House and Premises called No. 38, St. Mary Street.	The Representatives of Samuel Holman or William Francis Bond.	William Francis Bond	Rebecca Sims.
Dwelling House and Premises called No. 39, St. Mary Street.	Ditto - -	Ditto - -	James Hutchings.
Dwelling House and Premises called No. 40, St. Mary Street.	Ditto - -	Ditto - -	John Watts.
Dwelling House and Premises called No. 41, St. Mary Street.	Ditto - -	Ditto - -	William Davis.
Dwelling House and Premises called No. 42, St. Mary Street.	William Francis Bond	- - -	Unoccupied.
Dwelling House behind the last-mentioned Dwelling House, with Right of Way leading thereto from St. Mary Street.	Ditto - -	- - -	Phœbe Green.
Dwelling House and Premises called No. 43, St. Mary Street, with Right of Way leading thereto from St. Mary Street.	The Representatives of Mary Chubb or William James Hill.	William James Hill	Robert Sansom.
Dwelling House and Premises called No. 44, St. Mary Street, with Right of Way leading thereto from St. Mary Street.	The Representatives of William Holman and Amey his Wife, or John Martin, John Scott, John Hancock, Christopher Besant, and James Calley Larkworthy, Benjamin Garston and Anne his Wife, James Russell.	John Martin, John Scott, John Hancock, Christopher Besant, and James Calley Larkworthy, Benjamin Garston and Anne his Wife, James Russell.	James Nobbs.

[Local.]

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The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Dwelling House and Premises called No. 27, Maiden Street, with Right of Way leading thereto from St. Mary Street.	The Representatives of William Holman and Amey his Wife, or John Martin, John Scott, and Elizabeth Mary Fooks.	John Martin, John Scott, and Elizabeth Mary Fooks.	James Miller.
Dwelling House and Premises called No. 28, Maiden Street, used as Stores, with Right of Way leading thereto from St. Mary Street.	The Representatives of Mary Chubb or William James Hill.	William James Hill	James Russell.
Blacksmith's Shop, Maiden Street.	The Representatives of Samuel Holman or William Francis Bond.	William Francis Bond	Richard Trantum.
Basket Maker's Workshops and Stores, Maiden Street.	The Representatives of Samuel Holman and William Francis Bond.	Ditto - -	James Hutchings.
Grocery Stores, Maiden Street -	The Representatives of Samuel Holman or William Francis Bond.	Ditto - -	Daniel Pidgeon.

PROPERTY TO BE TAKEN OR APPROPRIATED FOR THE
FISH MARKET HOUSE.*Parish of Melcombe Regis.*

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Brazier's Shop on the Quay -	The Mayor, Aldermen, and Burgesses of the Borough of Weymouth and Melcombe Regis.	- - -	Samuel Webb.
Coal Store on the Quay -	Ditto - -	- - -	John Gibson.
Salt Store, Maiden Street -	Ditto - -	- - -	Richard Cox.
Sail Loft extending over the whole of the above Premises.	Ditto - -	- - -	Richard Cox.

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

SCHEDULE (B.)

SCHEDULE of TOLLS and STALLAGES referred to and authorized to be taken in the MARKETS by the foregoing Act.

	£	s.	d.
CORN MARKET :			
For every Office or Box for the Transaction of Business within the Market, any Sum not exceeding, per Week - - -	0	2	0
For every Stall, Stand, or Standing Place occupying a Space not more than Twenty-one Feet Superficial Measure, for selling or exposing to Sale any Corn, Grain, Malt, Seeds, Hops, or other Agricultural Produce by Sample, any Sum not exceeding, for each Market Day - - - - -	0	1	0
If occupying a larger Space, then for every additional Superficial Foot, for each Market Day, not exceeding - - - - -	0	0	2
MEAT MARKET :			
For every Butcher's Shop, Stall, Standing, or Station, occupying a Space not more than Twenty-one Feet Superficial Measure, if taken by the Year, any Sum not exceeding, per Year - - -	20	0	0
If taken by the Week, not exceeding, per Week - - - - -	0	10	0
If taken by the Day, not exceeding, per Day - - - - -	0	2	0
If occupying a larger Space, then for every additional Superficial Foot, for each Market Day, not exceeding - - - - -	0	0	2
For every Pig or Part of a Pig exceeding Forty Pounds in Weight brought within the Borough aforesaid, and whether to the Market Scales or not - - - - -	0	0	4
POULTRY, FRUIT, AND VEGETABLE MARKET :			
For every Poulterer's, Fruitseller's, Greengrocer's, or other than Butcher's Shop, Stall, Standing, or Station, occupying a Space not more than Twenty-one Feet Superficial Measure, if taken by the Year, any Sum not exceeding, per Year - - -	20	0	0
If taken by the Week, not exceeding, per Week - - - - -	0	10	0
If taken by the Day, not exceeding, per Day - - - - -	0	2	0
If occupying a larger Space, then for every additional Superficial Foot, for each Market Day, not exceeding - - - - -	0	0	2
For every Stand or Standing Place for selling or exposing for Sale any Poultry, Game, Cheese, Butter, Eggs, Fruit, Vegetables, Cabbage or other Plants, Fruit Trees or other Trees, or Shrubs or Plants, not exceeding each Day, per Foot Superficial Measure	0	0	1
And if occupying any larger Space, then for every additional Superficial Foot, not exceeding - - - - -	0	0	1
MISCELLANEOUS ARTICLES :			
For every Stall, Stand, or Standing Place of not more than Twenty-one Feet Superficial Measure for selling or exposing for Sale any Cloth, Furniture, Agricultural Implements, Shoes, China, Glass, Earthenware, or other Goods, Articles, or Commodities not herein-before particularly mentioned, in the said Market, not exceeding, for each Day - - - - -	0	2	0
And if occupying a larger Space, then for every additional Superficial Foot, for each Day, not exceeding - - - - -	0	0	1

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

FISH MARKET:	£	s.	d.
For every Fishmonger's Stall, Standing, or Station occupying a Space not more than Twenty-one Feet Superficial Measure, if taken by the Year, any Sum not exceeding, per Year	-	-	12 0 0
If taken by the Week, not exceeding, per Week	-	-	0 6 0
If taken by the Day, not exceeding, per Day	-	-	0 2 0
If occupying a larger Space, then for every additional Superficial Foot, for each Day, not exceeding	-	-	0 0 2

The Stallage and the several Tolls and Rents before mentioned and specified to be payable and paid for and in respect of the Occupation and Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Week or Day for which the same Stall, Standing Place, Bench, Compartment, or Space of Ground shall be taken or hired, in case he shall not occupy or use the same for and during the whole of such Week or Day respectively, as also by any subsequent Taker or Occupier of the same Stall, Standing Place, Bench, Compartment, or Space of Ground for the Residue of any Part or Portion of the same Week or Day respectively.

SCHEDULE (C.)

SCHEDULE of TOLLS to be taken for WEIGHING and MEASURING.

	£	s.	d.
For every Load of Hay, Straw, or other Agricultural Produce, the Weight of which does not exceed One Ton, not exceeding the Sum of	-	-	0 0 6
Exceeding One Ton in Weight, not exceeding the Sum of	-	-	0 1 0
For every Hide, not exceeding	-	-	0 0 2
For every One Hundredweight of Tallow, not exceeding	-	-	0 0 1
For every Flich of Bacon, not exceeding	-	-	0 0 1
For every Sheep, Lamb, Calf, or Pig, not exceeding	-	-	0 0 4
For every Beast, not exceeding	-	-	0 0 4
For every Quarter of a Beast, not exceeding	-	-	0 0 1
For every Half a Beast, not exceeding	-	-	0 0 2
For Three Quarters of a Beast, not exceeding	-	-	0 0 3
Every weighing of other Articles not exceeding One Hundredweight, not exceeding	-	-	0 0 1
And if more than One Hundredweight and less than Two Hundredweight, not exceeding	-	-	0 0 2
And so in proportion for any greater Quantity.			
For every Quantity of Goods and Articles sold by Measure, for every Bushel, not exceeding	-	-	0 0 0½

The Weymouth and Melcombe Regis Markets and Pier Act, 1854.

SCHEDULE (D.)

SCHEDULE of TOLLS to be taken for WEIGHING MACHINES.

	£	s.	d.
For every Waggon or other Four-wheeled Carriage, including the Loading thereof, any Sum not exceeding - - -	0	1	0
For every Cart or other Two-wheeled Carriage, including the Loading thereof, any Sum not exceeding - - -	0	0	6

SCHEDULE (E.)

PIER RATES.

	£	s.	d.
For every Passenger or other Person who shall land on the new Pier or Landing Place or embark or go on board any Steam or other Vessel, Boat, Wherry, or other Machine, from the said Pier or Landing Place or any Part thereof, for each and every Time, not exceeding - - - - -	0	0	1
For every Person not landing on or embarking from the said Pier, who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or otherwise, for each and every Time, not exceeding - - - - -	0	0	1
For every Sedan or Wheel Chair, and every other Description of Chair or Vehicle which shall be drawn on the said Pier or Landing Place by manual Labour, for each and every Time, not exceeding - - - - -	0	0	2
For all and every Trunk, Portmanteau, Box, Parcel, or other Package falling within the Description of personal Luggage that shall be landed or otherwise taken from or placed on the said Pier or Landing Place (subject to the Exemptions contained in this Act), not exceeding the Weight of Twenty-eight Pounds, not exceeding - - - - -	0	0	1
If exceeding Twenty-eight Pounds and not exceeding Eighty-four Pounds each, not exceeding - - - - -	0	0	2
If exceeding Eighty-four Pounds and not exceeding One hundred and twelve Pounds each, not exceeding - - - - -	0	0	3
If exceeding One hundred and twelve Pounds and not exceeding One hundred and forty Pounds each, not exceeding - - - - -	0	0	4
If exceeding One hundred and forty Pounds and not exceeding One hundred and ninety-six Pounds each, not exceeding - - - - -	0	0	5
If exceeding One hundred and ninety-six Pounds, and not exceeding Two Hundredweight each, not exceeding - - - - -	0	0	6
If amounting to or exceeding Two Hundredweight, for every Hundredweight, not exceeding - - - - -	0	0	3
And for every Twenty-eight Pounds in addition, not exceeding - - - - -	0	0	1
In which Case no Toll is to be paid in respect of less than One Quarter of a Hundredweight.			

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	£	s.	d.
But if the same shall be placed on a Pair of Trucks or Barrow, then for any Quantity of Luggage belonging to One Person, and contained in or upon any One Pair of Trucks or Barrow, and not exceeding the Weight of One hundred and forty Pounds, not exceeding -	0	1	0
One or more Parcel or Parcels, being personal Luggage, not exceeding Twenty-eight Pounds in Weight, and all Parcels containing working Tools only, belonging to and carried by any Passenger landing or embarked at or from the Pier, to be exempt.			
For every Master and each of the Crew of any Vessel, Boat, or Wherry belonging to the Port of Weymouth and Melcombe Regis, using the said Pier and other Works for the Purpose only of going to or returning from his own Vessel, Boat, or Wherry, such annual Sum as the Corporation shall appoint, not exceeding, per Annum -	0	15	0

SCHEDULE (F.)

TOLLS ON VESSELS and BOATS.

	£	s.	d.
For any Time any Vessel or Boat shall make fast to or remain at or under the said Pier beyond the Period necessary for taking in or discharging the Passengers of such Vessel or Boat, or for any Time any Vessel or Boat shall make fast to or remain at the said Pier without taking in or discharging any Passengers or Cargo, after Notice given to the contrary by the Piermaster, for each and every Hour and Part of an Hour beyond the First Hour, not exceeding, per Ton -	0	0	1

Nothing in this Schedule contained shall prevent the Removal of any Vessel or Boat by the Piermaster, under the Authority of this Act.

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