CHAPTER cxcviii.

A.D. 1883.

An Act for incorporating the South Hayling Bridge Company and for empowering them to construct a Bridge over the Langstone Channel between Hayling Island and Southsea with approach Roads thereto in the county of Southampton and for other purposes. [20th August 1883.]

Preamble.

WHEREAS the building and maintaining of a Bridge over the Langstone Channel between Hayling Island and Southsea in the county of Southampton with approach Roads thereto will be of public and local advantage:

And whereas the persons hereinafter named with others are willing to carry the said undertaking into execution:

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof and the lands in or upon which those works are intended to be made and which are required for purposes connected therewith and books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Southampton which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas since the said plans and sections were deposited it has been found expedient for the purpose of avoiding interference with government gunnery and rifle ranges in the parish of Portsea in the county of Southampton that an alteration or deviation of a portion of the Road hereinafter referred to as approach Road No. 2 should be authorised and an amended plan and section of that alteration or deviation and a book of reference to that plan have been deposited with the clerk of the peace for the county of Southampton:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

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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:

Short title.

1. This Act may be cited as the South Hayling Bridge Act 1883.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Parts I. and III. (relating respectively to the cancellation and surrender of shares and to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the undertaking by this Act authorised the expression "the Admiralty" means the Lord High Admiral or the Commissioners for the time being for executing the office of Lord High Admiral and the word "vessel" means ship boat barge lighter and craft of every kind whether navigated by steam or otherwise and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute and in construing for the purposes of this Act the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expression "railway" means the Bridge and Roads by this Act authorised the expression "centre of the railway" in those provisions means any part of such Bridge and Roads.

Company incorporated.

4. Albert George Sandeman David Painter McEuen and John Cornelius Park and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the undertaking and

for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the South Hayling Bridge Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to Company to take lands for purposes of Act.

5. Subject to the provisions of this Act the Company may from time to time enter upon take use and appropriate to or for the purposes of this Act all or any of the lands and buildings delineated upon the deposited plans and described in the deposited books of reference and lying within the limits of deviation shown upon those plans.

Correction of errors in deposited plans and books of reference.

6. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or described in the deposited books of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Southampton for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

Deposit of certificate of correction.

7. The certificate of the justices shall be deposited with the clerk of the peace for the county of Southampton and a duplicate thereof with the parish clerk of the parish in which the lands in question lie and the certificate and duplicate respectively shall be kept by the clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Company may execute the works in accordance with the certificate.

Power to owners to sell easements.

8. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement (not being an easement of water) right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Application of provisions of Improvement of Land Act, 1864.

9. The provisions in the Improvement of Land Act 1864 with regard to charging lands with money subscribed for the construction of railways shall be applicable and shall be read with reference to the Bridge and Roads hereby authorised to be made as if such Bridge and Roads were a railway or navigable canal and as if the Company hereby incorporated were a railway or canal company and as if the lands of any landowner which may be improved or benefited by the said Bridge and Roads were lands which might be improved or benefited by a railway or navigable canal within the meaning of the said Improvement of Land Act.

Company may execute works.

10. Subject to the provisions of this Act the Company may from time to time make and maintain in the lines and according to the levels shown on the deposited plans and sections the Bridge and approach Roads hereinafter described with all proper fences drains culverts footpaths toll-gates toll-houses and other buildings works and conveniences connected therewith all in the county of Southampton that is to say:

(1.) An opening Bridge (to be called South Hayling Bridge) across the Langstone Channel to be situate wholly in the parishes of South Hayling and Portsea connecting the Island of Hayling with Southsea which Bridge will commence at or about high-water mark on the foreshore of Hayling Island at a point distant thirteen chains or thereabouts measured in a straight line in a southerly direction from the south-western corner of the Norfolk Lodge public-house in the parish of South Hayling and will terminate at or about high-water mark on the west side of the Langstone Channel aforesaid in the parish of Portsea at a point distant twelve and a quarter chains or thereabouts measured in a straight line in a southerly direction from the south-eastern corner of the ferry house.

(2.) An approach Road (approach Road No. 1) wholly in the parish of South Hayling and branching off from and commencing by a junction with the present road between the Sinah Farm and the Norfolk Lodge public-house at or near a point in the last-mentioned road distant twenty chains or thereabouts measured in a straight line in a westerly direction from the Sinah Farm aforesaid and terminating by a junction with the Bridge hereinbefore described at the eastern end of that Bridge.

(3.) An approach Road (approach Road No. 2) wholly in the parish of Portsea commencing in the road leading from Southsea to Cumberland Fort at a point in that road distant four chains or thereabouts measured in a straight line in an easterly

direction from the South-east corner of the borough of Portsmouth sewage pumping station and terminating by a junction with the Bridge hereinbefore described at the western end of that Bridge.

Provided always that notwithstanding anything in this Act contained the approach Road No. 2 shall between the points marked respectively commencement and termination of deviation on the said amended plan and section be made and maintained not in the line and according to the levels shown on the deposited plans and sections but in the line and according to the levels shown on the said amended plan and section.

Lands, &c., vested in War Office to be taken only by consent and for term of years &c.

11. Nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof belonging to or vested in or exercised by Her Majesty's Principal Secretary of State for the time being for the War Department or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company. Any land or other property belonging to or vested in the said Principal Secretary for the time being which may with his consent be taken or used for the purposes of this Act shall be held by the Company as tenants only for such term as the said Principal Secretary shall think fit to grant therein and at a yearly rent to be fixed by the said Principal Secretary and subject to such covenants and conditions as he shall think fit to impose and the term estate and interest of the Company therein shall be determinable by the said Principal Secretary for the time being at any time as and when the public service shall in his opinion require the same save as far as the said Principal Secretary for the time being shall by some other document otherwise grant convey or assure such land or property.

No permanent works to be erected without sanction of War Office.

12. It shall not be lawful for the Company to construct any permanent erection or permanent work of any kind whatsoever and no bridge or erection or work of any kind shall be erected or constructed by the Company unless the same shall have been approved by the said Principal Secretary for the time being and until a plan and specification thereof shall have been submitted to him and his approval thereof shall have been signified in writing under his hand and any bridge or erection or other work shall be so constructed as not to mask or interfere with the fire of the guns

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from Fort Cumberland or any other works which shall be erected for the defence of Portsmouth.

War Office to be at liberty to retake lands &c.

13. It shall be lawful for the said Principal Secretary for the time being and his servants and agents from time to time and at all times hereafter as and when he or they shall see occasion for the public service and without making any compensation to the Company to construct upon lands acquired or held by the Company under this Act any works of defence whatsoever and also upon any such occasion and for the purpose of defence to remove in a summary way and if need be to destroy all or any portion of the Bridge and approach Roads and works hereby authorised to be constructed without being required or in any manner legally or otherwise made liable to make good the loss or damage to be occasioned by such removal or destruction or any part thereof but upon payment of reasonable compensation for the removal or destruction of any such erections which may have been erected with the consent in writing of the said Secretary of State under the provisions of this Act.

For protection of the Corporation of Portsmouth.

14. For the protection of the mayor aldermen and burgesses of the borough of Portsmouth hereinafter referred to as "the Corporation" the following provisions shall have effect, viz.

(*a.*) The approach Road No. 2 by this Act authorised shall be constructed in accordance with and under and subject to all the requirements of the bye laws of the Corporation and in accordance with a plan and sections to be prepared by the Company and submitted to and approved by the Corporation under the hand of their surveyor before the commencement of the work and shall be completed to the satisfaction of the Corporation before such Road is opened or used for traffic.

(*b.*) In the construction of the approach Road No. 2 the Company shall at the point where that approach Road is shewn on the amended deposited plan to cross the main outfall sewer of the Corporation or at such other point as may be directed by Sir Frederick Bramwell or by the surveyor for the time being of the Corporation construct and for ever after maintain a culvert for the protection of such main outfall sewer and of any other sewers or pipes to be hereafter laid down by the Corporation. The culvert shall be constructed at such a level of such dimensions and materials and generally in such manner as shall be reasonably required by Sir Frederick Bramwell or by the surveyor for the time being of the Corporation.

(*c.*) Notwithstanding anything in this Act contained the approach Road No. 2 when constructed shall be maintained and repaired by and at the expense of the Company but shall

at all times and for all purposes be and remain open to and for public use.

(*d.*) Notwithstanding anything in this Act contained the Company shall not place any toll-gate upon the approach Road No. 2 or elsewhere within the borough of Portsmouth.

Capital.

15. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

16. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

17. One-fifth of the amount of a share shall be the greatest amount of a call and one month at least shall be the interval between successive calls.

Receipt on behalf of incapacitated persons.

18. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

19. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole twelve thousand five hundred pounds but no part thereof shall be borrowed until the whole capital of fifty thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

20. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the

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amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages over debts.

22. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company 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 Company or their property in respect of any rent-charge 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 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purpose of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

24. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of Directors.

25. The number of directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of Directors.

26. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

27. The quorum of a meeting of directors shall be three but if the number of directors is reduced to three the quorum shall be two.

First Directors.

28. Albert George Sandeman David Painter McEuen and John Cornelius Park and four other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for compulsory purchase of lands.

29. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to deviate laterally.

30. In making the Bridge and Roads by this Act authorised the Company shall have power to deviate from the centre lines thereof respectively delineated on the deposited plans provided that no such deviation shall extend to a greater distance than the limits of deviation delineated on the said plans nor to a greater extent than one hundred yards from the centre line delineated upon the said plans nor shall such deviation extend into the lands of any person whose name is not mentioned in the deposited books of reference without the previous consent in writing of such person unless the name of such person shall have been omitted by mistake and the fact that such omission proceeded from mistake shall have been certified in manner provided for in cases of unintentional errors in the said books of reference.

Power to deviate vertically.

31. In constructing the Bridge and Roads by this Act authorised the Company may deviate from the levels of the same respectively as shown on the deposited sections to any extent not exceeding five feet but not so as to increase the rate of inclination as shown on the

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deposited sections of the Roads by this Act authorised: Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Admiralty or otherwise in such manner as is expressly authorised by the Admiralty.

Power to cross roads &c.

32. The Company from time to time may cross divert alter or stop up either temporarily or permanently any roads footpaths streams culverts or drains in any of the lands within the limits of deviation shown on the deposited plans and described in the deposited books of reference which they are by this Act authorised to purchase and acquire and which shall be purchased and acquired by the Company when and so far as the Company deem it requisite for any of those purposes so to interfere with the same: Provided always that if in the exercise of such power it be found necessary to stop up any stream culvert or drain the Company shall before the commencement of such operations cause a sufficient stream culvert or drain to be made instead of the stream culvert or drain to be interfered with provided also that the Company shall not permanently stop up any public road approach way or path which is not shown upon the deposited plans as being intended to be stopped up and that full compensation shall be given to all persons injured by the exercise of the powers in this section contained.

Incidental works.

33. For the purposes of this Act the Company from time to time may within the limits of deviation shown on the deposited plans and subject to the provisions of this Act place and maintain abutments and dig and make foundations in the Langstone Channel and on the lands on each side thereof and make dams and drive piles in the channel during the execution of the works and occupy and take the bed of the channel for those purposes and execute all the works necessary or convenient for executing the works by this Act authorised.

Saving Admiralty rights in Langstone Harbour.

34. The powers conferred upon the Company by this Act shall be subject and without prejudice to all Admiralty rights over Langstone Harbour except so far as such rights may be necessarily interfered with in the construction and maintenance of the Bridge and in recognition of such rights the Company shall pay annually to the Admiralty the sum of five shillings and the first of such annual payments shall become due at the expiration of twelve months after the Company shall have taken possession of any part of the foreshore for the purposes of this Act.

Bridge to be constructed according to plans to be approved of by Admiralty.

35. The Bridge shall be so constructed as to have two opening spans which shall be the second and third spans from the mainland of the Bridge as shown upon the deposited sections and the part covering such spans shall be a Swing Bridge the ends whereof when open shall rest on buttresses with starlings and the plans of the Bridge and every alteration in such plans shall be submitted to and be subject to the approval of the Admiralty and the Bridge shall be constructed only in accordance with the plans so approved of and of such strength as in the opinion of the Admiralty will be sufficient to secure it from damage by collisions from passing vessels.

Moorings and mooring buoys to be provided.

36. The Company shall provide and place and for ever after keep and maintain moorings on each bank below the Bridge for vessels to ride at in case of any accident to the moving gear of the Bridge under stress of weather also eight two-ton mooring blocks with sinkers and pennants for vessels to hang on to whilst the Bridge is being opened. Four of the said mooring blocks shall be placed at a distance of fifty yards or thereabouts from the Bridge whereof two shall be above the Bridge one on each side of the channel and the other two shall be below the Bridge one on each side of the channel and the other four mooring blocks shall be placed at a distance of one hundred yards or thereabouts from the Bridge whereof two shall be above the Bridge one on each side of the channel and the other two below the Bridge one on each side of the channel.

Lights on Works.

37. The Company shall on or near the works below highwater mark by this Act authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Admiralty may from time to time require or approve and (notwithstanding the enactments for the time being in force respecting light houses) shall also on and near the Bridge when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of vessels as the Admiralty may from time to time require or approve. If the Company fail to comply in any respect with the provisions of this section they shall for every night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to dredge Channel.

38. The Company shall from and after the commencement of the Bridge by this Act authorised for ever thereafter when necessary at their own expense well and effectually dredge the channel under and for a distance of four hundred yards on each side of the Bridge so that the same shall always have a sectional area and

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inclination equal to its present sectional area and inclination as shown by the Admiralty Charts.

Copies of chart duly authenticated to be kept by Company and deposited with Clerk of the Peace and to be evidence.

39. Two copies of the Admiralty Chart relating to that part of the channel which is to be dredged by the Company shall be made and when authenticated by the signature of the Hydrographer of the Admiralty shall be delivered to the Company and the Company shall keep one of the said copies and shall deposit the other copy with the clerk of the peace for the county of Southampton and each or either of the said two copies shall be received in all courts of justice and elsewhere as evidence of the contents thereof.

Clerk of the Peace to receive deposit, &c.

40. The clerk of the peace for the county of Southampton shall receive the copy of the said Chart to be so deposited with him and such deposit shall be deemed to have been made in pursuance of an Act passed in the first year of the reign of Her present Majesty intituled "An Act to compel Clerks of the Peace for Counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament" and the several provisions of that Act (except so far as the same shall be inconsistent with this Act) shall form part of this Act.

In default of Company dredging the Admiralty may dredge at the cost of the Company.

41. If at any time after the passing of this Act the part of the said channel which is to be dredged as hereinbefore provided shall have a less sectional area or inclination than the sectional area or inclination shown on the said copies of the said Chart and the Company shall not within one week after service on them of notice in writing by the Admiralty proceed forthwith to dredge that part of the said channel until the same shall be of the sectional area and inclination shown on the said copies of the said Chart the Admiralty may dredge the same at the expense of the Company and recover the cost and the expense thereof from the Company as a debt due to them from the Company.

Providing for periodical inspection and repair of Swing Bridge.

42. The Company shall at their own expense on such days and times of the day as may from time to time be fixed by the Admiral Superintendent of Portsmouth Dockyard (but there shall always be an interval of not less than three months between any two such days) and in the presence of an officer appointed for that purpose by the Admiralty open the Swing Bridge for the inspection of such officer and permit him to inspect the same and give him every reasonable facility to make a proper inspection thereof and if the Company fail to open the Swing Bridge on the day and at the time appointed or in any way prevent or obstruct the proper inspection thereof by such officer or fail to give him such reasonable facility as aforesaid they shall be liable to a penalty of not exceeding ten

pounds. If upon any such inspection the said officer shall find the Swing Bridge to be out of repair or in any way inefficient he shall notify the same to the Company and the Company shall within a reasonable time to be fixed by such officer repair or put the same in proper working order and condition and prove to the reasonable satisfaction of such officer that they have so done and if they make default the Admiralty may enter upon the Bridge and property of the Company and cause the necessary repairs and work to be done and the cost of such repairs and work and all incidental expenses shall be recoverable by the Admiralty with full costs of suit in any court of competent jurisdiction.

As to opening and shutting the Swing Bridge.

43. The following provisions shall have effect with respect to the opening and shutting of the Swing Bridge:

(*a*) The Swing Bridge shall be kept open during such time before and such time after high water and during such hours of the night as the Admiralty from time to time prescribe and those periods are hereinafter referred to as "open time."

(*b*) When it is not open time the Swing Bridge may be kept closed and those periods are hereinafter referred to as "close time."

(*c*) The Swing Bridge may be closed in open time but only for so long a time as may be necessary for the passage of occasional road traffic subject to such regulations as the Admiralty from time to time prescribe.

(*d*) The Swing Bridge shall always be opened in close time immediately upon application for that purpose being made by signal or otherwise at or near the Bridge by the captain commanding officer or master of any vessel requiring to pass the Bridge whether such vessel belongs to or is employed in the service of Her Majesty or belongs to any of Her Majesty's subjects or to the subject of any country at peace with Her Majesty.

(*e*) Whenever the Swing Bridge is closed whether in close time or open time there shall be always a man in attendance on the Bridge to watch for signals and to open the Swing Bridge when occasion requires.

(*f*) All expenses of opening and shutting the Swing Bridge including the man to watch for signals shall be borne by the Company.

(*g*) The Admiralty may from time to time make regulations for giving effect to the above mentioned provisions and otherwise with respect to the opening and shutting of the Swing Bridge and for securing the safe passage of vessels through the Bridge without unnecessary delay.

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(*h*) If in breach of any of the provisions of this section or of any regulation of the Admiralty thereunder any vessel entitled to pass the Bridge shall be detained for an unreasonable time circumstances considered the Company shall be liable to a penalty not exceeding ten pounds and a further penalty not exceeding five pounds for every half-hour after the first half-hour during which such detention shall occur to be recoverable with full costs of suit by the captain commanding officer master or owner of such vessel in any court of competent jurisdiction.

(*i*) It shall not be lawful for the Company to open the Bridge for public traffic until they have made arrangements to the satisfaction of the Admiralty with respect to the machinery and all things necessary for the opening and shutting of the Swing Bridge and if they shall notwithstanding open the Bridge for public traffic without such approval they shall be liable to a penalty not exceeding twenty pounds for every day during which the Bridge shall be so open to be recoverable by the Admiralty with full costs in any court of competent jurisdiction.

Works abandoned or become ruinous may be removed by the Admiralty.

44. If at any time after the commencement of the Bridge or of any work in any part of Langstone Channel for or incidental to the construction of the Bridge the same shall be abandoned or left unfinished or if at any time after the completion of the Bridge the same or any part of it is allowed to fall into a state of disrepair so as to be dangerous to navigation or the Swing Bridge is incapable of being opened it shall be lawful for the Admiralty to remove the same or any part thereof and to recover the cost of such removal and all incidental expenses with full costs of suit in any court of competent jurisdiction.

In case of war or national exigency Bridge may be destroyed for purposes of defence.

45. Notwithstanding anything contained in this Act or the taking of any of the lands of Her Majesty for the purposes thereof it shall be lawful for the officer commanding in time of war or national exigency if he shall deem it necessary for the purpose of defence to remove in a summary way and if need be to destroy all or any portion of the Bridge and works which may have been constructed under the powers of this Act without being required or being in any manner legally or otherwise liable to make good the loss or damage to be occasioned by any such removal or destruction or any part thereof or to reinstate the Bridge or works.

Limiting period for completion of works.

46. The Bridge and Roads by this Act authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Provision as to repair of roads.

47. The approach Roads to be made by the Company under the authority of this Act shall when made and completed respectively from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other highways within the parishes repectively in which such Roads will be situate are from time to time liable to be repaired or maintained.

Question of completion of approach roads to be decided by two Justices.

48. If any question shall arise between the Company and any of such parties as to the due completion of either of the said approach Roads such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such Road shall be conclusive evidence of the fact so certified.

Vesting Sinah Ferry in the Company.

49. When and so soon as the Bridge is opened for public traffic the ferry called or known as Sinah Ferry shall be discontinued and all rights of ferry and other rights connected therewith shall be and are hereby extinguished: Provided always that the Company shall pay to the owner or owners for the time being of the said ferry in respect of such rights such compensation as may be agreed upon or as failing agreement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 for the settlement of questions of disputed compensation. The amount of such compensation shall be set forth in a deed which shall be stamped with ad valorem conveyance duty and within three months from the opening of the Bridge for public traffic the Company shall produce the deed so stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the opening of the Bridge to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Power to erect toll-gates &c. and to take tolls.

50. The Company may cause to be erected and set up a toll-gate or toll-gates at or upon the Bridge or at or upon either or both of the approach Roads by this Act authorised and from time to time may remove such toll-gate or toll-gates and erect and set up another or others in lieu thereof at any place or places upon any part of the Bridge or Roads respectively and may from time to time erect provide and maintain such toll-houses and other conveniences near or adjoining to any such toll-gate or toll-gates as the Company shall think proper and tolls for passing the Bridge not exceeding those hereinafter authorised may be demanded and taken at any such toll-

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gate by such person or persons as the Company or any lessee of the tolls shall from time to time appoint of which appointment a certificate in writing signed by the secretary of the Company or such lessee as the case may require shall for all purposes be sufficient evidence.

Maximum amount of tolls.

51. The tolls which the Company from time to time may demand and take shall not exceed the following (that is to say) :—

For every foot passenger (except the person actually driving or accompanying any waggon wain cart or other such carriage not being a cart or carriage usually employed for the conveyance of passengers) the sum of one penny.

For every person who shall ride in or upon any waggon wain cart or other carriage not being a carriage usually employed for the conveyance of passengers or who shall ride upon any horse or beast drawing any such waggon wain cart or carriage the sum of one penny.

For every horse or other beast drawing any coach stage coach omnibus van caravan sociable berlin landau chariot vis-à-vis barouche phaeton calash curricle chair gig whisky hearse litter chaise waggon wain or other cart or carriage the sum of six pence.

For every horse mule or ass laden or unladen and not drawing the sum of three pence.

For every head of oxen or neat cattle the sum of one penny.

For every calf pig sheep or lamb the sum of one half-penny.

For every velocipede bicycle or thing of the like nature (whatever number of wheels it has) the sum of three pence.

And the said tolls shall be paid before any such person or any such animal or any such carriage cart velocipede or other thing as aforesaid shall be entitled to pass through any such toll-gate and the said tolls shall be and the same are hereby vested in the Company for the purposes of this Act.

Traction by steam or machinery prohibited.

52. No carriage or vehicle propelled or moved by the power of steam or machinery other than any such carriage employed in the service of Her Majesty shall cross the Bridge excepting with the consent of the Company and on payment of such toll as they may demand.

Tolls to be paid each time of passing.

53. The tolls by this Act authorised to be taken shall be paid for every time of passing or repassing over the Bridge: Provided that if the Company erect or set up more than one toll-gate the payment of toll at any one of such gates shall free the other or others of such gates.

Table of tolls to be put up.

54. When any toll-gate shall be erected by virtue of this Act the Company shall and they are hereby required to put up or cause to be put up and afterwards to be continued at such toll-gate a table painted in distinct and legible black letters on a board with a white ground containing a list distinguishing the several tolls to be paid by virtue of this Act and to renew such board whenever any of the letters or figures thereof shall be worn out defaced or obliterated and it shall not be lawful for the Company to demand or take or cause to be demanded or taken any tolls except for and during such time as the board so painted as aforesaid shall remain affixed to such toll-gate.

Locomotive Act 1861 to apply to Bridge and Roads.

55. The clauses and provisions of the Locomotive Act 1861 with respect to tolls and all other matters shall apply to the Bridge and Roads by this Act authorised but not so as to authorise the Company to demand or take toll for any locomotive or for any vehicle drawn or propelled thereby employed in the service of Her Majesty.

Exemptions from toll.

56. Provided always that no toll shall be demanded or taken

(1.) For any horses or carriages attending Her Majesty or any of the Royal Family or returning after having so attended.

(2.) For any person horse beast carriage or cart of whatever description employed in conveying or guarding postal packets or expresses under the authority of Her Majesty's Postmaster General either when employed in conveying telegrams fetching or guarding such postal packets telegrams or expresses or in returning from conveying or guarding the same or for any horse beast of burden traction engine or vehicle belonging to or for the time being employed in the service of Her Majesty. The term "Postal Packet" in this section has the same meaning as in the Post Office Act 1875.

(3.) For any officer or soldier of Her Majesty's regular forces upon march or upon duty or any seaman under arms coast guardsman on duty or any government official or employé of any kind whether in uniform or not when engaged in Her Majesty's service and for all prisoners under military escort, also for all carriages and horses belonging to or hired for or otherwise employed in conveying any such persons on duty or returning from conveying the same.

(4.) For any animal or carriage attending soldiers with their arms and baggage or returning after having been so employed.

(5.) For any cavalry or artillery horses or any guns or tumbrils or other artillery waggons or vehicles.

(6.) For any waggon wain cart or other carriage or any animal drawing the same which is employed in conveying any arms or

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munitions of war or ordnance or commissariat or other public stores of or belonging to Her Majesty or to or for the use of Her Majesty's forces or any materials or men for government works.

(7.) For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps upon their march or upon duty or in going to or returning from the place appointed for and on the days of exercise.

(8.) For any horse furnished by or for or belonging to any officer of Her Majesty's regular auxiliary or reserve forces or to any corps of yeomanry or volunteer cavalry and ridden by such officer on duty or by a member of such corps dressed in the uniform of the corps in going to or returning from the place appointed for and on the days of exercise.

(9.) For any officer of customs on duty.

(10.) For any policeman on duty.

(11.) For any animal or carriage employed only in conveying any vagrant sent by a legal pass or any prisoner sent by a legal warrant or returning empty after being so employed.

Provided that the provisions of this section shall be in addition to and not in derogation of any exemption existing under the Army Act of 1881 or any other Act relating to Her Majesty's regular reserve or auxiliary forces or existing by virtue of Her Majesty's prerogative.

And if any person shall claim or take the benefit of any of the exemptions by this Act granted not being entitled to the same every such person for every such offence shall forfeit and pay to the Company any sum not exceeding forty shillings.

Power to stop any person refusing to pay toll.

57. If any person subject to the payment of the tolls hereby made payable or any of them shall after demand made thereof by any collector appointed to receive the same neglect or refuse to pay the same or any part thereof it shall be lawful for such collector by himself or taking such assistance as he shall think necessary to stop and prevent the passage of the person so neglecting or refusing or of the horse beast or cattle for or in respect of which such tolls ought to be paid until full payment thereof or to seize and distrain any horse or other beast or cattle together with their bridles saddles gear harness or accoutrements and any carriage drawn by such horse cattle or beast and if such tolls and the reasonable charges of such seizure and distress shall not be paid within the space of fourteen days next after such seizure or distress shall have been made the person so seizing and distraining shall and may sell the horses cattle carriages goods chattels or things so seized and distrained or any part thereof returning the overplus (if any) and what shall remain unsold upon demand to

the owner thereof after such tolls and the reasonable charges occasioned by such seizure distress and sale shall be deducted.

Penalty for evading toll.

(1.) If any person subject to payment of the tolls hereby made payable shall fraudulently or forcibly pass over the Bridge or through any toll-gate without having paid the said tolls or shall assault interrupt or obstruct any person employed in the collection of the said tolls: or

(2.) If any person subject as aforesaid shall take off or cause to be taken off any horse or other beast from any carriage at or near to any toll house or gate to be erected or set up by virtue of this Act and afterwards put or add the same after having passed such toll house or gate as aforesaid with intent to evade and thereby shall evade or endeavour to evade the payment of any part of the said tolls or shall forge counterfeit or alter or receive from or deliver to any other person or persons any note or ticket with intent to evade or to enable or assist any other person or persons to evade the payment of any part of the said tolls: Every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings.

Power to vary tolls.

58. It shall be lawful for the Company from time to time at any general or special meeting to lessen or reduce all or any of the tolls hereby authorised for such time as they shall think proper and to raise again the tolls so lessened or reduced or any part thereof so that the same do never exceed the tolls hereinbefore authorised and the tolls so lessened or reduced or raised again shall be collected and recovered in the same manner as the tolls hereby authorised are authorised or directed to be collected and recovered.

Tolls to be charged equally.

59. The tolls to be taken by virtue of this Act shall at all times be charged equally and after the same respective rate upon all persons passing over or using the Bridge and in respect of all horses beasts cattle and carriages of whatsoever description and no reduction or advance of the said tolls shall either directly or indirectly be made partially or in favour of any particular person or party but every such reduction or advance of tolls shall extend and take place in respect of the same description of beasts cattle and carriages and to all persons or parties whomsoever passing over or using the Bridge anything herein contained to the contrary thereof in anywise notwithstanding.

Power to compound for Bridge tolls.

60. The Company may compound and agree with any person or persons using the said Bridge for the payment of any sum either daily or weekly monthly quarterly or yearly by way of exemption or composition in lieu of the tolls by this Act payable for the use of such Bridge: Provided always that if the Company shall make any such composition by way of exemption with any person they shall be

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compellable to make the same composition by way of exemption with every other person desiring to compound for the payment of such tolls for the like period and under similar circumstances.

For preventing toll collectors taking undue tolls or misbehaving.

61. Every toll collector shall and he is hereby required to place his christian and surname painted on a board in legible characters on the front or on some other conspicuous part of the toll-house or toll-gate immediately on his coming on duty each of the letters of such name or names to be at least two inches in length and of a breadth in proportion and painted in black letters on a board with a white ground and shall continue the same so placed during the whole time he shall be on duty and if any toll collector shall not place such board and keep the same there during the time he shall be such collector as aforesaid or shall demand or take a greater or less toll from any person than he shall be authorised to do by virtue of the powers of this Act or of the orders and resolutions of the Company made in pursuance thereof or shall demand and take a toll from any person who shall be exempted from the payment thereof and claim such exemption or shall refuse to permit or suffer or shall in anywise hinder any person from reading the inscriptions on the said board or upon the table of tolls by this Act required to be put up at any toll-gate of the Company or shall refuse to tell his christian or surname to any person who shall demand the same on having paid the said tolls or any of them or shall in answer to such demand give a false name or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any toll-gate then and in every such case every such toll-collector shall forfeit and pay such sum not exceeding ten pounds for every such offence as the justice or justices before whom the complaint shall be heard shall adjudge.

For settling disputes concerning tolls.

62. In case any dispute shall happen about the amount of toll due or the charges of keeping or selling any distress made for the non-payment of such toll it shall be lawful for the collector or the person distraining to retain such distress or the money arising from the sale thereof (as the case may be) until the amount of the toll due and the charges of the keeping and selling the distress be ascertained by a justice or justices for the county of Southampton who upon application made to him or them for that purpose shall have power to determine the amount of the toll due and other matters in dispute between the parties and may also award such costs to be paid by either party to the other as to such justice or justices shall seem just and reasonable.

Power to lease the tolls.

63. It shall be lawful for the Company to lease or demise all or any of the said tolls for any term of years not exceeding three years

at any one time for such rent payable at such times and under such covenants and upon such conditions as they shall think fit.

Lessees to be deemed collectors.

64. During the continuance of any such lease the 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 power 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.

65. Upon the determination of any such lease any justice upon application made by the Company may 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 of such toll-house dwelling house office weighing machine or other building with the appurtenances thereto belonging and of the property found therein belonging to the Company and deliver the same to any person appointed by them to receive the same.

Directors or lessees may remove collectors and appoint temporary collectors.

66. When and so often as any collector or receiver of the tolls shall die or neglect or refuse to perform or become incapable of performing his duty or shall abscond or absent himself it shall be lawful for the directors or the lessee of the tolls as the case may be to discharge such collector or receiver so neglecting or refusing to perform or becoming incapable of performing his duty or absconding or absenting himself and to nominate and appoint some other fit and proper person to be a collector or receiver of the said tolls in the stead of such collector or receiver who shall so die or be discharged and such person so nominated and appointed shall be vested with the like power and authority and be answerable and accountable in like manner in all respects as the collector or receiver who shall so die or be discharged would have been and if any collector or receiver of the said tolls who shall be discharged from his office by virtue of this Act or the widow or any of the children family or other representatives of any collector or receiver who shall die or be discharged or any other person who may have the possession of any toll-house or building or any appurtenances thereto to be erected set up or used by virtue of this Act shall neglect or refuse to deliver up the possession thereof for the space of seven days next after demand thereof made by notice in writing signed by the secretary or clerk of the Company or by such lessee for that purpose given to such collector or receiver or other person or persons or left at such toll-house building or premises then and in every of the said cases it shall

If discharged collectors refuse to deliver up toll houses any Justice may grant warrant and constables enter and remove them.

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be lawful for any one or more justice or justices for the county of Southampton by warrant under his or their hand and seal or hands and seals to order any constable or other peace officer for such county respectively with such assistance as may be necessary to enter into such toll-house or other building or premises in the day time and to remove the persons who shall be found therein together with their goods out of the same and put the Company or the lessee or such newly appointed collector or receiver or such other person as they or he shall appoint as aforesaid into the possession thereof.

For preventing nuisances on the Bridge and Roads.

67. If any person shall wilfully or negligently injure destroy or otherwise damage or shall ride or drive or lead any horse beast cattle or carriage over or upon any footpath or causeway on the side or sides of any part of the Bridge or Roads or shall wilfully obstruct the passage thereof or if any driver of any waggon or other carriage shall wilfully or carelessly break or damage any of the posts or stones which may be erected for the security of the said footpaths or causeways or if any person shall scrape off any mud soil or other matter or thing which shall be or lie upon any part of the Bridge or Roads so as to damage the Bridge or Roads or any part thereof or if any person shall leave any waggon wain cart or other carriage or any plough harrow or other implement of husbandry without some reasonable cause to be allowed by the justice who shall hear any such complaint or except with regard to such waggon wain cart or other carriage during such reasonable time as the same shall be loading or unloading and standing as near to the side of the Roads as conveniently may be in upon or on the sides of the Bridge or Roads either with or without any horse or beast harnessed or yoked thereto or shall lay any timber wood or bushes or any stones bricks hay straw lime dung manure soil or rubbish whatsoever upon any part of the Bridge or Roads or on the side or sides thereof to the prejudice thereof or to the annoyance of any person travelling thereon every person so offending shall for every such offence forfeit and pay any sum not exceeding two pounds: Provided always that the provisions of this section shall not apply to the approach Road No. 2 by this Act authorised.

Damages and charges in case of dispute to be settled by Justices.

68. In all cases wherein damages or charges are by this Act directed or authorised to be paid and the manner of ascertaining the amount thereof is not specified or provided for such amount in case of non-payment thereof or any dispute respecting the same shall be ascertained and determined by one or more justice or justices for the county of Southampton.

Recovery and application of penalties &c.

69. All offences under this Act and all penalties and forfeitures damages charges tolls and costs inflicted imposed or ordered to be

paid or payable under or by virtue of this Act may be taken cognizance of or recovered under the provisions of the Summary Jurisdiction Acts.

For securing offenders whose names and places of abode are unknown.

70. It shall be lawful for any constable or toll collector or any officer or agent of the Company and all such persons as he shall call to his assistance to seize and detain any person whose name and place of abode shall be unknown to or who shall refuse to furnish his name and place of abode to such constable and toll collector officer or agent who shall commit any offence against this Act and to convey him before a justice of the peace for the county of Southampton without any other warrant or authority than this Act and such justice may deal with such offender as if he had been duly summoned or brought by warrant before him.

Declaring what shall be good service of notice by the Company.

71. In all cases in which it may be necessary for the Company to serve any summons or demand or any notice or any writ or other proceeding at law or in equity upon any corporation or person whomsoever under the provisions or directions contained in this Act the same shall be in writing or in print or partly in writing and partly in print and be signed by the secretary or clerk for the time being of the Company without being required to be under the common seal of the Company.

Saving rights of the Crown.

72. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's Most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in the said Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

73. Nothing contained in this Act shall authorise the Company 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

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alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Costs of Act.

74. All costs charges and expenses of and incidental to the passing of this Act shall be paid by the Company.

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