Anno vicesimo nono

Georgii II. Regis.

An Act for the better ascertaining, recovering, and collecting, certain Duties payable upon the Importation and Exportation of Goods and Merchandizes into or out of the Harbour of the Town and County of *Poole*; and also of Ballast and Boomage Duties, payable in respect of Ships and Vessels coming into and going out of the said Harbour; and for the enlarging, better repairing, and keeping in Repair, the said Harbour, and the Quays and Wharfs; and for providing a proper Place for keeping Gunpowder in or near the said Town; and for establishing and regulating a Nightly Watch, and enlightening the Streets in the said Town.

WHEREAS the Mayor, Bailiffs, Burgesses, and Commonalty, of the Town and County of the Town of Poole, have, Time out of Mind, received, and been intitled to receive, certain Duties called Petty Customs, or Wharfage, upon the Importation and Exportation of all Goods and Merchandizes into and out of the Harbour of Poole aforesaid, from the Owner, Importer, or Exporter of such Goods and Merchandizes, and also certain other Duties called Boomage Preamble.

Boomage and Ballast Duty, from the Masters or Commanders of Ships and Vessels; which said several Duties have been constantly under the Management of the Mayor, Bailiffs, and Burgesses, of the said Town and County of the Town of Poole, as Trustees and Managers; and the said Duties have been applied for the repairing the said Harbour, Quays, and Wharfs, and other Works, necessary for the more convenient Use of the same, within the said Town and County: And whereas several Persons have refused to pay the said Duties, induced thereto by the great Difficulties in supporting, by strict legal Evidence, prescriptive Claims and Rights to Duties, on each particular Species of Goods, and the exact and precise Sums payable for the same: And although the said Mayor, Bailiffs, Burgesses, and Commonalty, have brought several Actions, in order to establish such their antient Rights; yet, by means of the Expences in carrying on such Suits, and the many continued Evasions and Refusals of Payment, the Money raised by such Duties is not sufficient to repair the said Harbour, Quays, and Wharfs, which are now in a ruinous Condition, and will be entirely destroyed if not timely prevented: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty six, there shall be paid to the Mayor, Bailiffs, Burgesses, and Commonalty, of the said Town and County of the Town of Poole aforesaid, as well by the said Mayor, Bailiffs, Burgesses, and Commonalty, of the said Town and County for the time being, in their natural Capacities, as by all and every other Person or Persons whatsoever, for all Goods, Wares, Merchandizes, and Commodities, imported into, and exported from and out of, the said Harbour of Poole aforesaid, and for all Ships and Vessels coming into the said Harbour, the several and respective Rates, Duties, and Customs, mentioned, specified, and enumerated, in the Table or Schedule hereunto annexed, and no other Rates, Customs, or Duties for the same, or in respect thereof, either under the Denomination of, or under any Pretence of, or pretended Claim to, a Wheelage Duty, or any other Rates, Customs, or Duties whatsoever; and which said Schedule, and all the

There shall be paid to the Mayor, &c. the Rates and Duties mentioned in the Schedule, and no others.

several Provisoes, and other Matters therein contained, is, are, and shall be deemed and taken as Part of this Act, to all Intents and Purposes, as if the same were hereby particularly enacted; and also that it shall and may be lawful to and for the said Mayor, Bailiffs, and Burgesses, of the said Town and County of the Town of Poole, or the major Part of them, for the time being, whereof the Mayor to be One, from time to time, to assemble; and, being so assembled, by any Writing or Writings under their Hands, or the Hands of the major Part of them so assembled, to nominate and appoint One or more Person or Persons to collect the said Rates, Duties, and Customs, directed to be paid and levied by this Act; and also in like manner to nominate and appoint a Person to execute and perform the Office and Duty of a Quay-master within the said Harbour of Poole; and also in like manner to nominate and appoint a Treasurer or Treasurers to receive the Rates, Duties, and Customs, of and from the Collector or Collectors; and also, from time to time, to displace or remove any such Collector or Collectors, Quay-master or Quay-masters, Treasurer or Treasurers, for the time being; and also to assign and allow to and amongst the said Officers for the time being, a reasonable Salary or Wages for their Care and Trouble, out of the Rates and Duties to be by them levied, collected, and received, by virtue of this present Act, not exceeding Two Shillings in the Pound.

Mayor, &c. to appoint and remove Officers,

allow Salaries to,

And it is hereby further enacted, That the said Mayor, Bailiffs, and Burgesses, shall take of every such Collector or Collectors, Quay-master or Quay-masters, and Treasurer or Treasurers, to be nominated and appointed in pursuance of this Act, good and sufficient Security, as well for the answering and paying all and every the Sum and Sums of Money to be by them respectively received by virtue of this Act, unto such Person and Persons, and at such Times, and in such Manner, for the Uses and Purposes of this Act, as the said Mayor, Bailiffs, and Burgesses, shall order, direct, or appoint; as also for their giving and making a true Account of all the Money so to be received, and of the Payment, Disposition, and Application of the same, when and as often as the said Mayor, Bailiffs, and Burgesses, or the major Part of them, shall think fit and direct.

and take Securities from such Officers.

And it is hereby further enacted, That there shall, from time to time, be provided and kept by the Collector or Collectors, Quay-master or Quay-masters, to be appoint-

Quay-master, &c. to keep Accounts.

ed by virtue of this Act, a Book or Books, in which a true Account of all the Money to be collected and received by them respectively by virtue of this Act, shall, from time to time, be fairly set down and entered, expressing the Time when, and the Names of the Persons from whom, the same was so received; and there shall be also provided and kept by the Treasurer or Treasurers a Book or Books, in which shall be fairly set down and entered a true Account of all such Sum and Sums of Money as shall be received, paid, and issued, by virtue and in pursuance of this Act.

Time and Place of Meeting of the Mayor, &c. for examining Accounts.

And it is hereby further enacted, That the said Mayor, Bailiffs, and Burgesses, or the major Part of them, whereof the Mayor to be One, shall and may, and they are hereby authorized and required to assemble and meet together on the Tuesday next after the Twenty fourth Day of June, in every Year, between the Hours of Ten and Twelve of the Clock in the Forenoon, in the Guildhall of the Town of Poole aforesaid, or oftener, if they shall think fit; and then and there to summon and call before them all and every the Collector or Collectors, Quay-master or Quay-masters, Treasurer or Treasurers, so to be nominated or appointed as aforesaid, and then and there audit, examine, and settle, the respective Accounts of every such Collector or Collectors, Quay-master or Quay-masters, Treasurer or Treasurers, and shall state, draw up, and sign, a full and true Account of all such Sums of Money by them respectively collected, received, and disbursed, by virtue and in pursuance of this Act, and not before settled and accounted for; which said Account, when audited, examined, and settled, it shall and may be lawful to and for any Person or Persons, on account of whose Goods, Wares, or Merchandize, the said Rates, Duties, or Customs, shall be paid by virtue of this Act, at any seasonable Time, within Forty Days after such Audit, Examination, and Settlement, to see and inspect; and, if he or they shall think fit, take a Copy or Copies thereof, at his and their own Expence.

Rates and Duties how to be collected and applied.

And, for the better and more speedily and easily raising, levying, and recovering the Rates, Duties, and Customs, granted or directed to be raised, levied, and paid by this Act, it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Burgesses of the said Town and County of the Town of Poole, or such Collector or Collectors, or other Person or Persons, so

to

to be appointed in pursuance of, and for the Purposes of, this Act as aforesaid, or any of them, to ask, demand, and require Payment of the several Rates, Duties, and Customs, in and by this Act charged, and directed to be levied and paid, for and in respect of Goods, Wares, Merchandize, and Commodities, imported into the Harbour of Poole aforesaid; and also for and in respect of Ballast Duties and Boomage, of and from the Master or Commander of every Ship or Vessel wherein any such Goods, Wares, or Merchandizes respectively, shall be imported, at the Time such Master or Commander shall make his Manifest, Report, or Entry, to the Officers of the Customs of the Port or Harbour of Poole aforesaid, of the Cargo or Loading of every such Ship or Vessel, importing any such Goods, Wares, and Merchandizes respectively, into the said Harbour of Poole; and also to ask, demand, and require Payment of the Rates, Duties, and Customs, hereby charged and directed to be levied and paid, for and in respect of Goods, Wares, Merchandizes, and Commodities, exported from the said Port or Harbour of Poole aforesaid, or reloaded at the said Port or Harbour, or taken out of any other Ship or Vessel in the said Port or Harbour, in order to be exported, of and from the Master or Commander of every Ship or Vessel wherein any such Goods, Wares, Merchandizes, or Commodities respectively, shall be exported or reloaded, or taken out of any Ship or Vessel in the said Harbour to be exported, at the Time every such Master or Commander of any such Ship or Vessel shall clear out with the Officers of the Customs of the said Port or Harbour, or make Clearance of the Cargo or Loading of every such Ship or Vessel exporting, or reloading, or taking out of any other Ship or Vessel in the said Harbour of Poole to be exported, any Goods, Wares, Merchandizes, or Commodities respectively, in the said Harbour of Poole.

Rates and Duties to be levied by Distress.

And it is hereby further enacted by the Authority aforesaid, That in case the said several Rates, Duties, and Customs, or any Part thereof respectively, shall not be paid, upon Demand to be made thereof, in pursuance of this Act, by the Persons hereby made liable to the Payment of the same, then, and in such Case, it shall and may be lawful to and for the said Mayor of the said Town for the time being, or any Justice of the Peace for the said Town and County of the Town of Poole aforesaid, upon Complaint of and from the Person or Persons impowered to receive the said several

Rates, Duties, and Customs, payable respectively by this Act, by Warrant under his Hand, to distrain, detain, and stop such Ship or Vessel wherein any Goods, Wares, Merchandizes, or Commodities, for which any such Rates, Duties, or Customs, made payable by this Act, are loaded; and to detain and keep such Ship or Vessel, until the several Rates, Duties, and Customs, made payable by virtue of this Act, are paid and satisfied, with the Costs and Charges of such Distress.

Masters, &c. of Ships not delivering in an Account of their Loadings,

And it is hereby further enacted by the Authority aforesaid, That every Master or Commander of any Ship or Vessel coming into, or going out of, the said Port or Harbour of Poole aforesaid, shall, at or before the Time such Master or Commander shall make any Report, Manifest, Entry, or Clearance, to the Officers of the Customs of the said Port or Harbour of Poole aforesaid, of his or their Loading or Cargo, deliver in to the Person or Persons appointed and employed to collect the several Rates and Duties made payable by this Act, a full and true Account in Writing of all Goods, Wares, Merchandizes, and Commodities, loaded and on Board such Ship or Vessel, and subject to the Payment of the Rates, Duties, and Customs, directed to be paid by this Act; and in case any Master or Commander of any Ship or Vessel shall neglect and refuse to deliver and produce such Accounts in Writing as aforesaid, contrary to the Direction of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, to be recovered by any Person or Persons who shall sue for the same, by Action of Debt, in any of His Majesty's Courts of Record; wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed, together with Full Costs of Suit; and every such Action and Suit shall be brought and laid in the said County of Dorset, and not elsewhere.

to forfeit 10 *l.*

Goods that have paid the Duty on Importation, not chargeable on Exportation.

Provided always, That nothing in this Act shall extend or be construed to charge any of the Rates, Duties, or Customs, payable by this Act, on the Exportation of any Salt or Rice, for which the Duty shall have been paid upon the Importation.

Quay-masters may appoint the mooring, &c. of Ships.

And it is hereby further enacted by the Authority aforesaid, That the Quay-master and Quay-masters, from time to time, to be appointed by virtue and in pursuance of this Act, shall and may, and he and they respectively is and are hereby authorized and required, for the better and more commodious loading and unloading Ships and

Vessels, or taking in, or casting out, Ballast at or upon the said Wharfs and Quays, to order and direct all Masters, and other Persons, having the Charge or Command of any Ships or Vessels within the said Port or Harbour of Poole aforesaid, near or adjoining to the said Wharfs or Quays, to station, place, anchor, or moor the said Ships and Vessels, in such proper Place or Places of the said Port or Harbour, near unto, or adjoining to the said Wharfs or Quays, as the said Quay-master or Quay-masters for the time being shall for that Purpose assign and appoint; and in case any Person having the Rule and Command of any such Ship or Vessel, shall neglect or refuse to station, place, anchor, or moor, any Ship or Vessel, under his Care or Command, in such Place as the said Quay-master or Quay-masters, for the time being, shall for that Purpose assign or appoint, every Person so neglecting or refusing shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Masters, &c. of Ships not observing his Directions, &c.

to forfeit 40s.

And it is hereby further enacted, That all the Money to be raised by the said Duties shall be applied, employed, expended, and laid out, in and for the cleansing, enlarging, and keeping in good and proper Order the said Harbour, and for enlarging, repairing, and keeping in good Repair, the Wharfs, Quays, and other Works, necessary for the more convenient Use of the same, within the said Town and County of the Town of Poole, in such Manner as to the said Mayor, Bailiffs, and Burgesses, or the major Part of them, for the time being, shall seem requisite and expedient.

Application of the Money.

Provided always, That nothing in this Act shall extend, or be construed to exempt any Person or Persons from repairing, and keeping in Repair, from time to time, as Need shall be and require, any or any Part of the said Wharfs or Quays, which any such Person or Persons were obliged by Tenure, Covenant, Agreement, or Usage, to maintain or repair, before the making of this Act.

Persons chargeable to the Repairs of Quays or Wharfs, to continue so.

And be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Burgesses, out of the Monies arising, or to arise, out of the said Duties, to rebuild, enlarge, and extend the said Quays and Wharfs, and for that Purpose to purchase any Lands, Tenements, or Hereditaments, from any Person or Persons, Bodies Politick or Corporate, which may be necessary to be used for enlarging the said

Mayor, &c. may purchase Lands for enlarging the Quays and Wharfs.

Property of such Lands vested in the Mayor, &c.

Quays or Wharfs; and the Property of such Lands, Tenements, or Hereditaments, when purchased, and also the Quays or Wharfs to be erected and built thereon, shall be vested in the said Mayor, Bailiffs, Burgesses, and Commonalty, of the said Town and County of the Town of Poole, and their Successors for ever, to be used for the landing and shipping of Goods, in such Manner as the present Quays and Wharfs are used.

Where Persons are incapable, or refusing to treat for Sale of Lands,

And be it enacted by the Authority aforesaid, That in case any Body Politick or Corporate, Ecclesiastical, or Civil, or any Person or Persons interested in any Lands, Tenements, or Hereditaments, necessary to be used for the Purposes of enlarging and extending the said Quays or Wharfs, shall be incapable by Law, or shall refuse to treat with the said Mayor, Bailiffs, and Burgesses, for the Sale thereof, or shall insist upon an unreasonable Price for the same, that then, and in any of the said Cases, the said Mayor, Bailiffs, and Burgesses, or any Nine or more of them, whereof the Mayor to be One, may and are hereby impowered Fourteen Days before any Quarter Sessions of the Peace to be holden for the County of Dorset, to give, or cause to be given, to such Owner or Owners, and other Persons interested in such Lands, Tenements, or Hereditaments, or to be left at their Places of Abode respectively, with some or One of their respective Families, Notice in Writing, denoting and describing the respective Quantities of Lands, and the Tenements, and Hereditaments, so intended to be purchased for the Purposes aforesaid, and the Situation of the same, and purporting, that the Value of the same respectively will be adjusted and settled by a Jury at the said Sessions; and the Justices of the Peace, at their said Sessions, upon Proof to them then and there made of such Notice and Notices having been so given, are hereby authorized and required to charge the Jury which shall attend at such Sessions, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Lands, Tenements, and Hereditaments, comprized in the said Notice, and the Damage and Recompence to be given for the same, to the respective Owner or Owners thereof, according to their respective Interests therein; which Oath the said Justices are hereby impowered and required to administer to the said Juries, and to which said Jury the said Mayor, Bailiffs, and Burgesses, and all Parties interested in the said Lands, Tene-

the Damage and Recompence to be assessed by a Jury.

ments,

ments, and Hereditaments, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given concerning the Nature, Quantity, and Value, of the said Lands, Tenements, or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the same to the respective Owner or Owners thereof; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to all Parties; and from and after such Verdict or Judgement, and Tender of the Recompence therein and thereby found and directed to be given for the said Premisses, to the respective Owner or Owners thereof, or their Agents (which Damage or Recompence the said Mayor, Bailiffs, and Burgesses, or any Nine or more of them, are hereby impowered to pay out of the said Duties or Petty Customs) the said Mayor, Bailiffs, and Burgesses, or their Successors, or any Nine or more of them, are hereby impowered to take and use the said Lands, Tenements, and Hereditaments, for the Purposes of enlarging and extending the said Quays and Wharfs; and the same shall from such Time, be deemed, taken, and used, as publick Quays or Wharfs, and shall for ever hereafter be repaired, and kept in Repair, by such Ways and Means as the other Quays or Wharfs are to be repaired and kept in Repair, within the said Harbour of Poole.

Jurors may be challenged.

Verdict of the Jury to be binding and conclusive.

Lands purchased, to be deemed publick Quays or Wharfs.

And, for the more speedy repairing the said Wharfs and Quays, and cleansing the said Chanels; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Burgesses, or the major Part of them, from time to time, upon the Credit of the said Harbour Duties, to borrow and take up at Interest, not exceeding the Rate of Five Pounds per Centum per Annum, any Sum or Sums of Money as they, or the major Part of them (whereof the Mayor and senior Bailiff to be Two) shall think needful, not exceeding the Sum of Two thousand Pounds; and are hereby authorized and impowered by any Writing under their Hands and Seals, or the Hands and Seals of the major Part of them, to assign over the said Harbour Duties, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the Sums of Money that shall be borrowed, and the Interest thereof, as aforesaid; which said Sums of Money so to be borrowed (such Part of the Charges

Mayor, &c. may borrow Money on the Credit of the Tolls.

of

Application of the Money borrowed.

of passing this Act as is hereafter mentioned being thereout first paid) shall be laid out and applied in and for the repairing the said Wharfs and Quays, and cleansing the Chanels, in such Manner as the said Duties are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the said gross Sum not exceeding Two thousand Pounds, in respect of Priority of advancing his, her, or their Part or Parts thereof, but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall, so far as the gross Sum shall extend, be and are hereby declared to be, Creditors on the said Duties in equal Degree one with another.

All Creditors deemed as such in an equal Degree.

Assignments may be transferred, and the Manner of doing do.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Assignment or Assignments of the said Duties shall be made by virtue of this Act, may, and he, she, and they are hereby authorized, from time to time, by proper Words to be indorsed on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in Presence of Two or more credible Witnesses, convey or transfer his, her, and their Right, Title, Interest, or Benefit, to the Principal and Interest money thereby secured, or any Part thereof, to any Person or Persons whomsoever; and such Indorsement, Conveyance, or Transfer, shall intitle the Person or Persons to whom the same shall be so made, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof; and such Person and Persons may in like Manner indorse, convey, or transfer, the same again, and so toties quoties; and it shall not be in the Power of the Person or Persons who shall have made such Indorsement, Conveyance, or Transfer, to make void, release, or discharge the same.

Goods landed, shall be removed from the Quays, &c. in 3 Days,

on Penalty of 12 Pence *per* Ton;

Provided always, and be it enacted by the Authority aforesaid, That all Goods landed on any of the Quays and Wharfs, shall be removed and taken from such Quays or Wharfs within the Space of Three Days from the Time of their landing: And if any Goods so landed, shall remain longer upon such Quays or Wharfs than the Space of Three Days, that then, and in every such Case, the respective Owners of such Goods shall forfeit the Sum of Twelve Pence per Ton, for every Ton of such Goods so remaining on the said

Quays or Wharfs for a longer Time than Three Days as aforesaid; and likewise the Sum of Twelve Pence per Ton for every succeeding Forty eight Hours that such Goods shall so remain there.

and the same Penalty for every 48 Hours afterwards.

And it is hereby further enacted, That if any Person or Persons shall from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty sir, throw, cast, or empty any Ballast, Dust, Ashes, Chalk, Stones, or Rubbish, into the said Harbour, or do or commit any other Matter or Thing tending to choak up, spoil, or damage the same, it shall be deemed to be a publick Nuisance; and the same, and all Causes, Matters, and Things, relating thereto, shall for ever hereafter be examined, heard, tried, and determined, as common Nuisances are examined, heard, tried, and determined, by or according to the Laws of this Realm; and all Offenders therein being thereof lawfully convicted, upon Information or Indictment in any of His Majesty's Courts of Record at Westminster, or by Indictment at the General Quarter Sessions of the Peace to be held in and for the said County of Dorset, shall be liable to such Fines, Penalties, and Punishments, as Persons convicted for common and publick Nuisances are by the Laws and Statutes of this Realm subject and liable to.

Persons emptying Ballast, &c. into the Harbour.

liable to such Penalties as Persons convicted for publick Nuisances.

And be it enacted by the Authority aforesaid, That Twenty hundred Weight of Scale Goods, or Two hundred and fifty two Gallons of Liquids, or Forty Square Feet of measurable Goods, shall be respectively deemed a Ton, within the Intent and Meaning of this Act; and if any Dispute shall arise with Respect to the Tonnage of any Vessels or Goods, the Mayor and Two Justices of the Peace, for the said Town and County, together with Four younger Brothers of the Trinity House, or the Majority of them, shall, from time to time, decide and settle such Dispute, and ascertain such Tonnage respectively.

What Quantity of Goods shall be deemed a Ton.

And whereas it would greatly tend to the Benefit and Security of the Inhabitants of the said Town, if effectual Provision was made for enlightening the Streets and other Passages within the said Town, and for establishing and maintaining a regular Nightly Watch therein, and upon the Wharfs belonging thereto: And whereas it is proper that a convenient Store-house or Magazine should be erected or provided for the Reception of Gunpowder which shall be brought into the said Town and County of the Town of Poole, or landed in the said

Commissioners to be chosen yearly by the Inhabitants.

Harbour; be it therefore enacted by the Authority aforesaid, That from and after the Eighth Day of June, One thousand seven hundred and fifty six, the Mayor or Justices of the Peace of the said Town and County of the Town of Poole, for the time being, together with Eleven of the principal Inhabitants of the said Town, to be chosen yearly and every Year, in such Manner as is herein after prescribed, shall, and they are hereby nominated, constituted, and appointed Commissioners of and for the Intents and Purposes herein after-mentioned and declared.

Notice to be given of the Election of Commissioners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such of the Inhabitants of the said Town as pay towards the Rates and Assessments raised and levied within the said Town for the Relief of the Poor, to assemble at the Vestry, or other Place where parochial Meetings are usually held, Two Days Notice at the least being first given in the Church of the said Town, on the Tuesday in Whitsun Week, in the Year One thousand seven hundred and fifty six, and on the Tuesday in Easter Week in every succeeding Year, between the Hours of Ten of the Clock in the Morning, and Two in the Afternoon; and the said Inhabitants, or the major Part of them then assembled, shall then and there choose and appoint Eleven of the most substantial Inhabitants of the Parish aforesaid, to be joined with the Mayor and Justices of the said Town and County of the Town of Poole, for the time being, for putting this Act in Execution; and in case of the Death or Removal of any of the said Inhabitants so chosen and appointed, or their refusing to act, it shall and may be lawful to and for the Inhabitants at the Vestry or Place of assembling as aforesaid, to meet (Two Days Notice at the least being always given of such Meetings in the said Church, on the next preceding Lord's Day in the Morning immediately after Divine Service) and then and there elect and appoint One or more fit Person or Persons inhabiting within the said Town, in the Room of such Person or Persons as shall die, remove, or refuse to act; which Person or Persons shall be joined with the Commissioners appointed as aforesaid, and shall have like Power to carry this Act into Execution.

On Death or Removal of Commissioners, others to be chosen.

Notice thereof to given.

Time and Place of Commissioners Meeting.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorized and required to meet and assemble together in the Common Hall of the said Town, on the First

Day of July, One thousand seven hundred and fifty six, between the Hours of Nine and Twelve in the Forenoon, in order to put this Act in Execution; and shall and may from and after that Time, by Adjournment, or upon Two Days Notice at the least to be given in the said Church on the next preceding Lord's Day, immediately after Divine Service in the Morning, meet and assemble together at the same Place, but so as not to interfere with the Business of the said Corporation, or else at any other convenient Place within the said Town.

In case the Inhabitants neglect to appoint Commissioners,

Provided always, and be it enacted by the Authority aforesaid, That in case the Inhabitants of the said Town of Poole (such Notice being given as aforesaid) shall neglect or refuse to nominate and appoint Eleven of the Inhabitants of the said Town to be joined to and act with the Mayor and Justices of the said Town and County of the Town of Poole, according to the Directions herein before prescribed, then it shall and may be lawful to and for the Mayor and Bailiffs for the time being, or the major Part of them, and they are hereby authorized and required to proceed to put this Act in Execution; and that in case the said Mayor and Bailiffs, or the major Part of them, shall refuse to appear at such Meeting as aforesaid, then it shall and may be lawful to and for the said Inhabitants, or a Majority of them so assembled, and they are hereby authorized and required, to proceed to put this Act in Execution; any thing herein contained to the contrary notwithstanding.

the Mayor and Bailiffs are to put the Act in Execution;

and, on their Refusal, a Majority of the Inhabitants.

Commissioners to appoint Watchmen,

And be it further enacted by the Authority aforesaid, That from and after the First Day of July, One thousand seven hundred and fifty six, the said Commissioners, or any Seven or more of them, at a Meeting to be held by virtue of this Act, shall and may appoint a sufficient Number of able-bodied Men, not exceeding Forty in the whole, to watch every Night within the said Town, and upon the said Wharfs; and also such Person or Persons as they the said Commissioners, or any Seven or more of them, shall think proper, to be Keeper and Lighter, or Keepers and Lighters, of the Lamps; all which Persons shall be appointed at a Meeting to be held for that Purpose, yearly and every Year, upon the Second Monday in July, by the said Commissioners, or any Seven or more of them.

who shall execute Orders of the Commissioners,

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to be appointed and hired pursuant to this Act, for the Duties and Services

vices herein before and herein after-mentioned, shall, from time to time, and at all Times, obey and observe, perform and duly execute, all and all manner of Orders, Directions, and Rules, as shall, from time to time, be made or given by the said Commissioners, or any Seven or more of them, for or concerning the Duties, Services, Matters, and Things, to be done, performed, and executed, for the Purposes of this Act, according to the true Intent and Meaning thereof, upon Pain of forfeiting Ten Shillings for every Offence, Refusal, or Neglect; and that the said Orders, Directions, and Rules, shall be hung up in the Town-hall and Town-house belonging to the said Town of Poole.

under a Penalty of 10s.

Commissioners to appoint Number and Sort of Lamps;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, so assembled as aforesaid, and they are hereby authorized and required to order, direct, and appoint, what Number and Sort of Lamps, and how and where they shall be set up, or to what House or Building within the said Town, and upon the said Wharfs, they shall be fixed, or where the same shall be placed; and also to order, direct, and appoint, at what Places the said Watchmen shall respectively be stationed, and in what Manner and how often they shall go their Rounds, and how they shall be armed, how long they shall continue upon their Duty, and what Wages and Allowances shall be paid to such Watchmen, and to the Person or Persons employed in keeping or lighting the Lamps; and shall and may, from time to time, make such other Orders and Regulations, as the Nature of each particular Service shall require.

and regulate the Watchmen;

and the Manner of keeping and lighting the Lamps.

Proviso.

Provided always, That the said Lamps shall be and continue lighted from Sun-setting to Sun-rising.

Orders relating to the Watch, to be delivered to the Water Bailiff and Assistant Constables;

And be it further enacted by the Authority aforesaid, That the said Commissioners for the time being, or any Two or more of them, shall with all convenient Speed cause a true Copy or Transcript of all such Orders and Regulations as shall be made, from time to time, for the Direction and Government of the said Watch, to be delivered to the Water Bailiff and Assistant Constables, for the time being, of the said Town, and to every of them; and that from and after the First Day of August, One thousand seven hundred and fifty six, the said Water Bailiff or Assistant Constables of the said Town, for the time being, or One or more of them, shall attend every Night by Turns, and shall keep Watch and

who shall keep Watch and Ward by Turns,

Ward

Ward within the said Town, and upon the said Wharfs, at the Places respectively to be appointed as aforesaid, and during such Time and Times as shall be ordered and directed by the said Commissioners, or any Seven or more of them assembled, and shall, in their several Turns or Courses of watching, use their best Endeavours to prevent as well all Mischiefs happening by Fire, as all Murders, Burglaries, and other Disorders; and to that end shall arrest and apprehend all Malefactors and suspected or disorderly Persons, who shall be found wandering or misbehaving themselves, and shall carry the Persons who shall be so apprehended, as soon as conveniently may be, before the said Mayor, or One of the Justices of the Peace, for the said Town and County of the said Town, to be examined and dealt with according to Law, and shall twice, or oftner, at convenient Times in every Night, go about their respective Wards, Districts, Precincts, or Stations, and take Notice whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall be made for that Purpose; and in case any such Watchmen shall misbehave themselves or neglect their Duties, the said Water Bailiff or Assistant Constables, and every of them, shall give Notice thereof to the Mayor, and One other Justice of the Peace for the said Town and County of the Town of Poole, who shall have Power to summon the Parties immediately before them; and upon hearing them, if they see good Cause, may displace any such Watchman, and put another in his Stead, till the next Meeting of the said Commissioners, or any Seven or more of them, and fine such Offender in any Sum not exceeding the Sum of Twenty Shillings.

endeavour to prevent Mischiefs by Fire,

apprehend disorderly Persons,

and take Notice if the Watchmen do their Duties.

Mayor and One Justice may remove Watchmen.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them, in the Absence of the Water Bailiff or Assistant Constable, and they are hereby respectively required, during the Time of their keeping Watch and Ward, to apprehend all Malefactors or Rogues, Vagabonds, and other suspected or disorderly Persons, disturbing the publick Peace, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the said Water Bailiff or Assistant Constable, who is hereby required to carry him, her, or them, as soon as conveniently may be, before the Mayor, or One of the Justices of the Peace for the said Town and County, to be examined and dealt with according to Law.

Watchmen to apprehend disorderly Persons.

And, for defraying the Charges and Expences of buying, setting up, and maintaining, the said Lamps, and

supplying the same with proper Materials, and likewise the Expence of such Nightly Watch, and of providing a proper Magazine for the keeping Gunpowder as aforesaid, and guarding the same; be it further enacted by the Authority aforesaid, That from and after the First Day of July, One thousand seven hundred and fifty six, the said Commissioners, or any Seven or more of them, so assembled as aforesaid, shall and may, by Writing under their Hands and Seals, nominate and appoint Two Inhabitants of the said Town to be Assessors, in order to raise Money for the Purposes aforesaid; and such Assessors are hereby impowered and required to make and settle a Yearly, Half-yearly, or other Rate or Rates, Assessment or Assessments, upon all Owners and Occupiers of any Messuages, Houses, Shops, Ware-houses, Malt-houses, Granaries, Buildings, and Yards, situate, lying, and being, within the said Town of Poole; and also upon all and every personal Estate, or Stock in Trade, not exceeding Twelve Pence in the Pound yearly, as the same Premisses were rated for the Relief of the Poor in the Year then next preceding; which Rates and Assessments shall be allowed and signed by Two or more of the Justices of the Peace for the said Town and County; and after the Rates and Assessments so made and signed, the said Commissioners, or any Seven or more of them, as aforesaid, shall have full Power, and they are hereby authorized and required, to cause the same to be collected Quarterly or Half-yearly, and to appoint Two or more Persons to collect the same in the said Town; and if any Person or Persons shall wilfully refuse or neglect to appear, assess, or collect such Rates or Assessments as aforesaid, being thereunto summoned and appointed as aforesaid, or refuse to be sworn well and faithfully to execute either of the Offices of Assessor or Collector (which Oath the said Mayor, or any One Justice of the said Town and County of the Town of Poole, is hereby authorized to administer) every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds; to be recovered, levied, and disposed of, as herein after is directed; and the said Rates and Assessments, by this Act so to be made, shall be subject to, and chargeable with, such Sum or Sums of Money as shall, from time to time, be advanced, borrowed, raised, or received, for carrying on the several Works of watching and lighting the said Town, and building a Magazine for Gunpowder, and guarding the same; and the said

Commissioners to appoint Assessors;

who are to assess Owners and Occupiers of Houses, &c.

which shall be allowed by Two Justices, and collected Quarterly or Half-yearly.

Penalty on Collectors or Assessors refusing to act.

said Rates and Assessments shall be paid by the respective Occupiers for the time being of the respective Premisses, and by the respective Proprietors for their respective Personal Estates, or Stock in Trade: And in case any Person or Persons so assessed, shall refuse or neglect to pay such Rate or Assessment by the Space of Ten Days next after Demand thereof made, it shall and may be lawful to and for the said Collectors respectively, by Warrant under the Hands and Seals of Two or more of the Justices for the said Town and County (which Warrant they are hereby authorized and required to grant) to levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons so refusing or neglecting to pay the same (if the same can be found within the said Town) rendering to such Person or Persons so refusing or neglecting, the Overplus, if any be, after the necessary Charges of making such Distress and Sale are first deducted.

Assessments may be levied by Distress and Sale.

And it is hereby further enacted, That the said Mayor, Bailiffs, and Burgesses of the said Town and County of the Town of Poole, or any Five or more of them, shall take of every Person appointed to collect and receive the Rates and Assessments aforesaid, good and sufficient Security, as well for the answering and paying all and every the Sum and Sums of Money, to be by them respectively received by virtue of this Act, unto such Person and Persons, and at such Times, and in such Manner, for the Uses and Purposes of this Act, as the said Mayor, Bailiffs, and Burgesses, shall order, direct, or appoint, as also for their giving and making a true Account of all the Money so to be received, and of the Payment, Disposition, and Application of the same, when and as often as the said Mayor, Bailiffs, and Burgesses, or the major Part of them, shall think fit and direct; and that the said Mayor, Bailiffs, and Burgesses of the said Town and County of the Town of Poole, or any Five or more of them, shall assign and allow to every Person appointed to collect and receive the said Rates and Assessments, reasonable Salaries and Wages out of the Money so collected and received as aforesaid, not exceeding One Shilling in the Pound to each.

Security to be taken of Collectors;

and Salaries to be allowed to them.

And be it enacted by the Authority aforesaid, That all and every the Occupiers of the Houses and Premisses so charged and rated, shall be liable to pay the whole of such Rates to the said Collectors respectively.

Occupiers liable to pay the whole Rates.

Provided always, and be it further enacted by the Authority aforesaid, That if any Difference shall happen between

Differences to be determined by the Mayor and Justices.

tween the several Occupiers of the same Messuage, House, Shop, Ware-house, Malt-house, Granary, Building, or Yard respectively, touching or concerning their respective Proportions of any such Rates or Assessments made by virtue of this Act, then, and in every such Case, the said Mayor and Justices of the Peace for the said Town and County of the Town of Poole for the time being, or any Two of them, whereof the Mayor to be One, shall and may hear, adjust, and determine all and every such Difference and Dispute.

If Persons liable to pay any Rate shall remove,

Provided also, That if any Person, liable to pay any Rate or Assessment by virtue of this Act, shall remove from or quit the House, Tenement, or Premisses, in respect of which such Assessment or Rate is made, before the Assessment due from such Person shall be paid, it shall and may

it may be levied,

be lawful to and for the said Collectors to levy the same by Distress so warranted as aforesaid, in case such Person shall reside within the said Town and County of the Town of Poole, and a sufficient Distress can be found;

or recovered by Action with Costs.

or otherwise the Mayor of the said Town of Poole for the time being, shall and may sue for and recover the same by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Record at Westminster, with Full Costs of Suit.

No Settlement shall be gained by Payment of the Rates.

Provided also, and it is hereby further enacted, That no Person shall, by Payment of any Rate or Assessment to be paid by virtue of this Act, or by being employed as a Watchman, gain any Settlement in the said Town.

If Persons neglect to account,

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall receive any Money by virtue of this Act, for the Purposes aforesaid, shall, from time to time, and as often as the said Commissioners, or any Seven or more of them, as aforesaid, at any Time assembled, shall require, make, and render, to such Commissioners, or unto such other Person or Persons as they shall appoint, a true and perfect Account upon Oath (which said Oath may be taken in Writing without any Stamp thereupon, before the Mayor or any One Justice of the said Town and County, who are hereby respectively impowered and required to administer the same) of all such Sums of Money by such Person or Persons collected or received, or which shall have been rated and assessed, as aforesaid, and not received, and all other Matters committed to his or their Charge,

and pay the Money remaining in their Hands,

by virtue of and under the Authority of this Act; and shall also pay and deliver unto such Person and Persons

ſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct and appoint, all and every ſuch Sum and Sums of Money as ſhall remain in his or their Hands at the Time of ſuch Account; and if ſuch Collector or Collectors ſhall refuſe or neglect to account for and pay ſuch Sum and Sums of Money accordingly, any Two or more of the ſaid Juſtices ſhall and may cauſe the ſame to be levied by Diſtreſs upon the Goods and Chattles of ſuch Collector or Collectors, rendering the Overplus to the Owner; and in caſe ſufficient Diſtreſs cannot be found, then the ſaid Juſtices, or any Two of them, ſhall and may commit ſuch Perſon or Perſons to the Common Gaol of the ſaid Town and County, there to remain without Bail or Mainprize until he or they ſhall have made a true and perfect Account, and Satisfaction or Compoſition, to the ſaid Commiſſioners, or any Seven or more of them, aſſembled as aforeſaid, who are hereby authorized to compound the ſame; and ſuch Perſon ſhall deliver all the Books of Account, and Papers vouching or relating to the ſame, unto the ſaid Mayor, or ſome or One of the ſaid Juſtices.

it may be levied by Diſtreſs;

and for want of Diſtreſs the Perſon to be committed.

And it is hereby further enacted, That in caſe any Money received by any ſuch Collector, as aforeſaid, ſhall be totally loſt, the ſaid Aſſeſſor or Aſſeſſors, for the time being, are hereby authorized and required, upon the Order and by the Directions of the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, to make a new or additional Aſſeſſment, for ſupplying and making good ſuch Deficiency, and the Charges occaſioned by or on account of the ſame.

If any Money ſhall be loſt, an additional Aſſeſſment ſhall be made for making it good.

And be it further enacted by the Authority aforeſaid, That the Property of the ſaid Lamps ſhall be veſted in the Mayor, Bailiffs, Burgeſſes, and Commonalty, of the ſaid Town and County of the Town of Poole, who are hereby authorized and impowered to bring Actions, and proſecute Indictments, againſt any Perſon or Perſons for ſtealing, taking away, breaking, extinguiſhing, or ſpoiling the ſame.

Property of Lamps veſted in the Mayor, &c.

And be it further enacted by the Authority aforeſaid, That an Account of all the Proceedings of the ſaid Commiſſioners, and of the Monies received and expended by virtue of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe; which Book or Books every Perſon or Perſons contributing to the ſaid Rates may, from time to time, and at all convenient Times, reſort to peruſe and inſpect, without Fee or Reward.

Proceedings, &c. of the Truſtees to be entered in Books.

Commissioners to contract for putting up and lighting Lamps.

And it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, as aforesaid, from time to time, to contract with any Person or Persons, not being a Commissioner, for a sufficient Number of Lamps necessary to be set up in the said Town, and upon the said Wharfs, and for Irons and Posts for firing the same, and for providing such Lamps with all necessary Materials; and for lightening, attending, dressing, and repairing the same, for any Time not exceeding One Year, so as Fourteen Days Notice at least be given, by Writing to be fixed upon the Doors of the Church at Poole, signifying that all Persons willing to contract with the said Commissioners, may deliver Proposals for that Purpose to the said Commissioners, at a certain Time and Place in such Notice to be mentioned.

Application of the Monies.

And it is hereby further enacted, That the Monies to be raised and levied by the Assessments directed to be made by this Act shall be applied for the respective Uses and Purposes of watching and lightening the said Town, and for building a Magazine for Gunpowder, and guarding the same, at such Times and in such Manner as the said Commissioners, or any Seven or more of them assembled, as aforesaid, shall, from time to time, order and appoint; and in case the Money collected in any One Year shall not be sufficient to answer the Purposes for which the same was collected, such Deficiency shall be supplied by the Assessment for the next ensuing Year; and in case at the End of any One Year, any Surplus shall remain, such Surplus shall, from time to time, be applied in aid of the succeeding Year's Expence, and for the Purposes for which the Assessment made in such succeeding Year shall be applied.

Penalties on Persons breaking Lamps.

And it is hereby further enacted by the Authority aforesaid, That if any Person shall wilfully or maliciously break, throw down, or extinguish, any Lamp, which shall be hung out or set up by virtue of this Act, every Person so offending, and being thereof convicted, by the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said Town and County of the Town of Poole, shall for the First Offence forfeit the Sum of Five Pounds for each Lamp so broken, thrown down, extinguished, or otherwise damaged; and for the Second Offence, the Sum of Ten Pounds; and for the Third and every other Offence, the Sum of Fifteen Pounds; to be recovered and levied in such Manner as is herein after directed.

Provided

Perſons paying the Rates ſhall not be liable to Watch and Ward.

Provided always, and it is hereby further enacted and declared, That no Perſon or Perſons who ſhall be rated, aſſeſſed, and pay, to any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made in purſuance of this Act, ſhall be liable to Watch or Ward within the ſaid Town, by virtue of the Statute, called The Statute of *Wincheſter*, made in the Thirteenth Year of King Edward the Firſt, or any other ſubſequent Statute relating thereto.

Commiſſioners may cauſe a Magazine to be built for Gunpowder.

And whereas a convenient Store-houſe or Magazine, for depoſiting and keeping the Gunpowder which ſhall be landed within the ſaid Port, or brought into the ſaid Town and County of the Town of Poole, may be erected at a Place called The South Point of the Bulwarks, belonging to the Mayor, Bailiffs, Burgeſſes, and Commonalty, of the ſaid Town and County of the Town of Poole: And whereas the ſaid Mayor, Bailiffs, Burgeſſes, and Commonalty, are conſenting and deſirous that ſuch a proper Store-houſe or Magazine may be there erected; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, being aſſembled as aforeſaid, to cauſe a proper and convenient Store-houſe or Magazine for the lodging and keeping the Gunpowder which ſhall be brought into the ſaid Harbour, or within the Limits of the ſaid Town and County of the Town of Poole, to be erected and built at the ſaid Place called The Bulwarks, and to appoint ſuch Officers and other Perſons to take care of, and guard and watch the ſame, and to do all ſuch other Acts for the ſafe keeping of the Gunpowder which ſhall be depoſited therein, as they the ſaid Commiſſioners, or any Nine or more of them, aſſembled as aforeſaid, ſhall, from time to time, think neceſſary and proper, and to defray the Expence of erecting ſuch Store-houſe or Magazine, and keeping the ſame in Repair, and to make ſuch Allowances to the Perſons employed in and about the ſame, out of the Rates and Aſſeſſments which ſhall be collected and levied, as aforeſaid.

Perſons may lodge Gunpowder in the Magazine paying Six Pence a Hundred Weight.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons ſhall and may depoſit and lodge in ſuch Store-houſe or Magazine any Quantity or Quantities of Gunpowder, for ſo long Time as he, ſhe, or they, ſhall think proper, upon paying to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Nine or more of them, aſſembled as aforeſaid, ſhall appoint to receive the ſame, for the Quan-

tity of One hundred Weight, the Sum of Six Pence, and so in Proportion for any greater or less Quantity; which Monies so to be paid shall be accounted for and applied in such and the same Manner, and to the like Uses and Purposes, as the said Rates and Assessments are herein before directed to be accounted for and applied.

No more than 10lb. of Gunpowder to be kept in any House, &c. or aboard a Ship.

And be it further enacted by the Authority aforesaid, That from and after the Time such Store-house or Magazine shall be completed and finished, it shall not be lawful for any Person or Persons whatsoever, to have or keep (except as herein after excepted) any more than Ten Pounds Weight of Gunpowder, in any House, Store-house, Ware-house, Shop, Cellar, Yard, Wharf, Ship, Vessel, or other Place, in the said Town of Poole, or nearer thereto than the said Powder Magazine, other than in the said Magazine or Store-house, upon Pain of forfeiting such Gunpowder, and double the Value thereof.

Justices may issue Warrants to search for Gunpowder;

And be it enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace, residing within the said Town and County of the Town of Poole, upon Demand made by One or more Householder or Householders within the said Town and County, assigning a reasonable Cause for the same, to issue his Warrant or Warrants under his Hand and Seal, for searching, in the Day-time, for Gunpowder, on Board any Ships or Vessels which shall be nearer to the said Town of Poole than the said Powder Magazine, or in any Houses, Store-houses, Ware-houses, Shops, Cellars, Yards, Wharfs, or any other Places whatsoever, within the Limits of the said Town and County of the Town of Poole; and, for that Purpose, to break open any such Houses, Store-houses, Ware-houses, Shops, Cellars, Yards, Wharfs, or other Places aforesaid, and to enter such Ships or Vessels, if there shall be Occasion; and that upon every or any such Search, it shall be lawful for the Searchers or Persons finding any Quantity or Quantities of Gunpowder exceeding the Weight of Ten Pounds, the same immediately to seize; and then, or at any Time within Twelve Hours after such Seizure, to amove, or cause to be amoved, all such Gunpowder, exceeding the Quantity aforesaid, into such Store-house or Magazine; and the same shall be there detained and kept, until Proof be made, upon Oath, by One or more credible Witness or Witnesses, before any Two or more Justices of the Peace for the said Town

and seize and sell the same.

and County of the Town of Poole, of the Quantity of the ſaid Gunpowder ſo ſeized and detained, and that the ſame was ſeized within the Limits aforeſaid, it ſhall and may be lawful for ſuch Juſtices to grant a Warrant under their Hands, authorizing and directing the Sale of ſuch Gunpowder ſo ſeized and detained; and the Monies ariſing by the Sale of ſuch Gunpowder ſhall be applied in ſuch Manner as the Penalties and Forfeitures incurred by this Act are herein after directed to be applied.

Charges of this Act, &c. how to be paid.

Provided always, and be it further enacted by the Authority aforeſaid, That the Expence of procuring this Act of Parliament ſhall be paid and ſatisfied out of the Firſt Monies to be raiſed by virtue of this Act, in manner following; that is to ſay, One Moiety thereof out of the Firſt Money to ariſe out of the ſaid Duties, and the other Moiety out of the Firſt Money that ſhall ariſe by the Rates or Aſſeſſments by this Act directed to be made, collected, and levied; any thing in this Act contained to the contrary notwithſtanding.

Exemption for Gunpowder belonging to His Majeſty.

Provided alſo, That this Act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, in any wiſe, to affect any Store-houſe or Magazine belonging to His Majeſty, His Heirs, or Succeſſors, wherein Gunpowder or other Stores is now or may be hereafter kept for the Uſe of the Publick, within the ſaid Town and County of the Town of Poole, or to any Ship of War or other Veſſel in His Majeſty's Service; or to hinder the proving or trying Gunpowder by His Majeſty's Officers for the Service of His Majeſty, His Heirs, or Succeſſors; or to the carrying of Gunpowder to and from any of His Majeſty's Magazines, or with Forces in their Marches; any thing in this Act contained to the contrary notwithſtanding.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act incurred or impoſed (the Manner of recovering and levying whereof is not otherwiſe hereby particularly directed) ſhall be recovered and levied by Diſtreſs and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant or Warrants under the Hands and Seals of the ſaid Mayor, or Juſtices of the Peace for the ſaid Town and County of the Town of Poole, for the time being, or any Two or more of them; which Warrant or Warrants they, or any Two or more of them, are hereby impowered and required to make, upon the Information of One or more credible Witneſs or Witneſſes, upon

Oath, before them, or any Two or more of them (which Oath they, or any One or more of them, are hereby impowered and required to administer) and that all the pecuniary Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid and applied, if not otherwise particularly directed to be applied, as follows; that is to say, One Moiety thereof to the Informer, and the other Moiety thereof into the Hands of such Person or Persons as the said Commissioners, or any Seven or more of them, shall appoint, and be laid out and applied to and for the respective Uses and Purposes mentioned in this Act, in such Manner as the said Commissioners shall, under their Hands, direct and appoint; and in case no such Distress, as aforesaid, can be had, then it shall and may be lawful for the said Mayor and Justices for the time being, or any Two or more of them, by like Warrant or Warrants, to commit the Party offending unto the Common Gaol for the said Town and County, there to remain without Bail or Mainprize, for any Space not exceeding Six Months, nor less than One Month, at the Discretion of the said Mayor and Justices, or any Two of them, unless such Penalties and Forfeitures shall be sooner paid.

Penalties may be mitigated.

Provided always, That it shall and may be lawful to and for the said Mayor and Justices, or any Two of them, from time to time, where they see Cause, to mitigate any of the Penalties and Forfeitures aforesaid, as they in their Discretion shall think fit, so as such Mitigation do not extend to remit above One Moiety of such Penalties and Forfeitures; and every such Mitigation shall be a sufficient Discharge for the Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, That if any Person or Persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the Judgement of the said Mayor or Justices, or by any Rate or Assessment made in pursuance of this Act, then such Person or Persons shall and may appeal to the Justices of the Peace at the next General Quarter Sessions to be held for the said Town and County of the Town of Poole, or for the County of Dorset, at the Election of the Party aggrieved, who are hereby respectively impowered to summon and examine Witnesses upon Oath, and finally to hear and determine the

Matter

Matter of such Complaint or Appeal; and in case of Conviction, to issue a Warrant or Warrants for the levying and enforcing the Payment of the said Penalties and Forfeitures, together with such Costs and Charges to the Party in whose Favour such Appeal shall be determined, as the Justices in their said Sessions shall order and direct.

Mayor, &c. to preside at all Meetings.

Provided also, and it is hereby enacted, That at every Meeting of the Commissioners by virtue of this Act, the Mayor or senior Bailiff of the said Town and County of the Town of Poole for the time being, if present, or in their Absence, the senior Justice of the Peace of the said Town and County then present, shall preside.

Commissioners to bear their own Expences.

And be it further enacted, That the Commissioners for putting this Act in Execution shall, at all their Meetings to be held in pursuance of this Act, defray their own Charges and Expences.

Inhabitants of *Poole* allowed to be Evidences.

And be it further enacted by the Authority aforesaid, That in all Actions, Suits, Trials, and other Proceedings in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of the said Town and County of Poole, not being Mayor, or an Alderman, or senior Bailiff, Sheriff, or Water Bailiff of the said Town and County, and not otherwise disqualified or disabled by Law, shall be admitted to give Evidence, and be deemed a competent Witness, notwithstanding his being an Inhabitant, or of the Commonalty of the said Town and County; any Law, Custom, or Usage to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done, or to be done in pursuance of this Act, then, and in every such Case, the Action shall be commenced within Three Months after the Fact committed, and not afterwards; and the same and every such Action and Suit shall be brought and laid in the County of Dorset, and not elsewhere; and the Defendant or Defendants in such Actions or Suits respectively to be brought, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of and by the Authority of this Act; and if the same shall appear so to have been done, or if any Action or Suit shall be brought after the Time herein before limited for bringing the same, or shall be brought or laid in any other County or Place, then the Jury shall find for the Defendant or Defendants;

fendants; and upon such, or upon any other Verdict to be found for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant and Defendants shall and may recover Double Costs, and have the like Remedy for the Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law.

Double Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and all Judges and Justices are hereby required to take Notice of the same as such, without specially pleading the same.

THE

TABLE *or* SCHEDULE Referred to; *viz.*

For Harbour-duties, Quayage, or Wharfage, Boomage and Ballast-duties, payable by virtue of this Act, chargeable on the Goods, and to be payable by or from the Master of every Ship or Vessel coming into, loading or unloading any Goods and Merchandizes, in *Poole* Harbour.

The Schedule.

FOR every Ton of Goods, of what Sort or Kind soever, imported or exported, shipped or unshipped, laden or unladen, in, on, or out of, any Ship or Vessel, within the Limits of the Harbour of Poole, the Sum of Three Pence per Ton.

Particular Exemptions from Duties.

Provided always, That it shall and may be lawful to import or export, ship or unship, lade or unlade, any Goods, Wares, or Merchandize, into or from any Part of the Channel leading to Wareham, to the Westward of the Buoy called the Southwest Buoy off the Bulwarks of Hamkey, and near the Entrance of the little Chanel leading to the Town of Poole; all which Goods, Wares, and Merchandize, so imported or exported, shipped or unshipped, laden or unladen, shall be free and exempt from the said Duty of Three Pence per Ton: Neither shall any Duty be

be paid for the bringing or conveying of any Goods, Wares, or Merchandize in open Boats, Lighters, or Barges without Decks from Wareham, or any Part of the Chanel to the West of the said Southwest Buoy, or any Part of the Isle of Purbeck, within North Haven Point, to Poole, or from Poole to Wareham, or any Part of the said Chanel to the West of the said Southwest Buoy, or any Part of the Isle of Purbeck, within North Haven Point aforesaid: But if such Goods, Wares, or Merchandize shall be imported or exported in any decked Ships or Vessels into or out of the little Chanel within Poole Stakes, leading to the said Town of Poole, the Duties by this Act granted shall be charged on the respective Goods, Wares, and Merchandize, so imported or exported; and shall be payable by the Master of such decked Ship or Vessel in which such Goods, Wares, or Merchandize, shall be so imported or exported. Decked Vessels to pay Duties.

BOOMAGE.

FOR Boomage the following Duties shall be paid, except for such Vessels as are employed in Fishing and Dredging; that is to say,

Every decked Vessel of the Burthen of Ten Tons, or under, shall pay Six Pence.

Every decked Vessel of the Burthen of Twenty Tons, or above Ten Tons, One Shilling.

Every decked Vessel of the Burthen of Thirty Tons, or above Twenty Tons, Two Shillings.

Every decked Vessel of the Burthen of Forty Tons, or above Thirty Tons, Three Shillings.

Every decked Vessel of the Burthen of Fifty Tons, or above Forty Tons, Four Shillings.

Every decked Vessel of the Burthen of Sixty Tons, or above Fifty Tons, Five Shillings.

Every decked Vessel of the Burthen of One hundred Tons, or above Sixty Tons, Six Shillings.

Every decked Vessel of a Burthen above One hundred Tons, Seven Shillings.

BALLAST.

FOR Ballast the following Duties shall be paid; that is to say,

For every Ton of Ballast, shipped or unshipped into or out of any Ship or Vessel, or taken from any Quay

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or Wharf within the Entrance of the little Chanel within Poole Stakes, leading to the said Town of Poole, Six Pence.

Particular Exemptions from Duties.

Provided always, That it shall and may be lawful for any Ship or Vessel to ship or unship any Ballast in any Part of the Chanel leading to Wareham, to the Westward of the Southwest Buoy aforesaid, or any Part of the Isle of Purbeck, within North Haven Point, Duty-free; any Ship or Vessel throwing out or unshipping their Ballast, at any Quay or Wharf within the Mouth of the little Chanel within Poole Stakes, leading to the said Town of Poole, in order to careen, shall only pay for throwing out or unshipping the said Ballast, the Sum of Six Pence per Ton; and no Duty shall be paid for re-shipping the same.

Tobacco-pipe Clay exempted.

Provided always, That all Tobacco-pipe Clay shall be free and exempt from all Duties whatsoever.

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FINIS.