CHAPTER ccxi.

An Act to constitute a new body of Trustees for administering the affairs of the Harbour of New Shoreham in the county of Sussex; and for other purposes. A.D. 1873.

[28th July 1873.]

WHEREAS by an Act of the fifty-sixth year of King George the Third, chapter eighty-one, intituled "An Act for the "more effectual Security and Improvement of the Harbour of New "Shoreham in the county of Sussex," herein-after referred to as the "Act of 1816," commissioners were appointed for carrying it into execution, and it was provided that vacancies from time to time occurring in the office of commissioners should be filled up by the surviving commissioners, and that the qualification of a commissioner (except the heir apparent of a person qualified to be a knight of a shire) should be an annual income from landed estate of two hundred and fifty pounds, or personal estate of the value of seven thousand pounds; and, after reciting that certain persons had subscribed forty thousand pounds to the undertaking, it was provided that such funds should be applied by the commissioners, after payment of the costs of the Act, in making and improving the harbour and works connected therewith, and keeping the same in repair, and in payment or discharge of all damages, costs, or other expenses thereby provided for and directed to be paid by the commissioners, and in payment of the interest of moneys raised by the commissioners by mortgage as therein authorised, and, after satisfaction of all such charges and expenses as aforesaid, all money remaining in their hands, together with the rates and duties which should from time to time be received by them by virtue of that Act, should be annually divided rateably amongst the subscribers in proportion to the amount of each person's subscription, and for the purposes of the Act the commissioners were authorised to levy the rates thereby granted upon goods and ships: 56 Geo. 3. c. lxxxi.

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And whereas by an Act of the fifty-ninth year of King George the Third, chapter thirty-one, intituled "An Act to enable the "Commissioners for improving the Harbour of New Shoreham in "the county of Sussex to raise more money for completing the said "Harbour and the Works thereto belonging," herein-after referred to as the "Act of 1819," the commissioners were authorised to raise an additional twenty thousand pounds by subscription and borrowing, or by either of those modes, and a further five thousand pounds on promissory notes:

And whereas the commissioners proceeded to carry the Acts into execution, and raised in the first instance a sum of twenty-nine thousand three hundred pounds by subscription, and subsequently a further sum of ten thousand pounds by subscription, but they do not owe any money on mortgage or bond or on promissory notes:

And whereas the constitution of the trust is unfavourable to the interests of the harbour and of the public using the same, because (amongst other reasons) the number of the commissioners (eighty-three) is too great, and they are mostly resident at a distance from the harbour:

And whereas it is expedient to provide for the constitution of a body of Trustees who shall adequately represent the interests of the traders and shipowners using the harbour as well as the public of the surrounding district, and for the transfer to them of the property, rights, and powers of the commissioners, subject to the provisions of this Act:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The New Shoreham Harbour Act, 1873."

Provisions of general Acts herein-named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, except the sections of "The Lands Clauses Consolidation Act, 1845," with respect to the entering upon, purchase, and taking of lands otherwise than by agreement, and except where expressly varied by this Act, incorporated with this Act.

Parts of 10 & 11 Vict. c. 27. incorporated.

3. The following provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," are, except where expressly varied by this Act, incorporated with this Act; (that is to say,)

Section 12. (Works on the shore of the sea, &c. not to be constructed without the authority of the Commissioners of Woods, &c. and of the Admiralty):

Section 13. (Before alterations in plans are executed to be approved by the Admiralty and the Commissioners of Woods, &c.):

Section 14. (Undertakers to erect watch-house and boat-house for Custom-house officers, and keep the same in repair), except the words "before they shall be entitled to take any rates in respect of the harbour, dock, or pier:"

Section 15. (Penalty on undertakers neglecting to repair watch-house, &c.):

Sections 20 to 24, both inclusive, with respect to the construction of warehouses, wharfs, and other conveniences:

Sections 34 to 47, both inclusive, with respect to the collection and recovery of rates:

Section 77. (Power to erect lighthouses and lay down buoys with consent of Trinity House):

Section 78. (Lights, beacons, or sea marks not to be exhibited or altered without sanction of Trinity House):

Sections 81 and 82, with respect to the appointment of meters and weighers and their duties.

Parts of 26 & 27 Vict. c. 92. incorporated.

4. The following provisions of "The Railways Clauses Act, 1863," are, except where expressly varied by this Act, incorporated with this Act; (that is to say,)

Section 13. (Lights on works);

Section 18. (Abatement of work abandoned or decayed);

Section 19. (Survey of works by Board of Trade);

and those sections shall be construed and have effect with reference to this Act as if the word "work" in those sections meant and included any work below high-water mark which may now exist in the harbour or which may be hereafter constructed by the Trustees.

Parts of 10 & 11 Vict. c. 16. incorporated.

5. The following provisions of "The Commissioners Clauses Act, 1847," are, except where expressly varied by this Act, incorporated with this Act; (that is to say,)

With respect to the qualification of commissioners;

With respect to the election and rotation of the commissioners, excepting sections seventeen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, and twenty-seven;

With respect to the meetings and other proceedings of the commissioners, and their liabilities; provided that the words "limits of the special Act" in section 36 shall include the

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parish of New Shoreham, and that the words "if any within the limits of the special Act" in section 47 shall be deemed to be omitted, and that the annual meeting shall be held on the third Tuesday in July;

With respect to the contracts to be entered into and the deeds to be executed by the commissioners;

With respect to the liabilities of the commissioners, and to legal proceedings by or against the commissioners;

With respect to the appointment and accountability of the officers of the commissioners;

With respect to the mortgages to be executed by the commissioners;

With respect to the accounts to be kept by the commissioners, except section ninety-two;

With respect to the making of byelaws;

With respect to giving notices and orders;

With respect to the recovery of damages not otherwise provided for, and of penalties, and to the determination of any other matter referred to justices or to the sheriffs; and

With respect to access to the special Act.

Interpretation of terms.

6. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the commissioners" means the commissioners acting in execution of the Acts of 1816 and 1819; the expression "the Trustees" means the Trustees acting, subject to this Act, in execution of the powers of the Acts of 1816 and 1819, and of this Act; the expression "the harbour" means the harbour of New Shoreham, and the works connected with that harbour; the expression "the Shoreham local board" means the local board of health for the district of Shoreham; the expression "the Worthing local board" means the local board of health for the district of Worthing; the expression "the town council" means the town council of the borough of Brighton; the expression "the Steyning justices" means the justices of the peace for the county of Sussex acting for the petty sessional division of Steyning in petty session assembled; the expression "elective Trustees" means the Trustees elected by the traders and shipowners respectively; the word "subscribers" means holders for the time being of portions of the sums raised by subscription as aforesaid.

Trustees to execute Act in lieu of

7. On and from the expiration of one month after the passing of this Act, the commissioners acting in execution of the Acts of 1816

and 1819 shall cease to be such commissioners; and, subject to the sections of "The Harbours, Docks, and Piers Clauses Act, 1847," and of "The Railways Clauses Act, 1863," incorporated herewith, the Trustees nominated and appointed under the provisions of this Act shall execute the Acts of 1816 and 1819. A.D. 1873. commissioners.

8. Subject to the provisions of this Act, the Trustees shall be thirteen in number, of whom two shall be appointed by the Shoreham local board, one shall be appointed by the Worthing local board, two shall be appointed by the town council, two shall be appointed by the Steyning justices, and the remaining six Trustees, herein-after called "the elective Trustees," shall be elected as follows: three by the traders, as by this Act provided, and three by the registered shipowners, as by this Act provided: Provided always, that no person shall be capable of being elected a Trustee by the Shoreham local board or by the town council who then or within two years prior thereto shall be or shall have been a subscriber. Constitution of trust.

9. Provided always, that the exercise by the Trustees of any of their powers and authorities shall not be dependent on the whole number of the Trustees being in office. Powers of Trustees not dependent on all being in office.

10. No person shall be qualified to be an elective Trustee unless he resides within the county of Sussex, and shall, in addition to such residence, be possessed of one of the following qualifications; (that is to say,) Qualification of elective Trustees.

1. Shall be in his own right, or in right of his wife, in the actual possession of or in receipt and enjoyment of the rent of land which shall be assessed to the rates made for the relief of the poor to the amount of thirty pounds per annum at the least:
2. Shall be possessed of personal estate of the value of one thousand pounds at the least:
3. Shall be possessed of a vessel belonging to the port of Shoreham of one hundred tons gross register:
4. Shall be possessed of thirty-two sixty-fourth shares in some one such vessel of between one hundred and two hundred tons gross register:
5. Shall be possessed of sixteen sixty-fourth shares in some one such vessel of between two hundred and three hundred tons gross register:
6. Shall be possessed of eight sixty-fourth shares in some one such vessel of three hundred tons gross register and upwards.

11. The following persons, together with the Trustees appointed by the subscribers as provided by this Act, shall be the first Nomination of Trustees.

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Trustees; (that is to say,) two persons to be appointed by the Shoreham local board, one person to be appointed by the Worthing local board, two persons to be appointed by the town council, two persons to be appointed by the Steyning justices; and such appointments respectively shall be made within one month after the passing of this Act; Edward Beves, Frederick Sundius Smith, and Marriage Wallis shall be deemed to have been elected by the traders, and Edward Goodchild, Robert Horne Penney, and William Hall (Saint John's, Shoreham,) shall be deemed to have been elected by the registered shipowners.

Trustees incorporated.

12. The Trustees appointed under the provisions of this Act, and their successors to be appointed as herein-after provided, shall be a body corporate by the name of "The Shoreham Harbour Trustees," with perpetual succession and a common seal, and with power to purchase, hold, sell, and dispose of land.

For appointment of Trustees by the local boards, town council, and Steyning justices.

13. The Trustees or Trustee (as the case may be) appointed by the Shoreham local board, and by the Worthing local board, and by the town council, and by the Steyning justices respectively, as provided by section eleven of this Act, shall, subject to the provisions of this Act, continue in office until the ninth day of November one thousand eight hundred and seventy-four, and on that day, and on the ninth day of November in every succeeding alternate year from that day, or within fourteen days thereafter, the Shoreham local board, the Worthing local board, the town council, and the Steyning justices respectively shall appoint their respective representatives on the trust, and the then Trustees representing them respectively shall go out of office, but shall be re-eligible.

For appointment of Trustee in lieu of certain Trustees ceasing to be.

14. If any Trustee appointed by the Shoreham local board, or by the Worthing local board, or by the town council, or by the Steyning justices, by resignation or otherwise, cease to be a Trustee, the Shoreham local board, the Worthing local board, the town council, or the Steyning justices, as the case may be, shall, within one month, proceed to appoint a Trustee in his stead.

Notice to be given of such appointment.

15. The clerk to the Shoreham local board, the clerk to the Worthing local board, the town clerk of the borough of Brighton, and the clerk to the Steyning justices respectively, shall, as to the first appointments by those bodies respectively, as soon as possible, and as to all other appointments within three clear days after every such appointment, deliver in writing signed by him, at the principal office of the Trustees, the name, residence, and description of

each Trustee so appointed, and such writing shall be primâ facie evidence of every such appointment. A.D. 1873.

Vacancies amongst first elective members.

16. If and whenever before the ninth day of November one thousand eight hundred and seventy-four a vacancy occurs in the number of the elective Trustees, the Trustees shall, within fourteen days after any such vacancy occurs, appoint a qualified person to supply the vacancy, having a due regard in such appointment to the class or interest in the representation of which any such vacancy may have occurred.

Collector of tonnage rates to make out list of traders.

17. The collector of tonnage rates under the Act of 1816 shall, on or before the seventh day of October in the year one thousand eight hundred and seventy-four, and the seventh day of October in every subsequent year, make and deliver to the Trustees a list wherein shall be entered the names of all persons being respectively importers or exporters of goods (herein-after called "traders") who in the year ending with the first day of September then next preceding landed or shipped at the harbour goods of the value of at least one hundred pounds, and the total value beyond one hundred pounds of all goods so landed or shipped by him in that year, and shall at the foot of the list sign a certificate of its accuracy.

Collector to make yearly list of registered shipowners, vessels, and tonnage, and certify its accuracy.

18. The collector of tonnage rates under the Act of 1816 shall, on or before the seventh day of October in the year one thousand eight hundred and seventy-four, and the seventh day of October in every subsequent year, make and deliver to the Trustees a list wherein shall be entered the names of all persons residing within the county of Sussex, and being respectively registered in the books of the Custom-house at the harbour as the owners or part owners (herein-after referred to as shipowners), on the first day of September then next preceding, of thirty-two sixty-fourths of fifty tons, sixteen sixty-fourths of one hundred tons, eight sixty-fourths of two hundred tons, four sixty-fourths of four hundred tons, or two sixty-fourths of eight hundred tons, of any vessels registered as belonging to the port, with the names and gross registered tonnage respectively of the vessels, and shall at the foot of the list sign a certificate of its accuracy.

Certified lists to be printed.

19. The Trustees shall print every such certified list of traders and of shipowners respectively, stating the number of votes which each trader and shipowner is entitled to give, and on every day during the seven days ending with the twenty-first day of October in the year one thousand eight hundred and seventy-four, and during the like seven days in every subsequent year, a printed

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copy of the certified list then last made shall be posted by them on the outer door of their principal office, and printed copies thereof shall be kept at that office for public inspection, and on payment of a reasonable sum for the same, not exceeding sixpence, the Trustees shall deliver a copy of the printed list to any person requiring it.

Scale of votes for traders.

20. The traders shall be entitled to votes according to the following scale; (to wit,) every trader whose name shall appear in the certified list shall have one vote, and one additional vote for every five hundred pounds in value of goods above the first hundred pounds in value of goods so landed or shipped by him as aforesaid, but no trader shall have more than six votes.

Scale of votes for shipowners.

21. The shipowners shall be entitled to votes according to the following scale; (to wit,) every person appearing by the certified list to be a shipowner, whether as part owner or sole owner, or both, shall have one vote, and one additional vote for every twenty-five tons above the first twenty-five tons, but no shipowner shall have more than six votes.

As to votes of partners, &c.

22. In every case of several persons being traders in partnership, and in every case of several persons being registered as shipowners in partnership, and whether as part owners or sole owners, or both, they respectively shall with respect to the scale of votes be deemed one person; and the member of the firm whose name stands first in the firm, or one of the members authorised in writing by the other members of the firm or by a majority of them, and in the case of a company then any shareholder or member of such company duly authorised under the seal of such company, shall alone be entitled to exercise on behalf of the firm or company, as the case may be, their right of voting under this Act.

Revisors of lists to be appointed.

23. On or within one month before the first day of September one thousand eight hundred and seventy-four, and on or within one month before the first day of September in every subsequent year, the Trustees shall appoint two of their number to be two of the revisors of the lists of the traders and of the shipowners, and the two persons so appointed shall, on or before the fourteenth day of October next after their appointment, appoint a third person, being in the year one thousand eight hundred and seventy-four a person nominated by the two persons so appointed, and being in every subsequent year a person whose name is on one of the lists for the year ending with the first day of September in that year, to be the third of those revisors, and to be the chairman of the revisors, and the three persons so appointed shall be the revisors of the lists.

Yearly revision of lists.

24. The three persons from time to time appointed revisors shall, within the seven days next before the first day of November one thousand eight hundred and seventy-four, and the seven days next before the first day of November in every subsequent year, revise at the office of the Trustees the lists of the traders and of the shipowners respectively under this Act for the respective year, giving not less than three nor more than seven days public notice of every such revision: Provided always, that in case of the decease or failure to act of any of the revisors, the others or other of them may make or complete the revision.

Claims and objections before revisors.

25. On every such revision any person whose name is not inserted on the respective lists may, in person or by his agent, claim to have his name inserted therein, and any person whose name is inserted in the respective lists may, in person or by his agent, claim to have the number of votes attributed to him therein corrected, and may object to any other person as not being entitled to have his name retained therein, or as not being entitled to the number of votes attributed to him therein.

Revisors to correct the lists.

26. The revisors shall retain in the respective list the name of any person or the number of votes so objected to if the objection be not established to their satisfaction, and shall insert in the respective list the name of any person shown to their satisfaction to be entitled to have his name inserted therein, and the number of votes to which he is entitled, and shall retain in the respective list the name of every person to whom, and every number of votes to which, an objection is not made, and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name inserted therein, and shall correct the number of votes attributed to any person shown to their satisfaction to be entitled to any other number of votes than the number attributed to him.

Revisors to sign lists.

27. The decision of the revisors or the majority of them with respect to the list shall be final and conclusive, and the revisors shall forthwith after every revision sign their names at the foot of the list revised, but the correctness of such list shall be sufficiently evidenced if signed by the majority of the revisors.

Production to revisors of books, &c.

28. For the revision of the lists the Trustees shall produce at their office to the revisors and their assistants such of the books and accounts of the Trustees as are proper and sufficient to enable those persons respectively according to the provisions of this Act to revise the lists, and shall afford to them respectively all reasonable and proper facilities in that behalf.

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Evidence of revised lists.

29. Every list purporting to be a list revised according to this Act, and to be signed as by this Act provided, shall, without proof of any matter other than that of the signatures thereto, be primâ facie evidence of the same being a list revised according to this Act, and of all the provisions of this Act in any way relating to the revised list having been duly complied with.

Continuance of revised list.

30. Every revised list shall be in force until the revision of the then next list, and the persons whose names appear on the revised list from time to time in force shall be the persons entitled to vote for the purposes of the election of Trustees, and shall at every such election be respectively entitled to such a number of votes as appears by the revised list.

Revised list to be printed and published.

31. Every revised list shall forthwith after the revision thereof be printed and published by the Trustees, and all persons shall be entitled to a copy thereof, paying for every copy such a sum, not exceeding sixpence, as the Trustees think reasonable.

Place of meetings for election of elective members by traders and shipowners.

32. For the election from time to time of the elective Trustees, meetings of the traders and of the shipowners respectively shall be respectively held at such convenient places in New Shoreham or Brighton, or the neighbourhood thereof respectively, as the Trustees from time to time appoint, between the hours of eleven in the forenoon and four in the afternoon, and those meetings respectively shall be convened by the Trustees by not less than four nor more than ten days public notice specifying the time and place of meeting.

Procedure at the meetings.

33. At every meeting of the traders and of the shipowners respectively a person appointed by the meeting shall preside as chairman, and the person so presiding shall receive the votes, and shall act in all other respects as chairman of the meeting, and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of the persons to be elected Trustees thereat.

Election to be by majority of votes.

34. The persons to be from time to time elected by the traders and by the shipowners respectively shall be elected by a majority of the votes of the persons present in person or by proxy, and entitled to vote at the respective meeting for the election, and the votes shall only be given in writing under the hands of the respective voters: Provided that in every case of an equality of votes the chairman of the meeting shall, when requisite to decide the election, have an additional or casting vote.

Biennial retirement of elective Trustees.

35. On the ninth day of November one thousand eight hundred and seventy-four the whole of the persons who shall be then elective Trustees shall go out of office, and on the ninth day of November in every subsequent alternate year, beginning with the ninth day of November one thousand eight hundred and seventy-six, the elective Trustees shall respectively retire from office, but every elective Trustee going out of office may, if duly qualified, be re-elected.

Biennial election of Trustees by traders and shipowners.

36. On the ninth day of November one thousand eight hundred and seventy-four, and on the ninth day of November in every subsequent alternate year, beginning as aforesaid, the following bodies shall elect the following elective Trustees; (that is to say,) the traders shall elect three and the shipowners shall elect three.

Provision in case ninth day of November falls upon a Sunday.

37. If any ninth day of November, herein-before appointed as the day for the election of Trustees by the traders or by the shipowners, should fall upon a Sunday, the election shall take place on the following day.

Meetings of traders and shipowners for supply of vacancies in Trustees.

38. In every case of a vacancy happening after the ninth day of November one thousand eight hundred and seventy-four in the number of the Trustees elected by the traders and the shipowners respectively, whether occasioned by death, resignation, disqualification, or other cause, the Trustees shall convene a special meeting of the persons entitled to vote at the election of Trustees whose representative shall have so ceased to be a Trustee, and at such meeting (which shall be convened and conducted in all respects as the meeting to be held on the ninth day of November one thousand eight hundred and seventy-four, and on the ninth day of November in subsequent years,) a new Trustee shall be elected instead of the person who shall have so ceased to be a Trustee.

In case of same person being elected by various classes of electors.

39. If any person be elected a Trustee by more than one class of electors, he shall, within three days after notice thereof, choose, or in default thereof the Trustees at their next meeting shall declare, which body of electors the member so elected shall represent, and another person or other persons shall thereupon be elected to represent the particular interest or interests which such first-mentioned person or persons will no longer represent.

So long as any sum due to subscribers they may appoint four Trustees.

40. So long as the amount due to the subscribers or any part thereof remains undischarged, they may, if they see fit, appoint, in manner herein-after mentioned, four persons, being subscribers, to be Trustees (herein-after called subscribers Trustees) for the execu-

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tion of this Act, in conjunction with the other Trustees appointed by this Act.

As to first appointment of subscribers Trustees and their biennial retirement from office.

41. On the day of the expiration of three weeks from the day of the passing of this Act (exclusive of the last-mentioned day), the subscribers shall hold a meeting at the Old Ship Hotel, Brighton, at the hour of twelve o'clock at noon, and at such meeting may proceed to elect four persons, being subscribers, to be subscribers Trustees, and such persons shall, subject to the provisions of this Act, continue in office until successors to them are appointed under this Act, but every subscribers Trustee going out of office may, if qualified, be re-elected.

Biennial election of subscribers Trustees.

42. On the ninth day of November one thousand eight hundred and seventy-four, and on the ninth day of November in every subsequent alternate year, beginning with the ninth day of November one thousand eight hundred and seventy-six, the subscribers may hold a meeting and elect four persons, being subscribers, as Trustees.

Meetings of subscribers to supply vacancies in Trustees.

43. In every case of a vacancy happening in the number of subscribers Trustees, whether occasioned by death, resignation, disqualification, or other cause, the subscribers may hold a meeting, and at such meeting a new Trustee may be elected instead of the person who shall have so ceased to be a Trustee.

Regulations as to meetings of subscribers.

44. With regard to meetings of subscribers for any purpose of this Act, the following regulations shall apply, provided that the following regulations lettered A., B., and K. shall not apply to the first meeting of the subscribers to be held under this Act for the election of subscribers Trustees:

A. The clerk of the Trustees shall give fourteen days public notice of every such meeting, specifying the objects thereof, and shall, on the first day of publication of that notice, send a copy thereof by post to each subscriber at his last known address in the United Kingdom:

B. The meeting shall be held at a time and place to be appointed in each case by writing under the hands of three or more of the subscribers, holding in the aggregate not less than two thousand pounds of the amount due to the subscribers, delivered to the clerk of the Trustees:

C. In order to constitute a meeting there shall be present, either personally or by proxy, three or more subscribers:

D. At every meeting of the subscribers any subscriber to be chosen for that purpose by the majority of subscribers present at the meeting shall be the chairman:

E. For the purposes of this section the sections of "The Companies Clauses Consolidation Act, 1845," numbered respectively 74 (business at meetings and adjournments), 76 (manner of voting), 77 (regulations as to proxies), 78 (votes of joint shareholders), and 79 (votes of lunatics and minors, &c.), are, except where expressly varied by this Act, incorporated with this Act: Provided always, that in construing those sections the word "share" shall mean portion of the sums raised by subscription as aforesaid; the word "shareholders" shall mean "subscribers;" the word "company" shall mean "subscribers;" the expression "the secretary of the company" shall mean "the clerk to the Trustees," except that with respect to the first meeting to be held under this Act for the election of subscribers Trustees that expression shall mean the clerk to the commissioners:

F. At every meeting subscribers shall be entitled to vote according to the following scale; that is to say, one vote for every complete sum of fifty pounds, being portion of the sums raised by subscription as aforesaid, up to and including five hundred pounds; one additional vote for every complete sum of one hundred pounds beyond five hundred pounds:

G. If any ninth day of November herein-before appointed as the day for the election of Trustees by the subscribers should fall on a Sunday the election shall take place on the following day:

H. Any three or more of the subscribers, holding in the aggregate not less than two thousand pounds of the amount due to the subscribers, may from time to time, as and when they think fit, by writing under their hands, require the clerk of the Trustees to give public notice of a meeting of subscribers at a time and place specified in that writing, and the clerk shall give notice thereof accordingly, pursuant to the regulation lettered A. in this section contained:

I. A room shall be provided for the meetings of the subscribers at the expense of the Trustees:

K. The clerk of the Trustees, or his deputy, shall attend every meeting of the subscribers with the registers and books relating to the subscribers and the minute books of the Trustees, and the same shall be open to the subscribers at the meeting:

L. In any case where the subscribers in respect of the sum of twenty-nine thousand three hundred pounds are exclusively interested in the object of a meeting, a separate meeting of that class of subscribers may be held, and the provisions of this

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section shall apply thereto as if that class were the whole body of subscribers.

When subscribers paid off, power to appoint Trustees to cease.

45. So soon as the whole amount due to the subscribers shall be discharged the last five preceding sections shall cease to have any effect, and the subscribers Trustees then in office shall cease to be Trustees.

Quorum of Trustees.

46. The quorum of a meeting of the Trustees shall be five so long as the number of Trustees is seventeen, and three so long as the number of Trustees is thirteen.

Powers of quorum and committee of commissioners given to quorum and committee of Trustees.

47. All such powers, rights, duties, and obligations as by the recited Acts are conferred or imposed upon a quorum or committee of the commissioners shall or may be exercised and performed by a quorum or committee of the Trustees, as the case may be. Any such committee of the Trustees may be appointed at any meeting, and shall remain in office so long only as the Trustees see fit, and the number and the quorum of such committee may be fixed by the Trustees.

Justices not incapable of being Trustees.

48. A person shall not on account only of his being a Trustee be incapable of acting as a justice of the peace for any of the purposes of this Act.

Auditor.

49. The Trustees at their first meeting after the passing of this Act, and at their annual meeting in every year, shall appoint one or more auditor or auditors of the accounts of the Trustees for the then ensuing year, and shall fix the remuneration of such auditor or auditors, and at any meeting may appoint an auditor to supply for the current year any vacancy in the office of auditor.

Works and property of commissioners vested in Trustees.

50. All the docks, piers, quays, wharves, landing-places, light-houses, works, lands, buildings, water-heads, rights, easements, and premises whatsoever immediately before the expiration of one month after the passing of this Act vested in the commissioners, or any person in trust for them or for their use or benefit, or to which they were then lawfully entitled, and all moneys, choses in action, and all other the personal estate of which such commissioners stood possessed, or to which they were entitled immediately before the expiration of one month after such passing, and all the powers, rights, and privileges of the commissioners, shall be, by virtue of this Act, and immediately on the expiration of one month after the passing thereof, vested in the Trustees.

Trustees may reduce or increase rates within limits of Act of 1816.

51. Provided always, that notwithstanding anything in the Acts of 1816 or 1819 or in this Act contained, the Trustees may from time to time reduce the rates by the Act of 1816 authorised to be

demanded and taken, and may from time to time after any such reduction increase such rates: Provided that in no case shall the Trustees demand and take any higher rates than are by the Act of 1816 authorised to be demanded and taken.

Provision for reference to the Board of Trade as to whether dues ought to be reduced.

52. On complaint in writing to the Board of Trade by five or more subscribers or mortgagees, holding not less than two thousand pounds in the aggregate of the said subscribed capital of twenty-nine thousand three hundred pounds, and ten thousand pounds, or of the capital raised by mortgage under the authority of this Act, that the Trustees have reduced or are about to reduce the rates by the Act of 1816 authorised to be demanded and taken, or any of them, so as to jeopardise the payment of the principal or interest payable to the subscribers or mortgagees under the provisions of this Act, the Board may from time to time make inquiry into the subject matter of such complaint, and may make such order in reference thereto as they see fit, and such order shall be binding upon and observed by the Trustees, but nothing herein contained shall authorise the making of any increase in the rates authorised to be taken by the Act of 1816. Any costs which may be incurred by the Board of Trade in carrying into effect the provisions of this section shall be borne and paid by the Trustees, and in default of payment the amount thereof, together with all expenses occasioned by the nonpayment thereof, shall be deemed a debt due by the Trustees to the Crown, and shall be recoverable accordingly.

Power for Trustees to borrow on mortgage or bond.

53. The Trustees may from time to time raise by mortgage on the security of the property by virtue of this Act vested in or acquired by them any sum of money not exceeding in the whole the amount due to the subscribers or their assigns in respect of the sums raised by subscription, and shall apply such sum of money exclusively for the purpose of extinguishing such amount, and they may also raise the additional sum of twenty-five thousand pounds for the general purposes of the undertaking.

Saving priority of holders of the 29,300*l.* and the 10,000*l.*

54. The Trustees shall, within eighteen months from the passing of this Act pay off the amount due to the said subscribers or their assigns: Provided always, that the holders of the twenty-nine thousand three hundred pounds raised by subscription in the first instance, and the holders of the ten thousand pounds raised by subscription subsequently, shall, until the amount due to them respectively be paid off, have priority over all mortgages created under the provisions of this Act.

Holders of the 29,300*l.* may at a

55. The holders of the twenty-nine thousand three hundred pounds raised in the first instance may at a meeting resolve that

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meeting agree to amount to be paid to them.

they will accept from the Trustees a sum named in such resolution as the ascertained amount due to the holders of the said twenty-nine thousand three hundred pounds, and if there are present at the meeting, in person or by proxy, subscribers holding in the aggregate not less than one twentieth part of the amount due to the subscribers, and being in number not less than one for every five hundred pounds of that one twentieth part, and such resolution be approved of by subscribers present, in person or by proxy, at such meeting holding at least three fourths of the capital represented at such meeting, and be accepted by the Trustees at a meeting convened for the purpose, then the amount named in such resolution shall be deemed the amount due to the holders of the said twenty-nine thousand three hundred pounds.

Provision for arbitration respecting the amount due to holders of the 29,300*l.*

56. Failing agreement in manner aforesaid within three months from the passing of this Act, the amount due to the holders of the twenty-nine thousand three hundred pounds raised by subscription in the first instance shall be determined by arbitration in the mode by "The Lands Clauses Consolidation Act, 1845," provided for the settlement of any question of disputed compensation, and the appointment of an arbitrator on the part of such holders shall be made in writing under the hands of seven or more of such holders duly authorised at a meeting of such holders.

Provision for offer by Trustees to holders of the 29,300*l.*

57. If the Trustees at a special meeting shall resolve that a specified sum of money be offered to the holders of the said sum of twenty-nine thousand three hundred pounds in satisfaction of their claims, and if a copy of such resolution be delivered to any seven or more of the members of the committee of management in office on the first day of January one thousand eight hundred and seventy-three, or be left at their respective last known place of abode in England, such resolution shall be deemed an offer to such holders of that sum.

Amount due to other subscribers to be the nominal amount.

58. The amount due to the holders of the ten thousand pounds raised by subscription subsequently shall be the nominal amount of such subscription.

Arrears may be enforced by appointment of a receiver.

59. The subscribers may enforce payment of arrears of interest or principal, or principal and interest, due to them by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the subscribers by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Arrears of interest when to be

60. If within thirty days after the interest accruing to any subscriber has become payable, and after demand thereof in writing

the same be not paid, the subscriber may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts, require the appointment of a receiver by an application to be made as herein-after provided; and if within six months after the principal money owing to any subscriber has become payable, and after demand thereof in writing, the same be not paid, together with all interest due in respect thereof, the subscriber, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts, may, if the sum of money due to him amount to four thousand pounds, or if the same do not amount to that sum he may in conjunction with other subscribers to whom after demand as aforesaid sums of money shall be due which (together with his) amount to four thousand pounds, require the appointment of a receiver by an application to be made as herein-after provided.

enforced by appointment of a receiver.

61. Every application for a receiver in the cases aforesaid shall be made to two justices, and on any such application such justices may by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums receivable at the harbour, until such interest, or until such principal and interest, as the case may be, together with costs, including the charges of receiving the rates or sums aforesaid, be fully paid; and upon such appointment being made all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said justices, shall be paid to the person so to be appointed, and the money so paid 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 and interest and costs, have been so received, the power of such receiver shall cease: Provided always, that the receiver shall be bound in applying the moneys received by him to regard the application of the funds of the Trustees as herein-after directed.

As to appointment of a receiver.

62. The books of account of the Trustees shall be open at all reasonable times to the inspection of the respective subscribers, with liberty to take extracts therefrom, without fee or reward.

Account books to be open to inspection of subscribers.

63. The Trustees may from time to time re-borrow any moneys which they may raise by borrowing under the powers of this Act, and which are paid off otherwise than by means of annual instalments, the sinking fund, or the sale of surplus lands, although such re-borrowing may not be at a lower rate of interest.

Power to re-borrow.

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Priority of mortgages over other debts.

64. All money to be raised by the Trustees on mortgage under the provisions of this Act shall have priority against the Trustees, and the property from time to time of the Trustees, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Trustees or their property in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860."

Provision as to sinking fund.

65. The prescribed sum to be set apart out of the rates as a sinking fund under the eighty-fourth and eighty-fifth sections of "The Commissioners Clauses Act, 1847," incorporated with this Act, shall be one fiftieth part of the largest amount which shall have been at any time borrowed under the provisions of this Act, but the obligation to set apart such sum shall not commence until after the expiration of ten years from the commencement of this Act.

Power of raising money under recited Acts extinguished.

66. The Trustees shall not exercise any of the powers by the recited Acts granted to the commissioners of raising money by subscriptions, or by the creation of shares, or by borrowing, or by the grant of annuities.

Application of moneys.

67. All moneys raised for the purpose of extinguishing the debt owing to the said subscribers and their assigns shall be applied by the Trustees in payment of the amount owing to such of the said subscribers and their assigns respectively as shall accept the same in whole or part payment of their subscriptions, and to the extent so applied an equivalent amount of the debt owing to such subscribers or their assigns respectively shall be extinguished. All other moneys coming to the hands of the Trustees by virtue of this Act shall be applied as follows:

1. In payment of the costs, charges, and expenses of and preliminary and incident to the passing of this Act:
2. In payment of the costs, charges, and expenses of and incident to the management, maintenance, and improvement of the harbour and the execution of this Act, not exceeding in any one year the sum of three thousand pounds:
3. In payment annually to the subscribers and their assigns of interest on the said sums of twenty-nine thousand three hundred pounds and ten thousand pounds, at the rate of the average dividend annually received by them in the five years ending the thirtieth day of June one thousand eight hundred

and seventy-two, until the amounts due to them shall be paid off: A.D. 1873.

4. In payment of the interest upon all mortgages granted by the Trustees under the powers of this Act:
5. In payment of the amounts for the time being due to the subscribers and their assigns:
6. In setting apart the sum by this Act directed to be set apart as a sinking fund when that obligation shall arise:
7. In further payment of the costs, charges, and expenses of and incident to the management, maintenance, and improvement of the harbour and the execution of this Act:
8. In paying off the mortgages created by the Trustees from time to time under the powers of this Act.

Repeal and amendment of certain sections of the Act of 1816.

68. On and from the expiration of one month after the passing of this Act the sections of the Act of 1816 numbered respectively 2 to 12, both inclusive, 17, 90, and 91, shall be repealed; section 25 of that Act shall be read and construed and have effect as if the words "nor unless there shall be at least eleven commissioners "present at such alteration or repeal and consenting thereto," had been omitted therefrom.

General saving of rights and claims.

69. Notwithstanding the transfer and repeal by this Act effected, everything before the time of transfer and repeal done, suffered, and confirmed respectively under or by virtue of any Act relating to the commissioners shall be as valid as if this Act had not been passed, and the transfer and repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which, if the transfer and repeal had not taken place and this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively, and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the Trustees shall to all intents represent the commissioners; and the generality of this present provision shall not be deemed to be restricted by any other of the provisions of this Act.

Moneys due to commissioners to be paid to Trustees.

70. All rates and sums of money due to the commissioners on account of any property, powers, rights, or privileges hereby transferred shall be deemed to be due to the Trustees and be recoverable accordingly.

Actions, &c. not to abate.

71. All actions, suits, and other legal proceedings, civil or criminal, commenced or which might have been commenced by or

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against the commissioners in relation to any property, powers, rights, or privileges hereby transferred, may be continued or instituted by or against the Trustees.

Production of books, &c.

72. All persons having in their custody, power, or possession any books, papers, or writings relating exclusively to the property, rights, powers, and privileges hereby transferred, shall deliver the same to the Trustees, or to such persons as they may appoint; and in case of refusal or neglect, the person so refusing or neglecting shall for each offence incur a penalty not exceeding fifty pounds, and shall be liable, at the instance of the Trustees, to the same actions, suits, and proceedings as they would have been liable to at the instance of the commissioners if this Act had not been passed. Each of the subscribers by himself and his attorney or agent shall, until the publication of the award under the arbitration by this Act authorised, have free access at all reasonable times to the books, papers, and writings aforesaid, with full right to make copies of or extracts from all or any of the same without payment.

Mode of publication of notices.

73. Where in this Act public notice is required to be given, then, unless the contrary is provided, the same shall be given by means of an advertisement in a newspaper published in the borough of Brighton, and by means of a placard posted on a board kept suspended near the outer door of the principal office of the Trustees.

Notices of meetings respecting byelaws.

74. In lieu of the notices required by sections twenty-four and twenty-five of the Act of 1816, the clerk of the Trustees shall give public notice of the meetings in those sections referred to.

Power to purchase or lease lands by agreement.

75. The Trustees may from time to time, by agreement, purchase or take on lease any lands which they shall deem necessary for any dock or harbour purposes, and may grant leases or underleases, as the case may be, of any such lands: Provided always, that the power to purchase lands granted by this section shall only extend to the lands situate southwards of the eastern and western arms of the harbour, and to lands (not exceeding thirty acres in the whole) situate northwards of the said arms.

Saving rights of the Crown in the foreshore.

76. Nothing contained in this Act shall authorise the said Trustees to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which

consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

77. The costs of and preliminary and incident to the passing of this Act shall be paid by the Trustees out of the first moneys which may come to their hands by virtue of this Act, exclusive of any moneys raised under this Act for the purpose of paying off the subscribers.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1873.