ANNO QUINTO

VICTORIÆ REGINÆ.

Sess 2.

****

Cap. xxxii.

An Act for making a Pier at *Gosport* in the Parish of *Alverstoke* in the County of *Southampton*.

[31st *May* 1842.]

WHEREAS the making a Pier or Landing-place on or from the *Gosport* or Western Side of the Harbour of *Portsmouth* in the Parish of *Alverstoke* in the County of *Southampton* would be of great public Utility: And whereas the Persons hereinafter named are willing at their own Expence to carry such Undertaking into execution; but the same 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, That *Daniel Quarrier*, Sir *Francis William Austen*, *George McKinley*, *Robert Cruickshank*, *Thomas Paul*, *Mark Halpen Sweny*, *Thomas Butts*, *Alfred Heather*, *Charles Aylmer*, *Thomas Hoskins*, *William Brownlow*, *James Biden*, *James Crook*, *Robert Calder Hyslop*, *James Hepworth*, *William Wolfe*,

Company incorporated.

Robert Bowie, William Lankester, John Paul, Henry Abbinett, James Blake, Henry Smith, John Jenkins, George Adams, James Hoskins, William Barker, Benjamin Hobbs, William John Rundle, Arthur Wright, Thomas Attrill, and all other Parties who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making the said Pier, with proper Approaches, Works, and Conveniences connected therewith, according to the Provisions of this Act, and for the Purpose aforesaid shall be incorporated by the Name of "The *Gosport* Pier Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands within the Restrictions herein-after contained, for the Purpose of the said Undertaking.

Capital. II. And whereas the estimated Expence for making the said Pier and Works is Eight thousand Pounds; be it enacted, That Eight thousand Pounds shall be the Capital of the said Company.

Shares. III. And be it enacted, That the said Capital shall be divided into Three hundred and twenty Shares, each of the Amount of Twenty-five Pounds, and such Shares shall be numbered in Arithmetical Progression, beginning with Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate. IV. And be it enacted, That all Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholder. V. And be it enacted, That every Person who shall have subscribed or shall subscribe the Sum of Twenty-five Pounds or upwards to the Capital of the Company shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of Twenty-five Pounds so subscribed by him.

Registry of Shareholders. VI. And be it enacted, That the Company shall keep a Book, to be called the Register Book of Shareholders, and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares, and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the First Ordinary Meeting or at some subsequent Meeting of the Company.

Addresses of Shareholders. VII. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called the Shareholders Address Book, in which the Clerk shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be a Corporation

Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof, and for every One hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

Certificates of Shares.

VIII. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

IX. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless, the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be renewed when lost or destroyed.

X. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or if such Certificate be lost or destroyed, then upon Proof thereof a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Clerk in the Register of Shareholders, and for every such Certificate so given or exchanged the Clerk may demand any Sum not exceeding Two Shillings and Sixpence.

Transfers of Shares to be registered.

XI. And be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in the Pier by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and the same, when duly executed, shall be delivered to the Clerk, and be kept by him, and the Clerk shall enter a Memorial thereof in the Book to be called the Register of Transfers, and shall indorse such Entry on the Deed of Transfer, and for every such Entry and Indorsement the Clerk may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Indorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted, and for such Indorsement the Clerk may demand any Sum not exceeding One Shilling, and such Indorsement, being signed by the Clerk, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Clerk as aforesaid the Purchaser of the Share shall not be entitled to receive any Share

of

of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfers not to be made until Calls paid.

XII. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Closing of Transfer Books.

XIII. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Ten Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned, and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmission of Shares by other Means than Transfer to be authenticated by Declaration.

XIV. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary in the High Court of Chancery, and such Declaration shall be left with the Clerk, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company, and for every such Entry the Clerk may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of Transmission by Marriage, Will, &c.

XV. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will, or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Clerk of the said Company; and upon such Production, in either of the Cases aforesaid, the Clerk shall make an Entry of the Declaration in the said Register of Transfers.

Notices to joint Proprietors of Shares.

XVI. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders, and

Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for Money payable to Minors, &c.

XVII. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XVIII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trust to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts, and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

XIX. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders in respect of the Amount of Capital respectively subscribed or owing by them as they shall think fit, provided that Ten Days Notice at the least be given of each Call, and that no Call exceed the Amount of Five Pounds *per* Share, and that successive Calls be not made at less than the Interval of Sixty Days; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons and at the Times and Places from Time to Time appointed by the said Company.

Interest on Calls unpaid.

XX. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof to the Time of the actual Payment.

Payment of Subscriptions before Call.

XXI. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for, and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest, at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Enforcement of Calls by Action.

XXII. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having

having competent Jurisdiction, and may recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXIII. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more upon One Share or more (stating the Number and Amount of each such Calls), whereby an Action hath accrued to such Company by virtue of this Act.

Matter to be proved in Action for Calls.

XXIV. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act, and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Five Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Sixty Days between Two successive Calls had not elapsed.

To compel Payment of Subscriptions.

XXV. And be it enacted, That the several Persons who have subscribed any Money towards the said Undertaking shall pay the Sums respectively by them subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be directed by the Company, and the Company shall have the same Powers for enforcing the Payment of such Subscriptions as are herein given with respect to enforcing the Payment of Calls by the Shareholders.

Proof of Proprietorship.

XXVI. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Nonpayment of Calls.

XXVII. And be it enacted, That if the Holder of any Share shall fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXVIII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by

the Register Book of Shareholders to be the Proprietor of such Share, and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper, as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Forfeiture to be confirmed by a General Meeting.

XXIX. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share, either by public Auction or private Contract; and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit, and any Shareholder may purchase any forfeited Share so sold.

Sale of forfeited Shares.

Evidence as to Forfeiture of Shares.

XXX. And be it enacted, That a Declaration in Writing by some credible Persons not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

No more Shares to be sold than sufficient for Payment of Calls.

XXXI. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon, due at the Time of such Sale, and the Expences

Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

On Payment of Calls forfeited Shares to revert.

XXXII. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Extent of Liability of Shareholders.

XXXIII. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Execution against Shareholders to the Extent of Capital not paid up.

XXXIV. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or sued against the Lands, Property, or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders of the Company to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder, except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after Notice in Writing to the Persons sought to be charged, and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders, without Fee.

Reimbursement.

XXXV. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to borrow Money.

XXXVI. And be it enacted, That after the whole of the said Sum of Eight thousand Pounds shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Two thousand six hundred and sixty-six Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Pier and the future Calls on the Shareholders of the Company, or to give Bonds in manner hereafter mentioned.

Re-borrowing.

XXXVII. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to

to borrow the Amount so paid off, and so from Time to Time, but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XXXVIII. And be it enacted, That the Certificate of a Justice that One Half of the original Capital has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Clerk to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds.

XXXIX. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XL And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Call, notwithstanding Mortgage.

XLI. And be it enacted, That no such Mortgage, although it should comprise future Calls on the Shareholders, shall preclude the Company from receiving, and applying to the Purposes of the Company, any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Rights of Obligees.

XLII. And be it enacted, That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Register of Mortgages and Bonds.

XLIII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying

specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Transfer of Mortgages and Bonds.

XLIV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages and Bonds.

XLV. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of Interest on Loans.

XLVI. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Tranfers of Interest to be stamped.

XLVII. And be it enacted, That the Interest in any such Mortgage or Bond shall not be transferrable except by Deed duly stamped.

Repayment of Money borrowed at a Time fixed.

XLVIII. And be it enacted, That the Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment of Money borrowed where no Time fixed.

XLIX. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Clerk,

Clerk, and if given by the Company shall be by Writing given either personally to such Mortgagee or Bond Creditor, or if such Mortgagee or Bond Creditor be unknown, or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper, as after mentioned; and at the Expiration of the said Notice, when given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same, pursuant to such Notice.

For enforcing Payment of Arrears.

L. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest, or such Principal and Interest and Costs, become due, be it enacted, That if such Interest or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as herein-after provided.

Principal and Interest.

LI. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if any Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of One thousand Pounds he may alone, or if his Debt does not amount to the Sum of Three hundred Pounds he may in conjunction with other Mortgagees or Bond Creditors whose Debts being so in arrear after Demand as aforesaid shall together with his amount to the Sum of One thousand five hundred Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment of Receiver.

LII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Southampton*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

LIII. And

Mortgagees not to vote.

LIII. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Access to Account Books by Mortgagees.

LIV. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to convert Loan into Capital.

LV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

New Shares to be considered same as original Shares.

LVI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

LVII. And be it enacted, That if at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion of One for every existing Share held by them respectively, and such Offer shall be made by Letter under the Hand of the Clerk, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode; and such new Shares shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

If not at a Premium, to

LVIII. And be it enacted, That if at the Time of such Augmentation of Capital taking place the existing Shares of the Capital Stock

Stock of the Company be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the Company shall think fit. be issued as Company think fit.

LIX. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders, or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and, secondly, in carrying the Purposes of the Company into execution. Application of Capital.

LX. And be it enacted and declared, That any Clerk or Ecclesiastical Person shall be competent to and may purchase, hold, and dispose of any Shares in the said Company, or the Capital and Profits thereof, in like Manner as any other Person is, without being liable to any Penalty or Forfeiture or other Consequence by reason thereof, and the said Company may sue and be sued, and enjoy the same Privileges and Immunities as they are or would be entitled to if no such Clerk or Ecclesiastical Person was or had been a Shareholder, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding: Provided always, that no such Clerk or Ecclesiastical Person shall be capable of acting as a Director or otherwise in the Management of the Affairs of the said Company. Authorizing Ecclesiastical Persons to hold Shares.

LXI. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held on the Third *Monday* next after the passing this Act, and the future General Meetings shall be held in the First Week in *December* and the First Week in *June* in each Year, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held in *Gosport* aforesaid. Ordinary Meetings to be held half-yearly.

LXII. And be it enacted, That no Matters, except such as are appointed by this Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting. Business at Ordinary Meetings.

LXIII. And be it enacted, That every Meeting of the Shareholders other than an Ordinary Meeting shall be called an "Extraordinary Meeting," and such Meetings may be convened by the Directors at such Times as they may think fit. Extraordinary Meetings.

LXIV. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened. Business at Extraordinary Meetings.

LXV. And be it enacted, That it shall be lawful for Five or more Shareholders holding in the aggregate Forty Shares, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Extraordinary Meetings convened by Shareholders.

Directors, or left at their last or usual Places of Abode, and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting the said Number of Shareholders qualified as aforesaid may call such Meeting by giving Fourteen Days public Notice thereof.

Notice of Meetings.

LXVI. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting or of an Ordinary Meeting, if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called.

Quorum of a General Meeting.

LXVII. And be it enacted, That in order to constitute a Meeting, whether ordinary or extraordinary, there shall be present, either personally or by Proxy, Five or more Shareholders holding in the aggregate Forty Shares to the Amount of One thousand Pounds, and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders qualified as aforesaid be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at General Meetings.

LXVIII. And be it enacted, That at every Meeting of the Company one or other of the following Persons shall preside as Chairman; that is to say, the Chairman of the Directors, or in his Absence the Deputy Chairman, or in the Absence of both the Chairman and Deputy Chairman some one of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and Deputy Chairman and of all the Directors any Shareholder to be chosen for that Purpose at such Meeting.

Adjourned Meetings.

LXIX. And be it enacted, That every Meeting of the Shareholders may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of Shareholders.

LXX. And be it enacted, That at all General Meetings of the Company every Shareholder shall be entitled to vote according to the Scale of voting herein-after mentioned; that is to say, every Shareholder possessing Sixty Shares and upwards to give Ten Votes; for Fifty Shares and under Sixty, Nine Votes; for Forty Shares and under Fifty, Eight Votes; for Thirty Shares and under Forty, Seven Votes; for Twenty Shares and under Thirty, Six Votes; for Fifteen Shares and under Twenty, Five Votes; for Ten Shares and under Fifteen, Four Votes; for Five Shares and under Ten, Three Votes; for Three Shares and under Five, Two Votes; for Two Shares and not less than One Share, One Vote: Provided always, that no Shareholder

holder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him.

Manner of voting.

LXXI. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote, if there be an Equality of Votes.

Proxies.

LXXII. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Clerk of the Company Two Days before the holding of the Meeting at which such Proxy is to be used, and that no Person shall at any One Meeting represent as Proxy more than Five Shareholders.

Votes of joint Shareholders.

LXXIII. And be it enacted, That if several Persons be jointly entitled to a Share, the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share shall for the Purpose of voting at any Meeting be deemed the sole Proprietor thereof, and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share without Proof of the Concurrence of the other Holders thereof.

Votes of Lunatics, Minors, &c.

LXXIV. And be it enacted, That if any Shareholder be a Lunatic or Idiot such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor, he may vote by his Guardian or any one of his Guardians; and every such Vote may be given either in Person or by Proxy.

Directors.

LXXV. And be it enacted, That the Number of Directors shall be Eight, and that *Daniel Quarrier*, Sir *Francis William Austen*, *George McKinley*, *James Crook*, *Thomas Paul*, *Alfred Heather*, *James Hepworth*, and *James Biden* shall be the first Directors of the Company.

Election of future Directors.

LXXVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held in the Year One thousand eight hundred and forty-three, and at such Meeting the Shareholders present personally or by Proxy may either continue in Office the Directors appointed by this Act, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held every Year thereafter the Shareholders present personally or by Proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned,

resigned, shall continue to be Directors until others are elected in their Stead as herein-after mentioned.

Qualification of Directors.

LXXVII. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Four Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director, and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director.

Failure of Meeting for Election of Directors.

LXXVIII. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Directors are to be elected, be it enacted, That if at any Meeting at which an Election of Directors ought to take place Ten Shareholders holding in the aggregate Shares to the Amount of One thousand two hundred and fifty Pounds shall not be present within One Hour from the Hour appointed for the Meeting, no Election of new Directors or Re-election of existing Directors shall be made, nor shall any Business be transacted, but in such Case, at the Expiration of Fourteen Days from the Day of such intended Meeting, another Meeting shall be held at the same Place; and if at such other Meeting the said Number of Shareholders so qualified as aforesaid be not present personally or by Proxy within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders so qualified as aforesaid be not present within One Hour from the Hour appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the First Ordinary Meeting of the following Year.

Rotation of Directors first elected.

LXXIX. And be it enacted, That the Directors appointed by this Act and continued in Office as aforesaid, or the Directors elected to supply their Place as aforesaid, shall retire from Office at the Time and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors; that is to say, at the End of the First Year after the First Election of Directors One Fourth of such Directors shall go out of Office; at the End of the Second Year One Half of the remaining Number of such Directors shall go out of Office; at the End of the Third Year the Remainder of such Directors shall go out of Office; and in each Instance the Places of the retiring Directors shall be supplied by an equal Number of Shareholders qualified as aforesaid.

Permanent Rotation of Directors.

LXXX. And be it enacted, That at the First Ordinary Meeting in every subsequent Year One Fourth of the Directors, being those who have been longest in Office, shall go out of Office and cease to be Directors, and their Places shall be supplied in like Manner; nevertheless, every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director.

LXXXI. And

Cases in which Office of Director shall become vacant.

LXXXI. And be it enacted, That if any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a Holder of Four Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth the Person in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

Occasional Vacancies in Office of Director to be supplied.

LXXXII. And be it enacted, That if any Director of the Company die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder duly qualified to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of Company to be exercised by Directors.

LXXXIII. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Directors shall have the Management and Superintendence of the Affairs of the Compay, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting of the Company, and amongst other Powers to be exercised by the Directors,

They may appoint and displace any of the Officers of the Company, except the Clerk and the Treasurer;

They may fix the Salaries of all Officers, except the Salaries of themselves and of the Clerk and the Treasurer;

They may make and enforce the Calls upon the Shares of the respective Shareholders;

They may declare the Forfeiture of all Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting as aforesaid;

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs;

They may purchase Lands, with the Consent of the Owners thereof, for the Purposes of the Company;

They may fix the Tolls to be taken by the Company; and

They may make Bye Laws for the Regulation of the Affairs of the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf, and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

Powers of the Company not to be exercised by the Directors.

LXXXIV. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of Directors, the Appointment and Removal of the Treasurer and Clerk, the Determination as to the Remuneration of the Directors and of the Treasurer and Clerk, the Determination as to the borrowing of Money on Mortgage, the Determination as to the Augmentation of Capital, the Determination as to the leasing of Tolls, and the Declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of Directors.

LXXXV. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper from Time to Time and from Place to Place, and at any Time any Two of the Directors may require the Clerk to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at the least Three of the Directors, and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes, and no Director, except the Chairman, shall have more than One Vote at any such Meeting, and if there be an equal Division of Votes upon any Subject entertained by such Meeting, the Chairman, in addition to his Vote as One of the Directors, shall have a casting Vote as Chairman.

Permanent Chairman of Directors.

LXXXVI. And be it enacted, That at the First Meeting of Directors held after the passing of this Act, and at the First Meeting of Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose One of the Directors to act as Chairman, and another to act as Deputy Chairman of the Directors for the Year following such Choice; and if the Chairman or Deputy Chairman die, or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman or Deputy Chairman so to be elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Directors.

LXXXVII. And be it enacted, That if at any Meeting of the Directors neither the Chairman nor the Deputy Chairman shall be present, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

Committee of Directors.

LXXXVIII. And be it enacted, That the Directors may appoint One or more Committees, consisting of such Number of Directors as they think fit, and may grant to any such Committee Power on behalf of the Company to do any Acts relating to the Pier or the Affairs of the Company which the Directors shall from Time to Time think proper to intrust to such Committee, except to make Calls for Money upon the Shareholders.

Meetings of Committees.

LXXXIX. And be it enacted, That such Committees may meet from Time to Time, and may adjourn from Place to Place, as they

think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present Three of its Members; and at all Meetings of the Committees One of the Members present shall be appointed Chairman, and all Questions at any Meeting of the Committee shall be determined by a Majority of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his own Vote as a Member of the Committee.

Contracts by Committee or Directors.

XC. And be it enacted, That the Power which may be granted to any such Committee to make Contracts, as well as the Power of the Directors to make Contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and under Seal, such Committee or the Directors may make such Contract on behalf of the Company in Writing and under the Common Seal of the Company:

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Committee or the Directors may make such Contract on behalf of the Company in Writing, signed by such Committee or any Three of them, or any Three of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which if made between any private Persons would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract, either by the Company or any other Party thereto, such Actions or Suits may be brought, either by or against the Company, as might be brought had the same Contracts been made between private Persons only.

Contracts for Works.

XCI. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Nonperformance thereof, or such other Things as the Company think proper, and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless, the Company lawfully may, from Time to Time as they think fit, compound with any Person on account of any Breach or Nonperformance of any such Contract for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

XCII. And

Proceedings to be entered in a Book, and to be open for Inspection.

XCII. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company, and of the Directors and Committees of Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reason Times be open to the Inspection of any of the Shareholders.

Informalities in the Appointment of Directors not to invalidate Proceedings.

XCIII. And be it enacted, That all Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person attending such Meeting as a Director, or acting as aforesaid, or that such Person was disqualified, be as valid as if such Person had been duly appointed and was qualified to be a Director.

Indemnity of Directors.

XCIV. And be it enacted, That no Director, by being Party to, or making, signing, or executing in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors or any of them shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them, or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purposes of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

Remuneration of Directors.

XCV. And be it enacted, That the Remuneration of the Directors shall from Time to Time be fixed by a General Meeting of the Company.

Company to appoint Clerk and Treasurer.

XCVI. And be it enacted, That at the First General Meeting after the passing of this Act the Company shall elect a Clerk and a Treasurer,

surer, and any subsequent General Meeting may remove from Office any such Clerk or Treasurer, and if such Clerk or Treasurer die, or resign, or be so removed, another Clerk or Treasurer shall be elected in his Place at a General Meeting, and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Clerk or Treasurer respectively as they think proper.

Suspension of Clerk or Treasurer.

XCVII. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Clerk from his Office, and may appoint some Person temporarily to fill the Office of the Treasurer or Clerk so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company, for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Clerk so suspended, and of electing a new Treasurer or Clerk, as the Case may require.

Separation of Offices of Clerk and Treasurer.

XCVIII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer, and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Company other than that of Treasurer or Clerk, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Security to be taken.

XCIX. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account, on Demand,

C. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Directors, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company;

Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

CI. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall, by Summons or Warrant under his Hand and Seal, cause such Officer to be brought before any Two or more Justices; and upon such Officer being so brought before them, or if such Officer cannot be found then in his Absence, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases; (that is to say,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company,

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

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CII. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

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Accounts to be kept.

CIII. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company by the Directors, and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid.

Books to be balanced.

CIV. And be it enacted, That the Books of the Company shall be brought to a Balance Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital, Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined and docquetted by the Directors or any Three of their Number, and shall be signed by the Chairman or Deputy Chairman of the Directors.

Inspection of Accounts by Shareholders at stated Times.

CV. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors.

Balance Sheet to be produced.

CVI. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet as aforesaid applicable to the Period immediately preceding such Meeting.

Book-keeper to be appointed;

to allow Inspection of Books at certain Times.

CVII. And be it enacted, That a Book-keeper shall be appointed by the Directors, and such Book-keeper shall enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder or any Loan Creditor to inspect such Books at any reasonable Time during One Fortnight before and One Month after every Ordinary Meeting, and if he fail to permit any such Shareholder or Loan Creditor to inspect such Books, or take Copies or Extracts therefrom, during the Periods aforesaid, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

CVIII. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Tenth Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Directors or some of

of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Southampton* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Accounts as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Declaration of Dividends.

CIX. And be it enacted, That previously to every Ordinary Meeting the Directors shall cause a Scheme to be prepared showing the Profits, if any, of the Company, for the Period current since the immediately preceding Ordinary Meeting, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Ordinary Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to reduce Capital.

CX. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced.

Funds for Contingencies.

CXI. And be it enacted, That before apportioning the Profits aforesaid the Directors may, if they think fit, set aside thereout such Sum as they may may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Pier or any Part thereof, and may divide the Balance only among the Proprietors.

Dividends not to be paid unless all Calls paid.

CXII. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid.

Power to make Bye Laws for the Officers of the Company.

CXIII. And with respect to the Power of the Company to make Bye Laws, be it enacted, That in addition to the Power hereinafter given to the Company to make Bye Laws for regulating the Use of the Pier, it shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of *England*, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company, and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company.

Fines for Breach of such Bye Laws.

CXIV. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons, being Officers or Servants of the Company, offending against such private Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence;

Offence; and such Fines and Forfeitures may be recovered in the Manner herein-after provided.

Evidence of Bye Laws.

CXV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same.

Arbitration.

CXVI. And for the Purpose of providing as to the Determination of any Dispute authorized or directed by this Act to be settled by Arbitration, be it enacted, That within Fourteen Days after any such Dispute shall have arisen each Party shall in Writing nominate and appoint an Arbitrator to whom such Dispute shall be referred, and after such Appointments shall have been made neither Party shall have Power to revoke any such Appointment without the Consent of the other; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been made from the other Party to appoint an Arbitrator, either Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties, and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of Arbitrators to be supplied.

CXVII. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*, and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Appointment of Umpire.

CXVIII. And be it enacted, That if within Fourteen Days after their Appointment such Two Arbitrators cannot determine the Matters referred to them, they shall nominate and appoint an Umpire, and the Decision of the Majority of such Two Arbitrators and of such Umpire on the Matters so referred shall be final.

Power of Arbitrators to call for Books, &c.

CXIX. And be it enacted, That such Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Service of Notices upon the Company.

CXX. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ or other Proceeding,

Proceeding, at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Clerk of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Clerk, or in case there be no Clerk, or the Place of Abode of the Clerk respectively shall not be found, then by being given to any One Director of the Company, or by being delivered to some Inmate of the Place of Abode of any such Director.

Service by Company on Shareholders.

CXXI. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That unless any such Notice be expressly required to be served personally it shall be sufficient to transmit the same by Post directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice, and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by Advertisement.

CXXII. And be it enacted, That all Notices required by this Act to be given by Advertisement shall be advertised in some Newspaper published and usually circulated in the District within which the Company's Place of Business is situate.

Authentication of Notices.

CXXIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director, or by the Treasurer or the Clerk of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Releases to Witnesses.

CXXIV. And be it enacted, That in all legal Proceedings under this Act general or other Releases, for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness, may be granted by any Two or more of the Directors, and every such Release or Discharge under the Hands and Seals of Two of the Directors shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of Debts in Bankruptcy.

CXXV. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk or Treasurer, and not of the Company.

Tender of Amends.

CXXVI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before

before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to construct the Pier.

CXXVII. And be it enacted, That the Company may, subject to the Provisions herein-after mentioned, by their Contractors, Agents, Officers, Workmen, and Servants, make, build, construct, and complete, on and from the Western or *Gosport* Side of the Harbour of *Portsmouth* in the Parish of *Alverstoke* aforesaid, on the Southern Side of and near to the Landing-place of the Port of *Portsmouth* Floating Bridge there, a Pier or Jetty extending from the Shore Four hundred Feet in an Easterly Direction, and thence in a Southwardly Direction Eighty-five Feet, with proper and sufficient Floats, Landing-places, Stairs, Cranes, Weighing Machines, Pilings, Excavations, Erections, and Works, and with all necessary or convenient Roads, Avenues, and Approaches thereto as shall be requisite or suitable for the Reception and Accommodation of all Vessels, and for the embarking and disembarking, landing and shipping of Passengers, Carriages, Horses, and all Kinds of Cattle and other Animals, and of Goods, Wares, Merchandize, and Commodities of any Kind, and also from Time to Time may alter and improve the said Pier and Works as the said Company shall judge fit, and also to erect and make proper and convenient Toll Gates and Houses for the Collection of the Tolls, Rates, and Duties to be taken under the Authority of this Act upon or near to the said Pier; and for the Purposes aforesaid it shall be lawful for the said Company, and their Contractors, Agents, Officers, Workmen, and Servants, to dredge, dig, excavate, remove, and convert to their own Use all such Mud, Gravel, Clay, and other Matter as it may be expedient or necessary to remove for the Construction of the said Pier and Works, or for the Maintenance thereof, and of the Harbour Approaches thereto, and for improving the Accommodation of the said Pier.

Power to purchase Lands.

CXXVIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Company to agree with the Owners of any Lands which they may require for the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands, or any Part thereof, as the said Company shall think fit, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

CXXIX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell

sell and dispose, and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

CXXX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept and the said Company shall make Compensation for any Damage by them sustained by reason of being deprived of the Access by Water to and the Water Frontage of such Lands which they do or may now enjoy, or otherwise owing to the Exercise of the Powers of this Act, the Amount of such Compensation to be settled by Arbitration in case of any Dispute about the same between such Parties and the Company.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

CXXXI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the

the said Justices shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

CXXXII. And be it enacted, That if any Person seised in Fee of or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Land for a perpetual annual Rent-charge, in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the Company, in consideration of an annual Rent-charge payable by the Company to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of such Rents to be charged on Tolls.

CXXXIII. And be it enacted, That the yearly Rent-charge reserved by any such Conveyance shall be charged on the Tolls payable under this Act, and shall be paid by the Company as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Company.

Form of Conveyances.

CXXXIV. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Forms in the Schedules (G.) and (H.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company to attend the Reversion and Inheritance.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

CXXXV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the

Court of Chancery, to be placed to his Account there *ex parte* "The *Gosport* Pier Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King
12G.1. c.32. *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty
12G.2. c.24. King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

CXXXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interests, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited or in-

CXXXVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted,

That

That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

vested in Trustees.

CXXXVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20*l.* to be paid to Parties.

CXXXIX. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed, under the Common Seal of the Company, and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not wanted to be sold.

CXL. And be it enacted, That if the Company do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands not so sold to vest in Owners of adjoining Lands.

CXLI. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made

Lands to be first offered to original Owners, or to adjoining Owners.

made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in Succession, one after another, in such Order as the Company shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CXLII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Company, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease, and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Proviso as to Sale of Lands within a Town.

CXLIII. Provided always, and be it enacted, That in any Case in which the Company shall have purchased or acquired any House or Land within any Town it shall be lawful for the Company absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Difference as to Price to be settled by Valuation.

CXLIV. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained by Two Surveyors or their Umpire, in like Manner as by this Act is directed with respect to the Value of any Lands to be purchased from any Party under Disability or Incapacity, and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Company for the Purposes of this Act.

Plans to be deposited with Clerk of the Peace to be open to Inspection.

CXLV. And whereas Plans and Sections describing the Line and Situation of the said Pier, Works, and Approaches, and also Books of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same is to pass, have been deposited with the Clerks of the Peace for the County of *Southampton* and Borough of *Portsmouth*; be it enacted, That all Persons interested may at all seasonable

seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by such Clerks of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every such Inspection, and to Sixpence for every One hundred Words copied or extracted therefrom; and if such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Copies of Plans to be Evidence.

CXLVI. And be it enacted, That true Copies of such Plans and Sections, or any Part thereof, certified by the said Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Plans to be deposited with Admiralty, &c.

CXLVII. And be it enacted, That when the Plan and Section of the said Pier, Works, and Approaches shall have been submitted to and approved by the Lords Commissioners of the Admiralty, a Copy of the said Plan and Section, so approved, shall, before the Commencement of any of the said Works, be deposited with the said Lords Commissioners in the Office of the Hydrographer of the Admiralty, and signed by the Secretary of the Admiralty, and another Copy thereof, so approved, shall be deposited in the Office of the Admiral Superintendent or other principal Officer of Her Majesty's Dock-yard at *Portsmouth*.

Company not to deviate from Plans.

CXLVIII. And be it enacted, That the said Company, in making the said Pier, Works, and Approaches, shall not deviate from the Line or Situation thereof defined on the said Plans and Sections, without the Consent of the Lords Commissioners of the Admiralty, and of the Persons interested in the Lands required for the Purposes of such Deviation.

Company to remove the Head of the public Hard at Gosport.

CXLIX. And be it enacted, That it shall be lawful for the Company and they are hereby required, within Twelve Months after the passing of this Act, to straighten and improve the Shore Line of the Low-water Channel of the said Harbour, and for that Purpose to remove the present Head to the public Hard or Landing-place at *Gosport* aforesaid, at the Point marked on the said Plan: Provided always, and the said Company is hereby required, within Six Months after the Commencement of such Alteration and Removal, to make and construct, with good and sufficient Piling, a new Head to the said Hard for the Landing of Persons from Wherries, as heretofore, according to the said Plan deposited as aforesaid.

No Works to be executed below High-water Mark other than those defined on Plans.

CL. Provided always, and be it enacted, That it shall not be lawful for the said Company, or any Person acting under their Authority or on their Behalf, to make or begin to make, construct, or carry on, any Pier, Quay, or other Work below the Line of High-water Mark at ordinary Spring Tides (other than the Works to be described in the said Plans so approved), without the previous Consent of the Lord

High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Right of Way through Premises of the Port of Portsmouth Floating Bridge Company.

CLI. And be it enacted, That from the passing of this Act the Company shall have a Right of Way for themselves and all Persons, Carriages, Cattle, Animals, Goods, and Merchandize, to and from the aforesaid Pier, from and through the Entrance Gate of the *Gosport* Landing-place of the Company of Proprietors of the Port of *Portsmouth* Floating Bridge, across, over, and through the Western End of such Landing-place, extending in Width from East to West from the Boundary Wall belonging to the said last-mentioned Company adjoining *Beach Street* in *Gosport* aforesaid to the Balance Weight-houses of such Company on such Landing-place, for which Right of Way the said Pier Company shall pay to the Company of Proprietors aforesaid such yearly Rent or other Compensation or Sum as may be agreed upon, or as shall be settled by Arbitration, according to the Provision for that Purpose herein-before contained, in case the said Companies shall differ about the same.

Penalty for obstructing the Right of Way.

CLII. And be it enacted, That if at any Time the Company of Proprietors of the Floating Bridge aforesaid shall wilfully cause any Person, Carriage, Cattle, Animal, Goods, or Merchandize to be obstructed or prevented from passing to or from the Pier through the said Entrance Gate, and across the Western End of the Landing-place of the said Company of Proprietors of the Floating Bridge aforesaid, such Company shall for every Hour that such Obstruction shall continue pay to the said Pier Company the Sum of Five Pounds; and if any such Sum shall not be paid within Ten Days after the Demand thereof in Writing, the said Pier Company may either recover the same from the Company of Proprietors aforesaid, with Costs of Suit, by Action of Debt or on the Case in any of the Superior Courts, or they may levy the same by Distress of the Goods and Effects of the Company of Proprietors aforesaid.

Penalty on Lessee of Bridge Tolls obtructing the Right of Way.

CLIII. And be it enacted, That if any Lessee of the Tolls of the said Floating Bridge, or any Toll Collector employed by such Lessee, or by the Company of Proprietors aforesaid, or any Servant of the Company of Proprietors aforesaid, shall at any Time wilfully obstruct or prevent any Person, Carriage, Cattle, Animal, Goods, or Merchandize from passing to or from the Pier along the said Way, such Lessee, Toll Collector, or Servant shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Cranes, Weighing Machines, &c.

CLIV. And be it enacted, That it shall be lawful for the said Pier Company to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures, upon the Pier made under this Act as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things shipped or unshipped at the said Pier.

CLV. And

Materials to vest in the Company for Purposes of Prosecution.

CLV. And be it enacted, That during the Execution of any Contract made with the Company the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contract, shall in all Indictments or other Criminal Proceedings instituted by them for the Purpose of protecting the same be held to be the Property of the Company.

Land Tax and Poor's Rate to be made good.

CLVI. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the said Pier in the said Parish of *Alverstoke*, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax or liable to be assessed to the Poor's Rate, the Company shall from Time to Time, until the said Pier shall be completed, and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parish by reason of such Lands having been taken or used for the Purposes of the said Pier; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Company think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Tolls on Passengers.

CLVII. And be it enacted, That when and so soon as the Pier shall be completed, or so far formed that Passengers are able to embark or land from or at the same, every Person who shall land from or embark in any Vessel at or from the Pier, and every Person who shall be on or use the Pier, shall pay to the said Company, in respect of every such Landing or Embarkation, and of every Time of entering or coming upon the Pier, such Sum or Sums as the Company shall appoint, not exceeding the Sum mentioned in the Schedule (K.) to this Act annexed, and set down against the Word Passenger in such Schedule.

Tolls on Goods shipped or unshipped at the Pier.

CLVIII. And be it enacted, That when and so soon as the said Pier shall be completed, or so far formed that Vessels can lade and unlade thereat, it shall be lawful for the Company to demand and receive, for all Articles, Goods, or Things in the said Schedule (K.) to this Act mentioned, which shall be shipped or unshipped, received or delivered from or upon the said Pier, any Sums not exceeding the several Rates in the said Schedule (K.) specified.

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

CLIX. And be it enacted, That it shall be lawful for the said Company, after Notice in Writing for that Purpose given to the Owner or other Person having the Control of any Vessel, to demand and receive from such Owner or other Person, for any Period that any such Vessel shall make fast to or remain at the said Pier, or in any of the Channels or Approaches made by the said Company leading to the same, beyond the Period necessary for the taking in or discharging

discharging the Cargo of such Vessel, any Sum not exceeding the Sum specified in the Schedule (L.) to this Act annexed, according to the Scale therein specified.

Tolls for use of Cranes.

CLX. And be it enacted, That it shall be lawful for the Company to demand and take, for the Use of any Crane or Weighing Machine erected by the Company, of and from the Owner or Person having the Charge of any Goods, Articles, or Things loaded or unloaded, weighed or measured by means of the same, such reasonable Charges as the Company shall from Time to Time appoint.

Exemptions from Toll.

CLXI. Provided nevertheless, and it is hereby enacted, That it shall be lawful for Her Majesty's Troops, with their Arms, Ammunition, and Baggage, and also Her Majesty's Boats, and the Officers and Crews thereof, and of Her Majesty's Ships, being in such Boats, when actually engaged in Her Majesty's Service, and for all Officers of Her Majesty's Customs, and all Persons acting in their Aid, and for all Persons duly employed in the Prevention of Smuggling, and for all Vessels in the Service of Her Majesty's Customs, when actually engaged in Her Majesty's Service, at all reasonable Times to land and embark at, on, and from, and to use the said Pier and Works, without being subject or liable to the Payment of any of the Tolls hereby imposed in respect of the said Pier: Provided always, that if any Person shall claim and take the Benefit of any Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Tolls imposed by this Act.

Boats exempted not to lie at the Pier for any unnecessary Length of Time.

CLXII. Provided also, and be it enacted, That nothing in this Act contained shall extend to authorize any Boat exempted from Toll as aforesaid to lie at or alongside of the said Pier so as to obstruct the Approaches thereto longer than shall be necessary for the Completion of the Service upon which such Vessel shall be employed.

For ascertaining the Tonnage of Ships.

CLXIII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament 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 regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

5 & 6 W. 4. c. 56.

Rates to be charged equally.

CLXIV. Provided always, and be it enacted, That the several Tolls authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Goods.

CLXV. And

Masters of Vessels may collect Pier Tolls from Passengers.

CLXV. And be it enacted, That all Tolls shall be paid to such Person and in such Manner as the Company shall appoint, and the Money payable by or in respect of Passengers shall, if the Company shall so direct, be collected and received by the Master or other Person having the Command of the Vessel carrying such Passengers before the Departure of such Passengers from on board such Vessel, and shall be by such Masters or other Person, with all convenient Speed, paid over to the Collector or other Person to be appointed for that Purpose.

Masters of Vessels to deliver Account of Goods intended to be unshipped at the Pier.

CLXVI. And be it enacted, That when the Cargo of any Vessel arriving at the said Pier, or any Part of such Cargo, shall be intended to be unshipped at the said Pier, the Master or Commander of such Vessel shall, within One Hour after the Arrival of such Vessel, deliver to the Person for the Time being appointed to collect the Tolls payable in respect of such Cargo the following Particulars; (that is to say,)

The Name of the Consignee of the Cargo, or Part of the Cargo, of such Vessel intended to be unshipped at the said Pier:

And if the whole Cargo of such Vessel shall be intended to be unshipped at the said Pier, a Copy of the Bill of Lading, or Manifest of the Cargo of such Vessel:

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds, Weights, and Quantities of the several Goods, Articles, and Things intended to be so unshipped:

And every such Master or Commander shall, if required by the Person appointed to collect the Tolls aforesaid, give to such Person One Hour's Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

Penalty on Masters failing to give an Account or giving a false Account.

CLXVII. And be it enacted, That any Master or Commander of any Vessel the Cargo or Part of the Cargo of which shall be intended to be unshipped at the said Pier, who shall fail to deliver or give any of the Particulars or the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particular or Notice, shall for such Offence be liable to a Penalty not exceeding Ten Pounds.

Master of Vessel to give Account of Goods intended to be shipped.

CLXVIII. And be it enacted, That the Master or Commander of any Vessel on board of which any Goods, Articles, or Things shall be shipped from the said Pier shall give to the Person for the Time being appointed by the Company to collect the said Tolls a true Account, signed by the Consignor, of the Kinds, Quantities, and Weights of such Goods, Articles or Things, before the same shall be shipped in such Vessel; and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor who shall sign a false Account of any such Goods, Articles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

In case of Dispute the Goods to be

CLXIX. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed by the Company to collect

weighed or measured.

collect the said Tolls and the Master or Commander of any Vessel, or the Owner, Consignor, or Consignee of any Goods, concerning the Weight or Quantities of any Goods, Articles, or Things in respect of which any Tolls are payable by this Act, it shall be lawful for such Collector to cause all such Goods Articles, or Things to be weighed or measured, as the Case may require, and, if necessary, to detain the Vessel in which such Goods, Articles, or Things may be until the same shall have been weighed or measured.

Expences of weighing or measuring Goods.

CLXX. And be it enacted, That if the Goods, Articles, or Things so weighed or measured shall be of greater Weight or Measure than shown from the Manifest, Account, or Statement delivered or made by the Master or Commander of the Vessel in which the same may be, or by the Owner, Consignor, or Consignee thereof, the Expences of such weighing or measuring shall be paid to the Company or their Collector, and shall be recovered by the Company or their Collector by the same Means as herein provided for the Recovery of Rates due in respect of such Goods, Articles, and Things; but if such Goods, Articles, and Things shall be of the same or less Weight or Quantity than shown by the Manifest, Account, or Statement so delivered or made as aforesaid, the Company shall pay all the Expences of such weighing or measuring, and shall also pay to the Master or Commander of the Vessel, or to the Owner, Consignor, or Consignee of such Goods, Articles, or Things, all Expences which may be occasioned to any such Person by reason of such weighing or measuring.

Rates on Goods by whom and when payable.

CLXXI. And be it enacted, That the Tolls payable to the Company in respect of any Goods, Articles, or Things shipped or unshipped from or at the said Pier shall be paid as follows; (that is to say,) if such Goods, Articles, or Things shall be shipped such Tolls shall be paid by the Owner or Consignor of such Goods, Articles, or Things previous to the Shipment of the same, or if such Goods, Articles, or Things shall be unshipped such Tolls shall be paid by the Owner or Consignee of such Goods, previous to the Removal of the same from the Premises of the Company, which shall first happen.

Recovery of Rates on Goods.

CLXXII. And be it enacted, That if Default be made in the Payment of any Tolls payable under this Act in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the Company to collect such Tolls to distrain any such Goods, Articles, or Things, or, if the same shall be removed from the Pier and Premises of the Company, to distrain any other Goods, Articles, or Things on the Pier or Premises of the Company belonging to the Person liable to pay such Tolls, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Tolls due to the Company; or it shall be lawful for the said Company to recover the same, and also the Tolls upon any Vessel making fast to the said Pier, by Action in any of the Superior Courts; provided that the Person collecting any such Tolls shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and

may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Rates may enter Vessels.

CLXXIII. And to the end that the Tolls by this Act imposed may be effectually levied, be it enacted, That it shall be lawful for any Person appointed to collect any such Tolls to enter, either alone or with any other Person, into any Vessel loading or unloading at the said Pier, and to ascertain the Tolls payable in respect of any such Vessel, or of any Goods, Articles, or Things therein.

Penalty on evading Payment of Tolls.

CLXXIV. And be it enacted, That if any Master or Commander of any Vessel, or any other Person, shall evade the Payment of any Tolls payable to the Company, he shall pay to them Three Times the Amount of any such Tolls, and the same shall be recovered from such Master, Commander, or other Person in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any of the Superior Courts.

Collector of Customs may withhold a Discharge to any Vessel until Rates are paid.

CLXXV. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report, Inwards or Outwards, for any Vessel liable to the Rates imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate under the Hand of the Person appointed by the Company to collect such Rates, that the Rates payable under this Act in respect of such Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

Disputes concerning Rates and Distress to be settled by a Justice.

CLXXVI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Tolls due, or the Charges of such Distress, as the Case may be, shall be ascertained by some Justice of the Peace, who, upon Application made to him for that Purpose, shall determine the Amount of the Tolls due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable, and such Costs, if not paid on Demand, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

List of Rates to be set up.

CLXXVII. And be it enacted, That the Company shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed on some conspicuous Part of the Pier, a List of the several Tolls which shall be from Time to Time payable in respect of the said Pier; and no Toll shall be payable in respect of the said Pier during such Time as such Lists shall not continue so affixed: Provided always, that if any such List shall be removed, stolen, destroyed, injured, or obliterated, the Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if

such

such List had continued affixed and in the State required by this Act.

Regulations as to Toll Collectors.

CLXXVIII. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some 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.

Penalties on Toll Collectors.

CLXXIX. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for every such Offence; (that is to say,)

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 Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Company made in pursuance thereof:

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

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

Toll Collector to be liable for wrongful Detention of Goods.

CLXXX. And be it enacted, That if at any Time it be made to appear to any Two or more Justices, upon the Complaint of the Company, that any such Detention and measuring of any Goods as hereinbefore mentioned was without reasonable Grounds, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justices shall issue their Warrant accordingly.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

CLXXXI. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged 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 Seven Days Notice in Writing for that Purpose, to deliver up to the Company, 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,

Books, Papers, or other Matters belonging to the Company, 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 Company to any Justice, it shall be lawful for such Justice 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 Company or any Person appointed by them for that Purpose.

Power to lease the Tolls.

CLXXXII. And be it enacted, That it shall be lawful for the Company from Time to Time, by Lease, to take effect in Possession within Three Months from the letting thereof, to let the Tolls arising by virtue of this Act, and all or any of the Toll Houses or Weighing Machines, and the Conveniences and Appurtenances thereto belonging, for any Period not exceeding Three Years from the Commencement of any such Lease: 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 Company, by Advertisement, at least Fourteen Days prior to the Meeting of the Directors at which it shall be intended to let the Tolls.

Lessees to be deemed Collectors.

CLXXXIII. And be it enacted, That during the Continuance of any such Lease the Lessee or respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the Company.

Lessees making default to be removed.

CLXXXIV. And be it enacted, That if any such 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 or unpaid for Twenty-one Days after the same shall become payable, then, upon Application made by the Company to a Justice, 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, with the Appurtenances thereto, belonging to the Company, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Company, and deliver the same to them, or any Person appointed by them for that Purpose.

Power of re-letting Tolls.

CLXXXV. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company 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 in respect of unperformed or broken Obligations or Conditions

Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Determination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected, in the same Manner as if no such former Lease had been made relative thereto.

Power to appoint Pier Master.

CLXXXVI. And be it enacted, That it shall be lawful for the Company from Time to Time to appoint a Pier Master, and at pleasure to remove such Pier Master.

Powers of Pier Master.

CLXXXVII. And be it enacted, That it shall be lawful for the Pier Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall lie alongside the said Pier, and the Position, mooring or unmooring, placing or removing of any Vessel alongside the said Pier:

For regulating the Manner in which Passengers shall land from or embark in any Vessel, and the Manner in which any Vessel shall take in or discharge its Cargo or any Part thereof, or shall take in or discharge Ballast at the said Pier:

For regulating the Government of any Vessel alongside the said Pier, and the Use of the said Pier.

Penalty on Pier Master for Misbehaviour.

CLXXXVIII. And be it enacted, That in case any Pier Master appointed under this Act, shall, without reasonable Cause, exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for not complying with Directions of Pier Master.

CLXXXIX. And be it enacted, That the Master or Commander of every Vessel lying at the said Pier, or in the Channel or Approaches leading to the same, shall regulate such Vessel according to the Directions of the Pier Master for the Time being, made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice in Writing, signed by the said Pier Master, of any such Direction, served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Ten Pounds.

Power of Pier Master to remove Vessels.

CXC. And be it enacted, That if the Master or Commander of any Vessel lying at the said Pier, or in the Channel or Approaches thereto, shall not moor, unmoor, place, or remove such Vessel according to the Directions of the said Pier Master for the Time being, in Writing, given to the said Master or Commander, it shall be lawful for any such Pier Master to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose, and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and recovered from any such Master or Commander in the same Manner

as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Penalty on Master of Vessel obstructing Pier Master.

CXCI. And be it enacted, That if any Master or Commander of any Vessel lying at the said Pier, or any Person on board the same, shall hinder the said Pier Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel, in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Pier Master may cut Ropes.

CXCII. And be it enacted, That if any Master or Commander, or other Person, on board of any Vessel which shall be moored or fastened at or to the said Pier, shall not, upon Demand of the said Pier Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or, if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Pier Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Pier Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel; and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Bye Laws.

CXCIII. And be it enacted, That it shall be lawful for the Company from Time to Time, subject to the Provisions and Restrictions in this Act contained, to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating the placing and removing and making fast of Vessels at or to the Pier, and preventing Obstructions in the Passage leading to the same, and for the good Order and Government of such Vessels:

For regulating the shipping, unshipping, loading, and removing of all Goods, Articles, or Things from or on the said Pier and Premises of the Company:

For regulating, with the Consent of the Commissioners of Her Majesty's Customs, the Hours during which the said Pier and Premises shall be open to the Use of the Public:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed on or use the said Pier or Premises of the Company:

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things at or on the Pier or Premises belonging to the Company:

For regulating the Use of the Cranes, Weighing Machines, Weights and Measures of the Company, and fixing the Charges payable for the Use of the same, and the Duties and Conduct of all Weighers and Meters appointed by them:

For regulating the Duties and Conduct of the Carriers employed on the Pier and Premises of the Company, and fixing the Rates

to

to be paid to them for carrying any Goods, Articles, or Things from or to the same:

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, on the said Pier, or in any of the Premises of the said Company, and generally for regulating the embarking and landing from and on and the Use of the said Pier:

Bye Laws may be altered.

And it shall be lawful for the Company from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Company, and, if affecting other Persons than the Officers or Servants of the Company, be printed and published as herein provided.

Penalty for Offences against Bye Laws.

CXCIV. And be it enacted, That it shall be lawful for the Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

CXCV. And be it enacted, That no Bye Law which shall be made by the Company under the Authority of this Act, except such as may relate solely to the Shareholders or Directors of the Company, or other Officers or Servants, shall be valid or binding, unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Southampton*; and it shall be incumbent on such Justices, on the Request of the Company, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet; provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Southampton* One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection, to the Company, Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of proposed Bye Laws to be open to Inspection.

CXCVI. Provided always, and be it enacted, That for Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Company, and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

CXCVII. And be it enacted, That such Bye Laws, when confirmed, shall be painted or printed on a Board, and hung up, affixed, and continued on some conspicuous Part of the said Pier; and such Board

Board shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding on all Parties.

CXCVIII. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

CXCIX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Signature of Three Directors, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that a painted or printed Board containing a Copy thereof was affixed or continued in the Manner by this Act directed, and in case of such Board being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted or printed Board did not contain a Copy of the Bye Law under which he shall be prosecuted, or that a Board was not affixed or continued to be affixed as required by this Act.

Pier, Toll Houses, &c. to be within the Provisions of malicious Injuries Act.

CC. And be it enacted, That the said Pier, and the Toll Houses, Toll Gates, Works, and other Property of the said Company, shall be deemed and taken to be within the Intent and Meaning of an Act passed in the Seventh and Eighth Years of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to malicious Injuries to Property.*

Penalty on obstructing Passage to Pier.

CCI. And be it enacted, That if any Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber shall leave or suffer such Vessel or Float of Timber to remain in any of the Channels to be made by the Company under this Act, so as to obstruct the Passage of any other Vessel to or from the said Pier, and shall not immediately upon Notice given of such Obstruction remove the same so as to make a free Passage for other Vessels, or if any Person shall throw any Gravel, Stones, Rubbish, or Soil of any Kind into the said Channels or any Part thereof, or upon the said Pier or the Landing-places thereof, without the Permission of the said Company, or shall wilfully extinguish any Lamp, or throw down or injure or displace any Lamp, Lamp Post, or Lamp Iron, on the said Pier or any Part thereof, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on damaging Pier and Works.

CCII. And be it enacted, That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber, through whose wilful Act or Negligence any Damage shall be done to the said Pier, or the Machinery or other Works or Property of the Company, by means of such Vessel or Float of Timber, shall pay for and repair all such Damage; and all such Damage, if the Amount claimed does not exceed Fifty Pounds, shall be ascertained and recovered in the same Manner as any Damages for the Recovery of which no

special Provision is contained in this Act are hereby directed to be recovered; and in addition to the Remedies hereby provided for the Recovery of the same, it shall be lawful for the Justices before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded by him shall be paid, and if the same shall not be paid within Seven Days after taking of such Distress to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Justices, and all the Charges incurred by the Distress, Detention, and Sale of such Property.

Owner of Vessel to be liable for Damage.

CCIII. And be it enacted, That the Owner or Master or Commander of every Vessel or Float of Timber shall be answerable to the Company for any Obstruction caused or Damage done by such Vessel or Float of Timber, or any Person employed about the same, to the said Pier, Machinery, or other Works or Property of the Company; and all such Damage, in case the Amount claimed in respect thereof shall not exceed Fifty Pounds, shall be ascertained and be recovered before any Two or more Justices; and it shall be lawful for any Person appointed by the Company to regulate the landing or embarking of Passengers and Goods at the said Pier to detain any such Vessel or Float of Timber until sufficient Security shall have been given for the Amount of the Damage done by the same, or by any Person employed therein.

Owner may recover from his Servants.

CCIV. And be it enacted, That if the Owner, Master, or Commander of any Vessel shall pay the Penalty incurred by such Obstruction, or make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel or Float of Timber, the Person doing such Damage shall repay to the said Owner, Master, or Commander the Amount of the Penalty or Damage so paid, together with the Costs, if any, incurred by them in respect of such Penalty or Damage, and the Amount of such Penalty and Damage, together with the Costs, shall, if such Damage does not exceed Fifty Pounds, be ascertained by and recovered before any Justice.

Provision for Damages not otherwise provided for.

CCV. And be it enacted, That in all Cases where any Damages or Charges or Compensation are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

CCVI. And

Justices to examine Parties and Witnesses.

CCVI. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice or Justices it shall be lawful for such Justice or Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against the Company, or their Treasurer.

CCVII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Company, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress, and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Reimbursement of Treasurer

CCVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Publication of Penalties.

CCIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Company affecting other Persons than the Officers or Servants of th Company, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed, and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

CCX. And

Defacing Boards used for such Publication.

CCX. And be it enacted, That if any Person pull down or break or deface any Board put up or affixed as required by this Act, for the Purposes of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before One Justice or more.

CCXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CCXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such

Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CCXV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CCXVI. And be it enacted, That it shall be lawful for any Justice or Justices to summon any Person whom it may be thought necessary to examine as a Witness touching any Matter in question or Offence herein-before made cognizable before a Justice; and if any Person who shall be so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, or any other Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Dispatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Dispatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (I.) to this Act annexed.

Informalities.

CCXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CCXX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCXXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons may appeal to Quarter Sessions on giving Security.

CCXXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said County of *Southampton* or Borough of *Portsmouth*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions, and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Saving the Rights of the Trinity House.

CCXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the Corporation of *Trinity House* of *Deptford Strond*.

CCXXV. Pro-

Saving Rights of Mayor, Aldermen, and Burgesses of Portsmouth.

CCXXV. Provided also, and be it enacted, That nothing herein contained shall extend to abridge or lessen, or in anywise prejudice or interfere with, any of the Rights, Powers, Immunities, Privileges, Jurisdictions, or Authorities of the Mayor, Aldermen, and Burgesses of the said Borough of *Portsmouth*.

Interpretation of Act.

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

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things landing on or embarking from the Pier, or for any Vessel chargeable with Rate, Toll, or Duty:

The Expression "the Pier" shall mean the Pier, Approaches, and other Works by this Act authorized to be made:

The Expression "the Company" shall mean the Company incorporated by this Act:

The Expression "the Directors" and "the Clerk" shall mean the Directors and the Clerk of the Company:

The Word "Vessel" shall include Ship, Lighter, Vessel, Barge, and Boat propelled by Steam or otherwise.

Public Act.

CCXXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Certificate of Share.

THE GOSPORT PIER COMPANY.

Number

THIS is to certify, That *A. B.* of is the Proprietor of the Share, Number of the Gosport Pier Company, subject to the Regulations of the said Company. Given under the Common Seal of the said Company the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Shares.

I of in consideration of the Sum of paid to me by of do hereby transfer to the said Share, *or* Shares, numbered in the Undertaking called the Gosport Pier Company, to hold unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share, *or* Shares, subject to the same Conditions. As witness our Hands and Seals, the Day of .

SCHEDULE (C.)

Form of Mortgage Deed.

THE GOSPORT PIER COMPANY.

Mortgage, Number £

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, the Gosport Pier Company, in consideration of the Sum of paid to us by *A. B.* of do assign unto

unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking [and (*in case such Loan shall be in anticipation of the Capital authorized to be raised*) all future Calls on Shareholders], and all the Tolls and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, together with Interest for the same at the Rate of for every One hundred Pounds by the Year, be satisfied. [The Principal Sum to be repaid at the End of Years from the Date hereof (*in case any Period be agreed upon for that Purpose*).]

Given under our Common Seal, this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Bond.

THE GOSPORT PIER COMPANY.

Bond, Number .

BY virtue of an Act passed, *&c.*, intituled, *&c.*, we, the Gosport Pier Company, in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal, this Day of One thousand eight hundred and .

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or* Mortgage] Number made by the Gosport Pier Company to bearing Date the Day of for securing the Sum of and Interest [*or* (*if such Transfer be by Indorsement*) the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [(*and if*

the Transfer be of a Mortgage) and in and to the Tolls, Money, and Property thereby assigned]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Proxy.

A. B. of One of the Proprietors of the Gosport Pier Company, doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the Day of next, in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand [*or* (*if a Corporation, say*) the Common Seal of the Corporation], the Day of One thousand eight hundred and .

SCHEDULE (G.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the Gosport Pier Company, incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (H.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Gosport Pier Company, established and incorporated by virtue of an Act passed, *&c.*, intituled, *&c.*, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same, and every Part thereof,

to hold the said Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*,] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (I.)

Form of Conviction.

County of Southampton, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, One of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time, Place, when and where committed*], contrary to the Gosport Pier Company Act, One thousand eight hundred and forty-two. Given under my Hand and Seal, the Day and Year first above written.

SCHEDULE (K.)

Of Tolls on Passengers, Horses, Beasts, Cattle, and Carriages, Goods, Luggage, Wares, and Merchandize.

For all Goods, Luggage, Wares, Merchandize, Horses, Beasts, Cattle, and Carriages, shipped or unshipped from, at, or upon the Pier, and for Passengers landing upon and embarking from the same, any Sum not exceeding the Sums following:

	£	s.	d.
For every Quarter of Wheat, Oats, Rye, Barley, Malt, Beans, Peas, Tares	0	0	2
Anchor, per Hundred Weight	0	0	4
Ashes, per Barrel	0	0	4
less than a Barrel	0	0	2
Ash Blocks, per Hundred Weight, loose	0	0	4
Alum, per Hundred Weight	0	0	4
Anchovies, per Barrel	0	0	4
Ale, Porter, Beer, Cyder, or Perry, per Hogshead	0	0	6
per Barrel	0	0	4
per Kilderkin	0	0	2
Other Casks in proportion.			
in Bottles, per Two Dozen	0	0	2
Alva Marina, per Bag	0	0	2
Almonds, per Bale	0	0	2
Anchor Stock, per Foot Run	0	0	4

	£	s.	d.
Anvils, per Hundred Weight - - -	0	0	4
Apples and Pears, per Sack of Three Bushels - -	0	0	2
Asparagus, per Basket - - - -	0	0	2
Asphalte, per Hundred Weight - - -	0	0	4
Barley Meal, per Sack - - - - -	0	0	2
Beer. (*See* Ale.)			
Bark, per Ton - - - - - -	0	0	6
per Hogshead - - - - -	0	0	3
per Half Hogshead - - -	0	0	2
Bran or Pollard, per Sack - - - -	0	0	1
Bread and Bread Dust, per Hundred Weight - -	0	0	4
Beef or Pork, contained in any Cask, per Hundred Weight - - - - -	0	0	4
Barrel Boards or Staves, per Hundred - - -	0	0	9
Barrels of Sundries, each, not herein rated - -	0	0	3
Butt Staves, per Hundred - - - -	0	1	0
And all other Staves in proportion.			
Battens, Petersburg, per Hundred - - -	0	0	6
Boards or Battens, Close, per Hundred - -	0	0	4½
Boxes, each, not herein rated - - - -	0	0	2
Billiard Table - - - - -	0	2	6
Bedstead, Mahogany - - - -	0	0	6
every other - - - -	0	0	3
Bricks, per Thousand - - - -	0	0	6
scouring, per Thousand - - -	0	0	9
Barilla, per Ton - - - -	0	1	6
per Hogshead - - - -	0	1	0
per Seron - - - -	0	0	3
Black Lead, in Boxes or Casks, per Hundred Weight -	0	0	3
Bolt of Canvass, N° 1, 2, 3. - - - -	0	0	1
Blacking, per Tierce - - - -	0	0	4
per Barrel - - - - -	0	0	3
small Casks - - - -	0	0	2
every other smaller - - - -	0	0	2
Bones, per Hundred Weight - - -	0	0	3
Bone Dust, per Bag - - - -	0	0	2
Butt, Pipe, or Puncheon, entire or in Staves, each -	0	0	2
Bottles, empty, per Dozen - - - -	0	0	1
Stone, Ditto - - - -	0	0	1
Bale, every Box, Truss, Trunk, Case, Chest, Bundle, or Parcel, containing Goods not enumerated in Schedule, under One Hundred Weight - - -	0	0	2
per Hundred Weight - - - -	0	0	4
Basket or Maund, containing Goods not enumerated in Schedule - - - - -	0	0	3
smaller, each - - - - -	0	0	2
empty, per Dozen - - - - -	0	0	2
Butter, per Barrel - - - - -	0	0	2
per Dozen - - - -	0	0	1
Biscuit, per Bag - - - - -	0	0	2
Beans and Peas, per Sack - - - -	0	0	2
Bottles, full, in Hampers, per Dozen - -	0	0	2

	£	s.	d.
Brooms, Hair, and Mops, per Dozen	0	0	1
Brushes, per Dozen	0	0	1
Bacon, per Side	0	0	3
Beef, per Hundred Weight	0	0	4
Bedding, Seaman's	0	0	1
Burr Stones, per Hundred Weight	0	0	4
Candles, per Chest	0	0	4
per Box	0	0	3
small Boxes	0	0	2
Currants and Raisins, per Hundred Weight	0	0	4
Candy, per Box	0	0	3
Cart, each	0	1	0
Cement, per Barrel	0	0	3
Canvass, per Bolt	0	0	2
Bales in proportion.			
Coffee, per Hundred Weight	0	0	4
Carriages with Four Wheels	0	2	6
Light Ditto, drawn by One Horse or Ponies under Duty	0	1	6
Ditto ditto, with Two Wheels	0	1	0
Cedar. (*See* Mahogany.)			
Copper or Brass, wrought or unwrought, per Hundred Weight	0	0	4
Cocoa, per Hundred Weight	0	0	4
Cochineal, per Seron	0	0	6
Chalk Stones, rough or hewn, per Ton	0	0	6
Cheese, per Hundred Weight	0	0	4
Clap Board Logs, per Hundred Weight	0	0	4
Corpses, each	1	0	0
Choppers, per Hogshead	0	1	0
Chain Cables, per Hundred Weight	0	0	4
Cordage, per Hundred Weight	0	0	4
Cranberries, per Hogshead	0	0	6
per Half Hogshead	0	0	3
Chicoree, per Hundred Weight	0	0	4
Cod Fish, per Hundred Weight	0	0	4
China and Earthenware, per Crate	0	1	0
per Hogshead	0	1	0
per Crib	0	0	6
smaller Packages	0	0	3
Cows, each	0	0	6
Calves, each	0	0	3
Crates, not herein rated	0	0	6
Colours, per Hogshead	0	1	0
per Firkin	0	0	9
per Half Firkin	0	0	6
per Keg	0	0	3
Carboys, each	0	0	2
Coals, Culm, Splint, Coke, or Cinder, per Ton	0	1	0
Chest of Drawers, double	0	0	6
single	0	0	3
Cork, per Hundred Weight	0	0	4

	£	s.	d.
Currants, per Butt	0	1	0
per Caroteel	0	0	9
Culm. (*See* Coals, &c.)			
Chairs, per Dozen	0	0	6
each	0	0	1
Chimney Pots, each	0	0	1
Copper or Brass, per Hundred Weight	0	0	4
Cabbages, per Dozen	0	0	1
Carrots, per Hundred	0	0	1
Cyder, per Pipe	0	0	6
per Hogshead	0	0	3
Deals, per Load, containing Fifty Cubic Feet	0	1	0
Dung, per Ton	0	1	0
Drapery Goods in general, in Cases or Trusses, per Hundred Weight	0	0	4
Dogs, each	0	0	2
Donkeys, each	0	0	3
Dye Wood, per Hundred Weight	0	0	4
Earthenware. (*See* China.)			
Eggs, per Case	0	0	4
Fish, per Pot, Pickle, or Pad	0	0	3
(loose), per Hundred Weight	0	0	4
per Trunk	0	0	3
per Barrel	0	0	3
per Half Barrel	0	0	2
per Bushel or Sieve	0	0	1
Firkins, not rated herein	0	0	2
Fruit, per Bushel or Sieve	0	0	2
per Butt	0	2	0
per Caroteel	0	1	0
per Barrel	0	0	3
per Box	0	0	2
per Drum	0	0	1
Flour, per Sack of Five Bushels	0	0	2
per Barrel	0	0	1
Faggots, per Hundred	0	0	4
Felt, per Case	0	0	3
Firewood, per Cord	0	0	3
Fire Stoves, each	0	0	2
Feathers, per Hundred Weight	0	0	4
Fullers Earth, per Tierce	0	0	6
Foxes, each	0	0	2
Fat, per Bag	0	0	2
Fowls, and every other Sort of Poultry, per Head	0	0	0½
Fire Bricks, per Hundred Weight	0	0	6
Flint Stones, per Hundred Weight	0	0	4
Glass Ware, per large Crate	0	1	0
per small Crate	0	0	6
per Box	0	0	2
Glass, Window, per Crate	0	0	4
(broken) per Hogshead	0	0	6
Glue, per Hundred Weight	0	0	4

Guns (as Anchors).			
Grindstones, each	0	0	3
Grate or Range, large	0	0	4
small	0	0	2
Greaves, per Hundred Weight	0	0	4
Gunpowder, per Barrel	0	2	0
Grocery Goods, not rated herein, per Hundred Weight	0	0	4
Garden Stuff, per Bushel or Sieve	0	0	2
Grapes, per Barrel	0	0	4
Gypsum, per Hundred Weight	0	0	4
Hay, per Ton	0	0	6
Hops, per Bag	0	1	0
per Pocket	0	0	4
per End	0	0	2
Hams, Bacon, or Tongues, per Hundred Weight	0	0	4
Household Goods, per Waggon Load	0	3	0
per Cart Load	0	1	6
Herrings, Red, per Barrel	0	0	3
per Half Barrel	0	0	1½
Horses, each	0	1	0
Hogshead, packed with Goods not enumerated in Schedule	0	0	6
Horsehair, per Hundred Weight	0	0	4
Hoops, per Bundle	0	0	2
Horns, per Hundred Weight	0	0	4
Hurdles, per Hundred	0	1	0
Harpsichord	0	2	0
Harps, each	0	1	0
Hemp, per Hundred Weight	0	0	4
Hares, Pheasants, and all other Game, per Head	0	0	0½
Hides, raw or tanned, each	0	0	1
Iron, in Bars, Bolts, or Pigs, per Hundred Weight	0	0	4
Iron Pots, each	0	0	2
Ironmongery, per Hogshead	0	0	8
Iron Stoves, large	0	0	3
small	0	0	2
Ivory, per Hundred Weight	0	0	4
Kelp, per Hundred Weight	0	0	4
Laths, per Five Bundles or less	0	0	1
Lath Wood, Six Feet, per Fathom	0	0	6
Five Feet do.	0	0	4
Lead, per Hundred Weight	0	0	4
Shot, per Bag of Twenty-eight Pounds	0	0	1
White, per Hundred Weight	0	0	4
Lime, per Ton	0	0	6
Leather, per Hide	0	0	2
Leeks, per Dozen Bundles	0	0	1
Logwood, per Hundred Weight	0	0	4
Lignum Vitæ, per Hundred Weight	0	0	4
Lemons, per Chest	0	0	3
per Box	0	0	2
Lard, per Hogshead	0	1	0
loose, per Hundred Weight	0	0	4

	£	*s.*	*d.*
Lard, in Bladders, Ten in Number	0	0	1
Lance Poles, each	0	0	1
Linseed Cake, per Hundred Weight	0	0	4
Lumber and every other Article not specified before in this Table, per Hundred Weight	0	0	4
Lumber Dosser, per Hundred Weight	0	0	4
Lambs or Sheep	0	0	2
Meal or Middlings, per Hundred Weight	0	0	4
Mahogany in Logs or Planks, per Foot Cube	0	0	2
Mats of sundry Goods not herein rated, each	0	0	2
in Bundles, per Bundle	0	0	2
Masts, Ten Inches in Diameter or upwards, each	0	2	0
under Ten Inches, each	0	0	9
Money or Bullion, per Hundred Weight	0	1	0
Millstones, large, each	0	1	0
small, each	0	0	6
Mules (as Horses).			
Molasses, per Puncheon	0	0	6
per Half Puncheon	0	0	3
Mustard, per Thirty Pound Barrel	0	0	2
Marble, per Hundred Weight	0	0	4
Nuts, per Bag	0	0	4
per Bushel	0	0	2
Nails, per Bag, per Hundred Weight	0	0	4
Oil Cakes, per Thousand	0	0	9
Oranges and Lemons, per Chest	0	0	3
per Half Chest	0	0	2
per Box	0	0	1
Oil, Train or Fish, per Barrel (and so in proportion for any greater or smaller Quantity)	0	0	4
Oak or Elm Planks, per Load, containing Thirty Cubic Feet	0	0	6
Oakum, per Hundred Weight	0	0	4
Oysters, per Bushel	0	0	2
per Firkin or smaller Barrel	0	0	1
Ovens, each	0	0	6
Osiers, per Bundle	0	0	1
Ordnance, Pieces of, Brass or Iron, per Hundred Weight	0	0	4
Onions, per Bushel	0	0	2
Oatmeal, per Sack	0	0	2
Oil, per Pipe	0	0	9
per Hogshead	0	0	6
per Half Hogshead	0	0	3
per Jar	0	0	1
per Chest	0	0	2
per Half Chest	0	0	1
Oil Jars (empty), each	0	0	1
Oxen, each	0	0	6
Potatoes, per Barrel	0	0	2
per Ton	0	1	0
per Bushel	0	0	1
Pole, Cleft, per Thousand	0	0	9

	£	s.	d.
Posts and Rails, per Hundred Weight	0	0	4
Pewter, wrought, per Hundred Weight	0	0	4
old Ditto	0	0	4
Passengers (Foot), each	0	0	3
Pianofortes, each	0	2	0
Pitch and Tar, per Barrel	0	0	4
per Half Barrel	0	0	2
Parcels, each	0	0	2
Peas, per Quarter	0	0	2
split, per Sack	0	0	2
Pork (as Beef).			
Porter (as Ale).			
Paper, per Hundred Weight	0	0	4
Stuff, per Hundred Weight	0	0	4
Plaster, per Hundred Weight	0	0	4
Plums, per Box	0	0	2
Plaster, per Barrel	0	0	2
per Firkin	0	0	1
Pipes, per Cask	0	0	2
Packages, each	0	0	2
Pigs, each	0	0	2
Pipeclay, per Hundred Weight	0	0	4
Pelts, per Hundred Weight	0	0	4
Poultry, per Head	0	0	0½
Pepper, per Hundred Weight	0	0	4
Pictures, each	0	0	4
Plate, per Hundred Weight	0	1	0
Paint. (*See* Colours.)			
Rope, new, per Hundred Weight	0	0	4
old Ditto	0	0	4
Rope Yarn, new Ditto	0	0	4
old Ditto	0	0	4
Raisins. (*See* Fruit.)			
Rice, per Barrel	0	0	6
per Half Barrel	0	0	3
per Bag	0	0	2
Resin, per Barrel	0	0	3
per Mat	0	0	1½
Rags, White, per Hundred Weight	0	0	4
Coloured Ditto	0	0	4
Rubbing Stones, per Hundred Weight, or under	0	0	2
Rye, per Quarter	0	0	2
Rushes, per Bundle	0	0	0½
Straw, per Ton	0	0	6
Sugar, Loaf, per Hundred Weight	0	0	4
Raw Ditto	0	0	4
per Hogshead (solid)	0	1	3
Ditto (packed)	0	1	3
per Tierce	0	0	8
per Barrel	0	0	4
per Bag or Mat	0	0	1
per Ten Lumps	0	0	4

	£	s.	d.
Sugar, per Ten Titlers - - - - - -	0	0	2½
per Ten Loaves - - - -	0	0	1
Salt, per Hundred Weight - - - -	0	0	2
per Prickle - - - - - -	0	0	4
Spars, per Score - - - - - - -	0	0	3
Solder, per Hundred Weight - - - -	0	0	4
Sofas, each - - - - - - - -	0	0	6
Stone, per Ton - - - - - -	0	0	6
Paving, per Hundred Weight - - -	0	0	4
Slate, per Ton containing Twenty-four Feet Cube -	0	1	0
Seed, per Bushel - - - - - -	0	0	0½
Stove, Register - - - - - -	0	0	4
other - - - - - -	0	0	2
Soda, per Hundred Weight - - -	0	0	4
Sedan Chairs, each - - - - - - -	0	0	6
Soda Water, per Gross - - - - -	0	0	2
Salmon, per Kit - - - - -	0	0	1
Saltpetre, per Barrel - - - -	0	0	2
Skins, Goat, Dog, Calf, Sheep, or Lamb, per Dozen -	0	0	4
Salts, per Barrel - - - - - - -	0	0	2
Soap, per Hundred Weight - - - - -	0	0	4
Starch, per Hundred Weight - - - - -	0	0	4
per Chest or Box - - - - -	0	0	2
Staves, Pipe, per Hundred - - - - -	0	0	6
Hogshead, per Hundred - - - -	0	0	3
Barrel, per Hundred - - - - -	0	0	2
Ends, per Hundred - - - - -	0	0	2
Long Heading, per Hundred - - -	0	0	3
Spirits, per Pipe or Puncheon - - - -	0	2	0
per Hogshead - - - - - - -	0	1	0
per Half Hogsheads and smaller Casks - -	0	0	6
Sheep. (*See* Lambs.)			
Stourbridge Clay, per Tierce - - - - -	0	0	3
Other Casks in proportion.			
Shovels, per Dozen - - - - - -	0	0	3
Sand, per Ton - - - - - - -	0	0	6
Sacks, new, per Bundle (50) - - - - -	0	0	2
Shot, per Bag - - - - - - -	0	0	2
Salt Fish, per Hundred Weight - - - - -	0	0	4
Shrimp Baskets, each - - - - - -	0	0	0½
Sumach, per Bag - - - - - - -	0	0	2
Tallow, Soap, or Candles, per Hundred Weight -	0	0	4
Tar, per Barrel - - - - - - -	0	0	2
Tea, per Quarter Chest - - - - -	0	0	4
And so on in proportion for any greater or less Quantity than a Half Chest.			
Turpentine, Spirits of, per Hogshead - - -	0	0	6
per Barrel - - - -	0	0	3
Treacle, per Hundred Weight - - - - -	0	0	4
Twine, per Bag - - - - - - -	0	0	2
Timber, per Load containing 50 Cubic Feet - -	0	0	6
Tripe, per Keg or Jar - - - - -	0	0	1

	£	s.	d.
Tables, Dining, per Set	0	1	0
other Dining Tables, each	0	0	6
Card or Pembroke, each	0	0	3
every other, each	0	0	3
Tares, per Quarter	0	0	2
Tombstones, each	0	2	0
Marble	0	5	0
Tin, per Box	0	0	2
per Block	0	0	1
Tiles, plain, per Thousand	0	0	6
Hip or Gutter, per Thousand	0	0	4
Ridge or Pantiles, per Thousand	0	0	6
Mathematical, per Thousand	0	0	9
Paving, per Thousand	0	0	6
Treenails, per Hundred or less	0	0	1
Turtle, each	0	1	0
Tierces of sundry Goods not rated herein, each	0	0	9
Tobacco and Snuff, per Hundred Weight	0	0	4
per Tierce	0	0	9
per Hogshead	0	1	6
smaller Casks	0	0	2
Tallow, per Hundred Weight	0	0	4
Tongues, per Barrel	0	0	4
per Half Barrel	0	0	2
Turbot, per Score	0	0	2
Trunk, Portmanteau, or Bundle, each	0	0	2
Vegetables, per Hamper	0	0	2
per Bag	0	0	1
Vats packed with Goods not enumerated in Schedule, each	0	0	6
per Hundred Weight	0	0	4
Varnish, per Barrel	0	0	4
per Keg	0	0	2
Violins or Bass Viols, each	0	0	2
Vinegar, per Hogshead	0	0	6
per Half Hogshead or less	0	0	3
per Pipe	0	1	0
Waggons, each	0	2	0
Wool, Yarn, or Cotton, per Hundred Weight	0	0	4
Wine (not British), Sweet Oil, or Spirits, For every Gallon contained in any Butt, Pipe, Puncheon, or Piece, or any Cask whatsoever	0	0	1
per Butt	0	1	6
per Hogshead	0	1	0
per Half Hogshead or less	0	0	6
Wine, bottled, in Hampers and Cases, per Dozen Bottles	0	0	2
or Vinegar (British), per Gallon	0	0	1
Whitening, per Hogshead	0	0	9
Small Casks in proportion.			
loose, per Hundred Weight	0	0	4

	£	s.	d.
Wood, per Fathom	0	0	4
Cord Wood, per Cord	0	0	3
Wheat, per Quarter	0	0	2
Wire, per Hundred Weight	0	0	4
Whalebone, per Hundred Weight	0	0	4
Witheys, per 10 Bundles	0	0	2
Wainscot Logs, per Hundred Weight	0	0	4

SCHEDULE (L.)

Of Tolls on Vessels.

	£	s.	d.
For any Time any Vessel shall make fast to or remain at the said Pier, or in any of the Channels or Approaches made by the said Company leading to the same, beyond the Period necessary for taking in or discharging the Cargo of such Vessel, exceeding One Hour, per Ton	0	0	$0\frac{1}{2}$
Exceeding One Hour, and not exceeding Two Hours, per Ton	0	0	1
Two Hours " " Three "	0	0	$1\frac{1}{2}$
Three " " " Four "	0	0	2
Four " " " Five "	0	0	$2\frac{1}{2}$
Five " " " Six "	0	0	3
Six " " " Twelve "	0	0	4

And for any further Time such Vessel shall remain, a further Sum at and after the Rate of 4*d.* per Ton for every Twelve Hours.

For every other Vessel, for any Time it shall remain not exceeding Twenty-four Hours, the Sum of 1*s.* per Ton.

And for any further Time after the Rate of 1*s.* per Ton for every Twenty-four Hours.

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