ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxiii.

An Act to amend and enlarge the Powers and Provisions of an Act passed in the First and Second Years of the Reign of King *William* the Fourth, for erecting and maintaining a Pier and other Works for landing and embarking Passengers in the Port of the Town of *Southampton*.

[4th *July* 1838.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for erecting and maintaining a* 1&2W.4.c.1. *Pier and other Works for the more conveniently landing and embarking Passengers in the Port of the Town of* Southampton, it was enacted, that the Commissioners thereby authorized to put the said Act into execution should meet together at the Place and Time therein mentioned, and proceed to the Execution thereof, and should then and from Time to Time afterwards adjourn themselves as they or the major Part of them at such Meeting should appoint; and in case at any intended Meeting of the said Commissioners Three Commissioners should not appear within One Hour after the Time appointed for such Meeting, the Commissioner or Commissioners present, or in case of no Commissioner being present then their Clerk or Clerks, should and might adjourn such Meeting in manner therein mentioned; and

the said Commissioners were thereby authorized and required to erect and build, or cause to be erected and built, a new Pier or Landing Place at the then Breakwater of the Town of *Southampton*, to be built of Stone, Iron, Wood, or such other Materials as they should think best, and also to keep in repair, replace, or renew the said Pier, with the Erections and Conveniences belonging thereto, as to the said Commissioners should seem expedient; and it was thereby further enacted, that the said Commissioners, or any Seven or more of them, should be and they were thereby empowered to borrow and take up at Interest, at any Rate or Rates not exceeding Five Pounds *per Centum per Annum*, for the Erection of any Pier, with its Appurtenances, that should be built principally of Wood or Timber, any Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, on the Credit of the Tolls or Dues thereby authorized to be taken, and by Writing under their Hands, according to a Form therein prescribed, to convey the same Tolls or Dues as a Security for any Sum or Sums of Money by them to be borrowed for the Purposes of the said Act to any Person or Persons, and his, her, or their Executors, Administrators, and Assigns, who should advance the same, together with Interest thereon; and it was thereby further enacted, that all and every the Sum or Sums of Money to be received, borrowed, or raised by virtue of the same Act should be applied, in the first place, in discharging the Costs and Expences of applying for and obtaining the same Act, and the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then in or towards the building, making, and completing of the said Pier or Landing Place and the Approaches thereto, and other Works by the Act now in recital authorized to be made, and otherwise for the Purposes of the same Act, and carrying the same into full and complete Execution: And whereas the Commissioners appointed or authorized by the said Act did, shortly after the passing thereof, cause the said Pier or Landing Place to be erected principally of Wood and Timber in the Situation thereby prescribed, with proper Approaches thereto, and Erections and Conveniences; and for defraying the Expences incurred by them in the Premises they have borrowed the whole of the said Sum of Ten thousand Pounds in that Case authorized to be borrowed by them as aforesaid upon the Security of the Tolls or Dues arising from the said Pier, which Tolls or Dues they have also, in the Manner and Form prescribed by the said Act, conveyed to the several Lenders of the said Sum by way of Security for the Repayment to them thereof, with Interest, and the whole of the said Principal Debt still remains due upon the said Securities: And whereas the said Commissioners have applied the whole of the said Sum of Ten thousand Pounds in the Manner directed by the said Act, and they have also incurred in or about the completing of the said Pier and the general Purposes of the said Act a further subsisting Debt of One thousand and seventy-eight Pounds or thereabouts, which said Sum of One thousand and seventy-eight Pounds the Profits of the said Pier have been insufficient to discharge, and the said Commissioners do not possess and have no Power of raising any available Funds for the Payment thereof: And whereas the Piles and Timbers on which the said Pier has been built, and upon which the same is supported, have been so much eaten away by the Worms of the Sea, and are thereby

so much reduced in Size and Strength, that the Pier will shortly fall down and be totally destroyed if not effectually repaired, but the Commissioners are not by the said Act empowered to borrow or take up any further Sum of Money than the said Sum of Ten thousand Pounds already raised by them as aforesaid, and it is doubtful whether they may anticipate the Tolls or Dues: And whereas it is expedient that the said Commissioners should be authorized to raise further Sums of Money for the Purposes aforesaid, and that the Powers of the said Act should be enlarged for this Purpose, and that the before-recited and other Provisions thereof should be also amended and explained: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Commissioners in and by the said recited Act appointed or authorized to put the same into execution, or any Seven or more of them, in legal Meeting assembled, to raise and take up, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, on the Credit of the Tolls or Dues arising from the said Pier, in addition to the said Sum of Ten thousand Pounds already borrowed by them as aforesaid, any further Sum or Sums of Money not exceeding altogether the Sum of Seven thousand Pounds, for the Purpose of being applied by the said Commissioners to the Payment of the said Debt of One thousand and seventy-eight Pounds or thereabouts incurred by them as herein-before recited, and in or towards the Expences of the necessary Repairs of the said Pier, and of the Erections, Works, and Conveniences belonging thereto, and to the general Purposes of the said recited Act and this Act; and that all Monies which shall be raised and taken up by the said Commissioners under the foregoing Authorities shall or may be secured by them, with Interest, to the Parties respectively lending the same, and their respective Executors, Administrators, and Assigns, by the like Assignment or Assurance of the Tolls or Dues to be received under the Authority of the said recited Act as by the said Act is authorized to be made for securing the said Sum of Ten thousand Pounds and Interest; and that every such Assignment to be made under the Authority of this Act shall be also distinguished by a Number, and shall or may be in the Words or to the Effect following; *videlicet*,

Commissioners empowered to borrow a further Sum on Security of the Tolls.

Form of Assignment.

‘ Number

‘ BY virtue of an Act passed in the First and Second Years of the
‘ Reign of His late Majesty King *William* the Fourth, intituled
‘ [*here set forth the Title of the recited Act*], and also of an Act passed
‘ in the Year of the Reign of Her Majesty Queen
‘ *Victoria*, intituled [*here set forth the Title of this Act*], we, the Com-
‘ missioners acting in the Execution of the said Acts, in consideration
‘ of Pounds advanced and paid by
‘ to the Treasurer or Treasurers appointed in
‘ pursuance of the first-mentioned Act, do grant and assign to the
‘ said Executors, Administrators, and Assigns, such
‘ Proportion of the Tolls and Dues thereby authorized to be taken as
‘ the said Sum of Pounds doth or shall bear to the
‘ whole Sum which is or shall be borrowed upon the Credit of the

‘ said

‘ said Two Acts, to be had and holden from this Day of
‘ until the said Sum of Pounds, with Interest
‘ after the Rate of *per Centum per Annum* for the same, to be
‘ paid half-yearly, shall be repaid and satisfied. Given under our
‘ Hands this Day of One thousand eight hundred
‘ and .’

Securities may be assigned.

II. And be it further enacted, That all Securities which shall be granted under the foregoing Authorities shall be also transferrable and assignable in the same Manner, and by the same Words or Form, as near as may be, *mutatis mutandis*, as by the said recited Act is or are authorized for the like Purpose with reference to the Securities thereby authorized to be created; and all the Regulations and Provisions therein contained with reference to the last-mentioned Securities shall be also applicable, as nearly as the Circumstances of the Case will permit, to the Securities to be created under the Authority of this Act, which Securities for all Purposes, and specifically for entitling the Holders thereof in proportion to the Sums therein respectively mentioned to be Creditors on the said Tolls or Dues *pari passu* and without any Preference in respect of the Priority of advancing such Sums or the Dates of such Securities as among themselves only, shall operate as effectually as if granted under the recited Act, and shall be construed accordingly, except, and it is hereby provided, that the Interest of the Sums of Money to be raised by virtue of this Act shall be payable and paid in priority to the Interest of the Sums of Money already raised by virtue of the said recited Act, and the Principal Monies to be raised under this Act shall be also payable and paid in priority to the Principal Monies raised under the recited Act, and the said Commissioners are hereby authorized and required to apply the said Tolls and Dues to be hereafter received so as to give effect to this present Provision.

Commissioners empowered to repair the Pier.

III. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized, from Time to Time, to repair, amend, make, reinstate, and renew, or to contract and agree with any Person or Persons for repairing, amending, altering, making, reinstating, completing, and renewing the said Pier, with such Materials and in such Manner as they may be advised, and any Cranes, Crane Houses, Engines, Toll Gates, Toll Houses, Steps, Railings, Approaches, and other Conveniences and Works belonging thereto, and to pay the Expences of all such Repairs and other Works, or the Monies payable under such Contract, either out of any Monies in the Hands or Disposal of the said Commissioners or to be raised by them under the Authorities aforesaid, or to agree for Payment of such Monies, and to pay the same accordingly by yearly or half-yearly or other Instalments, either with or without Interest, from or out of the said Tolls or Dues or otherwise, or to grant any Proportion of the future Tolls or Dues in satisfaction of such Monies or any Part thereof, as to the said Commissioners shall appear most advantageous.

Commissioners empowered to hire or pur-

IV. And be it further enacted, That all the Provisions contained in the recited Act for enabling the said Commissioners to take upon Lease or to agree for the Use and Occupation of proper Places near the

the Site of the said Pier for depositing thereon Materials for building the said Pier shall be available to them also from Time to Time with respect to Materials for repairing the said Pier; and further, that if it shall be deemed by them advisable, the said Commissioners may also purchase and hold any Hereditaments for such Purposes; and that all Timber, Stones, Bricks, Iron, Lead, and other Materials which shall at any Time or Times be purchased or procured by Order of the said Commissioners for repairing the said Pier, or any Erections, Works, or Conveniences belonging thereto, shall belong to and be vested in the said Commissioners; and that it shall be lawful for the said Commissioners to bring or cause to be brought any Action or Actions, or to direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, remove, injure, or carry away any Timber or other Articles or Materials vested in the said Commissioners by virtue of this Act; and in all such Actions and Bills of Indictment it shall be sufficient to state that the Article or Thing, or Articles or Things, for or on account of which such Action or Actions shall be brought or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners of the *Southampton* Pier, without naming the said Commissioners or any of them.

Purchase Places for depositingMaterials.

Materials vested in Commissioners.

Penalty on removing or injuring the same.

V. And whereas Doubts have arisen what Number of the said Commissioners was intended to be rendered necessary by the said recited Act to form a competent Meeting of the Commissioners for the general Purposes of carrying the said recited Act into execution, and it is expedient to explain and amend the Clauses of the said Act which relate to the Meetings of the Commissioners; be it therefore further enacted, and it is hereby declared, That all Acts which shall be done by Three or more of the said Commissioners in legal Meeting assembled, in every Case where no particular Number of Commissioners is required by the said recited Act or this Act to concur in such Acts, are respectively and shall be as valid and effectual as if made and done by all the said Commissioners; and further, that it shall be lawful for the Clerk or Clerks to the said Commissioners, and he and they is and are hereby required, from Time to Time, upon receiving an Order in Writing for this Purpose under the Hands of Three or more of such Commissioners, to call such Special Meetings of the said Commissioners at such convenient Place in the said Town of *Southampton* and at such convenient Time as in such Order shall be specified; and that all such Special Meetings shall have the same Authorities and shall be subject to the same Regulations as if convened originally or by Adjournment under the Provisions of the said recited Act, but that Notice of every such Special Meeting shall be affixed, by the Space of Three Days at the least immediately preceding the Time appointed for the same, on the Audit House and Custom House within the said Town, or any other Place which shall from Time to Time have been appointed by the said Commissioners.

Number of Commissioners necessary to act.

VI. And be it further enacted, That all Costs and Charges incident to the obtaining and passing of this Act, with Interest for the same, shall be paid out of any Monies in the Hands or which shall first come to the Hands of the Treasurer to the said Commissioners by virtue of the said recited Act or this present Act or otherwise.

For Payment of the Expences of the Act.

Public Act.

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

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