ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxxi.

An Act for amending an Act passed in the last Session of Parliament for establishing a Floating Bridge over the River *Itchen* near the Town of *Southampton*, with proper Approaches thereto, and making Roads to communicate therewith.

[21st *July* 1835.]

WHEREAS an Act was passed in the last Session of Parliament for establishing a Floating Bridge over the River *Itchen* from or near a Place called *Cross House*, within the Liberties of the Town of *Southampton*, to the opposite Shore in the County of *Southampton*, with proper Approaches thereto, and for making Roads to communicate therewith: And whereas by a Clause in the said Act Power is given to the Company thereby constituted to establish and maintain the said Floating Bridge, and for such Purposes to stretch, throw, fix, or put, place, and lay down, One or more Chain or Chains across the Bed of the said River, and also to build, erect, and make proper Piers, Buttresses, Quays, Houses, and Landing Places on the Lands on each Side or Bank of the said River, the Northern Line or Limit of the said Bridge, Piers, Buttresses, Quays, Houses, and Landing Places to be South of the Southernmost Corner or Extremity of a certain Slate Wharf now in the Occupation of *Richard* and *William Coles*, and Fifty Feet at the least to the South of the *Cross House* on the Western Side or Bank of the said River, and the said Northern Line or Limit of the said Bridge, Piers, Buttresses, Quays, Houses, and Landing Places to be South of certain Rails called the Boun- 5 W. 4. c. 85.

dary Rails, situate South-west of the *Royal Oak* Public House, and dividing the Ferry Beach from the Property of *Thomas Chamberlayne* Esquire on the Eastern Side or Bank of the said River, with proper Chains and Implements for working and using the said Bridge; provided that nothing in the said Act contained should extend or be construed to extend to authorize the making any Pier, Embankment, Buttress, or other Work of any Kind in the Bed of the said River or on the Shore thereof below High-water Mark, or within the Flux of the Tide, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, to be signified in Writing by One of the Secretaries of the Admiralty, and then only under such Conditions and Limitations as the said Commissioners for executing the Office aforesaid shall deem expedient for the Preservation of the Navigation of the said River: And whereas by a separate Clause in the said Act Power is given to the said Company to make certain Roads therein described leading to and from the said Bridge and Landing Places: And whereas by another Clause in the said Act certain Maps or Plans and Books of Reference, describing the said Roads and the Approaches and Landing Places to the said Bridge, are directed to be deposited at the Offices of the Clerks of the Peace for the Town and County of the Town of *Southampton* and for the County of *Southampton* respectively; and by the same Clause the said Company, in making the said Roads, are restrained from deviating more than One hundred Yards from the Line described in such Maps or Plans without such Consent as is therein mentioned; but the said Company are not thereby expressly restrained from changing the Situation of the said Approaches and Landing Places, or any other of the Works authorized to be executed under the said Act; and the only Provision in the said Act intended to limit such Situation is that which prescribes the Northern Line or Limit thereof, specified in the said first-mentioned Clause as aforesaid: And whereas Maps or Plans have been deposited at the Offices of the said several Clerks of the Peace, as directed by the said Act: And whereas since the depositing of the said Maps or Plans it hath been found expedient, in making the said Bridge, Chains, Approaches, and Landing Places, to adopt a Situation, with the Consent of the Lords of the Admiralty, to the Southward of the Situation of the Approaches and Landing Places delineated on the said Maps or Plans; and Doubts have arisen whether the said Company might legally make and maintain such Works if made in a different Situation from that delineated on such Maps or Plans, notwithstanding such Consent as aforesaid; and it is therefore expedient that the Powers and Provisions of the said Act should be amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company, and they are hereby authorized and empowered, for the Purposes of the said Act, to stretch, throw, fix, or put, place, and lay down, One or more Chain or Chains across the Bed of the said River, and also to build, erect, and make proper Piers, Buttresses, Quays, Houses, and Landing Places of good and substantial Materials on the Lands authorized to be taken by virtue of the Powers or Provisions of the said recited Act, on each Side or Bank of the said River, in such Situation as the said Company shall, with the Consent of the Lords of the Admiralty, think proper, to

Company empowered to place a Chain across the Bed of the River, erect Piers, &c. as herein directed.

to the South of the Southernmost Corner or Extremity of a certain Slate Wharf now in the Occupation of *Richard* and *William Coles*, and Fifty Feet at the least to the South of the *Cross House* on the Western Side or Bank of the said River, and to the South of certain Rails called the Boundary Rails, situate South-west of the *Royal Oak* Public House, and dividing the Ferry Beach from the Property of *Thomas Chamberlayne* Esquire on the Eastern Side or Bank of the said River; and also to open, form, make, and maintain all necessary Openings, Ways, or Approaches to the Landing Places so to be made on both Sides of the said River within Two hundred Yards from such respective Landing Places, and to make and construct all such Footpaths, Causeways, Steps, and Works as shall be necessary for the convenient public Use of the said Approaches, Landing Places, and of the Floating Bridge; the said recited Act, or any thing therein contained, to the contrary in anywise notwithstanding.

Interest to be charged and recovered on unpaid Calls.

II. And be it further enacted, That in case any Proprietor or Proprietors of any Share or Shares in the said Undertaking, or other Person or Persons liable to the Payment of any Call or Calls to be made or which may already have been made by any General Assembly of the said Company or their Committee, shall refuse or neglect or shall have refused or neglected to make Payment of the Sum or Sums of Money to be so called for, or any Part thereof, within the Period appointed in pursuance of the said recited Act for making such Payments, then and in every such Case the Person or Party so neglecting or refusing to make such Payment shall be liable to pay and shall pay to the said Company Interest at the Rate of Five Pounds *per Centum per Annum* on the Amount of the Money so called for and so unpaid, to be computed from the Day on which such Money ought by virtue of such Call to be paid or to have been paid until the Day of Payment; and the Proprietor or Proprietors of the Share or Shares in respect whereof any such Call shall be so behind or unpaid shall not be entitled to have or receive any Share of the Profits or Advantages arising or to arise from the said Undertaking until such Interest shall be first paid or deducted from such Share of Profits and Advantage, and such Interest shall be recoverable and recovered in such or the like Manner, or by such or the like Ways and Means, as are provided by the said recited Act for the Recovery of any unpaid Call or Calls, as therein provided or mentioned; and in case of the Sale or Sales of any forfeited Share or Shares, in pursuance of the said recited Act, whereon any such Interest shall be due, such Interest shall be first deducted from the Produce of any such Sale or Sales before any Surplus shall be paid to the Owner of such forfeited Share or Shares, as mentioned in the said recited Act.

Power to raise the further Sum of 5,000*l.* by Mortgage or Annuities.

III. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising the Sum of Five thousand Pounds or any Part thereof by Mortgage of the said Undertaking or of the Tolls thereof (in addition to the Sum of Ten thousand Pounds, by the said recited Act authorized to be borrowed or raised on Mortgage of the said Undertaking, or of the Tolls by the said recited Act granted,) it shall and may be lawful to and for the said Company to borrow and take up at Interest all or any Part of the said additional Sum of Five thousand Pounds, either by way of Mortgage of the said Undertaking and the Tolls by the said recited Act granted, or by granting Annuities to be payable out of the said Tolls during the natural Life of the Purchaser or

Purchasers

Purchasers thereof, or of such Person or Persons as shall be nominated by and on the Behalf of such Purchaser or Purchasers; which Annuity or Annuities shall be granted and made payable either with or without Benefit of Survivorship; and the said Company are hereby fully authorized and empowered, under their Common Seal, to grant and assign over the said Undertaking and Tolls as a Security for any Sum or Sums of Money so to be borrowed, with Interest for the same, or for the due and regular Payment of the said Annuity or Annuities so to be granted, as to them shall seem meet; and all Mortgages, Assignments, Securities, and Grants of Annuities to be made or granted in pursuance of this Act shall be made and granted under and subject to the same or the like Provisions and Regulations as are provided or directed by or contained in the said recited Act for borrowing or raising Money on Mortgage, or by Grant of Annuities; and all Mortgages, Assignments, Securities, and Grants made or granted for borrowing the said additional Sum of Five thousand Pounds shall be as valid and binding as if the same had been made in pursuance of the said recited Act.

Securities not to be assigned, except by an Instrument in Writing.

IV. Provided always, and be it further enacted, That no Mortgage or Grant of Annuity, Bond, or other Security made or issued or to be made or issued by the said Company under the Authority of the said recited Act or this Act shall be assigned or transferred except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be duly specified and set forth.

Company empowered to sell Lands not wanted.

V. And be it further enacted, That it shall be lawful for the said Company and they are hereby required, within Five Years after the passing of this Act, to sell and convey any Lands, Buildings, or Premises which have been contracted for or purchased by the said Company or their Committee, and which shall not be wanted for the Purposes of the said recited Act or this Act, to the former Owner or Owners thereof, or to any other Person or Persons; and in case such Lands, Buildings, and Premises shall not be sold by the said Company or their Committee within the Period aforesaid, then the same shall revert to and become the Property of the Persons from whom the same were purchased, or their Heirs.

Repealing Power in former Act respecting Exemptions.

VI. And be it further enacted, That so much of the said recited Act as enacts, "that no Toll whatever shall be demanded or taken for any Horse, Beast, Cattle, or Carriage, of whatsoever Description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriage attending them, with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or

any Prisoner in Custody under any legal Warrant; or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise, or for any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Southampton*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded," shall be and the same is hereby declared to be repealed.

General Exemptions from Toll.

VII. Provided always, and be it further enacted, That no Toll whatever shall be demanded or taken at any Toll Gate or Toll Bar erected or to be erected on the Road authorized to be made by the said recited Act for any Horse, Beast, Cattle, or Carriage, of whatsoever Description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriage attending them with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or any Prisoner in Custody under any legal Warrant; or for any Volunteers or Yeomanry upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise, or for any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided always that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Southampton*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the said Exemptions, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied.

Powers of former Act extended to this Act.

VIII. And be it further enacted, That the said recited Act, and all and every the Powers, Authorities, Rules, Regulations, Payments, Penalties, Fines, Forfeitures, Tolls, Exemptions, Remedies, Matters, and Things therein contained (except such as are intended to be altered or varied by this Act), shall be extended to this Act, and to the Chain or Chains by this Act authorized to be stretched, thrown, fixed, put, placed, or laid down across the Bed of the said River, and to the Piers, Buttresses, Quays, Houses, and Landing Places and other Works by this Act authorized to be built, erected, and made, and shall be as good, valid, and effectual for carrying the Purposes of this Act into execution as if the same had been repeated and re-enacted in this Act.

No Work to be made in the Bed of the River without the Sanction of the Admiralty.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the making any Pier, Embankment, Buttress, or other Work of any Kind in the Bed of the said River or on the Shore thereof below High-water Mark, or within the Flux of the Tide, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, to be signified in Writing by one of the Secretaries of the Admiralty, and then only under such Conditions and Limitations as the Commissioners for executing the Office aforesaid shall deem expedient for the Preservation of the Navigation of the said River.

Public Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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