



CHAPTER cviii.

An Act to provide for the transfer to the mayor aldermen and burgesses of the borough of Southampton of the undertaking of the Company of Proprietors of the Northam Bridge and Roads to authorise the said mayor aldermen and burgesses to purchase the undertaking of the Southampton and Itchen Floating Bridge and Roads Company and to construct a tramway and for other purposes. A.D. 1928.

[3rd August 1928.]

WHEREAS the Company of Proprietors of the Northam Bridge and Roads were incorporated by an Act 36 George III chapter XCIV and have in pursuance of the powers conferred upon them by that Act which was amended by the Acts 38 George III chapter LXIV and 10 & 11 Victoria chapter XXIV constructed a bridge across the river Itchen and a road from such bridge and the said company in pursuance of the powers conferred upon them by the said Acts take tolls in respect of the use of the said bridge and road :

And whereas the said bridge and part of the said road are situate in the county borough of Southampton (in this Act referred to as "the borough") and the remainder of such road is situate in the rural district of South Stoneham in the county of Southampton :

And whereas it is expedient to provide for the transfer to the mayor aldermen and burgesses of the

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And whereas the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads are the owners of ferry rights bridges and a ferry over the river Itchen in the borough and of roads partly in the borough and partly in the said rural district of South Stoneham which were constructed under Acts repealed by and partly re-enacted in the Itchen Floating Bridge Act 1863 and further provision in regard to their undertaking was made by the Itchen Floating Bridge Act 1868 and the Itchen Floating Bridge Act 1872 :

And whereas under the powers conferred upon them by the said Acts the last-mentioned company take tolls for the use of their bridge and roads :

And whereas it is expedient to enable the Corporation by agreement with the last-mentioned company to acquire that company’s undertaking and to enact in regard thereto the provisions contained in this Act :

And whereas in pursuance of powers conferred upon them by the Southampton Corporation Tramways Acts 1877 to 1920 the Corporation have acquired or constructed and are working an extensive system of tramways in the borough and it is expedient to empower them to construct and work the additional tramway referred to in this Act :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

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(a) The construction of the tramway authorised by this Act - - -	37,200
(b) The provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramway authorised by this Act - - -	4,200

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes :

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And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the work authorised by this Act were duly deposited with the clerks of the peace for the county of Southampton and for the town and county of the town of Southampton respectively which plans and sections are in this Act respectively referred to as the deposited plans and sections :

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

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Southampton Corporation Act 1928.

Short and
collective
titles.

(2) The Southampton Corporation Acts 1836 to 1925 and this Act may be cited as the Southampton Corporation Acts 1836 to 1928.

(3) The Southampton Corporation Tramways Acts 1877 to 1920 and this Act may be cited as the Southampton Corporation Tramways Acts 1877 to 1928.

2. This Act is divided into Parts as follows (that is to say) :—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Transfer of Northam and Itchen undertakings.

Part III.—Tramway.

Part IV.—Finance and miscellaneous.

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Interpreta-
tion.

3. In this Act unless the subject or context otherwise requires—

- (a) "The Corporation" means the mayor aldermen and burgesses of the borough of Southampton;
- (b) "The borough" means the borough of Southampton;
- (c) "The council" means the council of the borough;
- (d) "The town clerk" means the town clerk of the borough;
- (e) "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough or until the date when the first new valuation list made under the Rating and Valuation Act 1925 comes into force in the borough the borough fund and the general rate levied under the Southampton Corporation Act 1925;
- (f) "The county council" means the county council of the administrative county of Southampton;
- (g) "The Northam Acts" means the Acts 36 George III chapter XCIV 38 George III chapter LXIV and 10 & 11 Victoria chapter XXIV;
- (h) "The Northam Company" means the Company of Proprietors of the Northam Bridge and Roads;
- (i) "The Northam undertaking" means the undertaking of the Northam Company and includes their bridge and road and all lands property rights powers privileges exemptions and interests of every description vested in or exerciseable or enjoyed by the Northam Company under or by virtue of the Northam Acts or exerciseable used or enjoyed by them as the owners of or in connection with their bridge and road howsoever the same may have been acquired or are held used exercised or enjoyed but does not include—

(i) The pieces of land and the buildings thereon comprising about seven acres now in the occupation of Robert Cleverley and the old and exhausted gravel pit adjoining such

pieces of land on the east side thereof now in the occupation of the Northam Company situate at Thornhill Bitterne; A.D. 1928.

(ii) The dwelling-house 48 Steuart Road Bitterne Manor;

(iii) The stocks funds and securities in which on the day of transfer the reserve fund of the Northam Company is invested;

(iv) Cash of the Northam Company in the bank or in hand on the day of transfer;

(v) Such of the minute books books of account and other books and papers belonging to the Northam Company as may properly be required by them for the purposes of the winding up and dissolution of the Northam Company;

(j) "The Itchen Acts" means the Itchen Floating Bridge Acts passed in the years 1863 1868 and 1872;

(k) "The Itchen Company" means the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads;

(l) "The Itchen undertaking" means the undertaking of the Itchen Company and includes their ferry rights bridges and roads and all lands property rights powers privileges exemptions and interests of every description vested in or exerciseable or enjoyed by the Itchen Company under or by virtue of the Itchen Acts or exerciseable used or enjoyed by them as the owners of or in connection with their bridge and roads howsoever the same may have been acquired or are held used exercised or enjoyed but does not include such of the minute books books of account and other books and papers belonging to the company as may properly be required by them for the purposes of the winding up and dissolution of the company and any other property of the Itchen Company which that company and the Corporation may by writing under their respective common seals agree to exclude.

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PART II.

TRANSFER OF NORTHAM AND ITCHEN UNDERTAKINGS.

*(a) As to Northam Undertaking.*Acquisition
of Northam
undertaking.

4.—(1) The Northam Company shall sell to the Corporation and the Corporation shall purchase the Northam undertaking for such price or consideration and upon and subject to such terms and conditions as may be agreed between the Northam Company and the Corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions shall apply as if the Northam undertaking were land which the Corporation are authorised to acquire compulsorily:

Provided that the said matters shall be determined by a single arbitrator agreed between the parties or failing such agreement appointed on the application of either party by the President of the Institution of Civil Engineers.

(2) The sale and transfer under this section shall be carried into effect on such day as may be agreed between the Corporation and the Northam Company or failing agreement on the quarter day next occurring after the amount of the price or consideration has been determined either by agreement or by arbitration in pursuance of this Act and such day is in this Act referred to as "the day of transfer."

Northam
Company to
be entitled
to receipts
and to pay
outgoings
until
transfer.

5.—(1) The Northam Company shall be entitled to all tolls rents profits and sums of money accrued due in respect of their undertaking up to the day of transfer (other than such as represent sums paid in advance in respect of any period after the day of transfer) and shall discharge all liabilities and outgoings up to that day.

(2) As from the day of transfer all liabilities and outgoings incurred after that day shall be borne and paid by the Corporation who shall be entitled as from that day to all tolls rents profits and sums of money in respect of the Northam undertaking.

Exercise of
Northam
Company's

6. Until the day of transfer the Northam Company shall maintain and carry on their undertaking as heretofore in the ordinary course of business but that company

shall not without the previous consent of the Corporation in writing under the hand of the town clerk raise any further capital or borrow money or issue debenture stock or make or enter into any new contract agreement liability or other obligation in respect of their undertaking which shall extend beyond the day of transfer.

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powers
until
transfer.

7. Forthwith after the day of transfer the directors of the Northam Company shall proceed to wind up the affairs of that company and realise their assets and after discharging paying and satisfying the mortgages charges debts debentures and liabilities upon or affecting the undertaking of the Northam Company or due from or payable by the Northam Company and the settlement of outstanding actions (including the costs and expenses of and incidental to the winding up of the affairs of the Northam Company and carrying into effect the purposes of this Act) shall pay and distribute the net moneys remaining in their hands and available for distribution to and among the several persons who at the day of transfer are the registered holders of shares in the capital of the Northam Company or their respective executors administrators or assigns according to the amount of the shares held by them respectively.

Distribution
of assets of
Northam
Company.

8. As from the day of transfer the Northam Acts except the provisions relating to the constitution and capital of the Northam Company shall apply and have effect as if the Corporation were referred to therein instead of the Northam Company.

Application
of Northam
Acts.

9.—(1) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise any tolls to be demanded or received in respect of the Northam undertaking from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908.

Exemptions
from tolls
&c. in case
of persons
in service of
Crown &c.

(2) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

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Discon-
tinuance
of tolls.

10. The Corporation may at any time by resolution of the council determine to discontinue the taking of tolls in respect of the Northam undertaking and the Corporation shall give notice of any such resolution to the county council and shall advertise such notice in a newspaper circulating in the county of Southampton and as from the date named in such resolution for the discontinuance of the taking of tolls the following provisions shall have effect (namely):—

- (1) The Northam Acts shall cease to have effect except the provisions thereof set forth in the First Schedule to this Act:
- (2) The Northam Bridge and so much of the road included in the Northam undertaking as is situate in the borough shall be highways repairable by the inhabitants at large within the meaning of the Public Health Act 1875:
- (3) So much of the road included in the Northam undertaking as is situate outside the borough shall be vested in the county council and be deemed to be a main road within the meaning and for the purposes of the Local Government Act 1888.

(b) As to Itchen Undertaking.

Acquisition
of Itchen
undertaking.

11.—(1) The Itchen Company may sell to the Corporation and the Corporation may purchase the Itchen undertaking for such price or consideration and upon and subject to such terms and conditions as may be agreed between the Itchen Company and the Corporation.

(2) The sale and transfer under this section shall be carried into effect on such day as may be agreed between the Corporation and the Itchen Company and such day is in this Act referred to as “the day of transfer.”

Distribu-
tion of
assets of
Itchen
Company.

12. Forthwith after the day of transfer the directors of the Itchen Company shall proceed to wind up the affairs of that company and realise their assets and after discharging paying and satisfying the mortgages charges debts debentures and liabilities upon or affecting the undertaking of the Itchen Company or due from or payable by the Itchen Company and the settlement of outstanding actions (including the costs and expenses of and incidental

to the winding up of the affairs of the Itchen Company and carrying into effect the purposes of this Act) shall pay to and among the several persons who at the day of transfer are the registered holders of preference shares in the capital of the Itchen Company or their respective executors administrators or assigns the nominal amount of such shares held by them respectively and thereafter shall pay and distribute the net moneys remaining in their hands and available for distribution to and among the several persons who at the day of transfer are the registered holders of shares in the ordinary capital of the Itchen Company or their respective executors administrators or assigns according to the amount of the shares held by them respectively.

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13.—(1) As from the day of transfer the Itchen Acts except the provisions relating to the constitution and capital of the Itchen Company and except the provisions hereinafter mentioned shall apply and have effect as if the Corporation were referred to therein instead of the Itchen Company.

Application
of Itchen
Acts.

(2) As from the day of transfer the following provisions shall cease to have effect:—

The Itchen Bridge and Roads Act 1834—

Section XXXVII (Parishes not to be liable to the repairs of roads);

Section LXXV (Roads to be measured and mile-stones and direction posts &c. to be set up).

The Itchen Bridge and Roads Acts Amendment 1839—

Proviso to section II (Power to purchase lands roads &c.).

The Southampton and Itchen Floating Bridge and Roads Acts Amendment 1851—

Section IX (Instead of paying off mortgages rateably Company may do so by lot);

Section X (Saving rights of the mortgagees of the Company);

Section XLVI (Power to order an engineer to inspect the condition of the bridge and works);

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Section XLIX (For giving effect to the proviso for re-entry);

Section L (Purchasers' covenants to run with the lands).

The Itchen Floating Bridge Act 1863—

Section 79 (Power to obtain from discharged collector possession of toll house &c.);

Section 89 (Tolls may be distrained for);

Section 90 (For settling differences concerning tolls);

Section 95 (Penalties for offence by toll collector);

Section 98 (Penalty for offences as to bridge &c. as under General Turnpike Acts);

Section 100 (Penalty for destroying bridge &c.);

Section 103 (For securing offenders whose names &c. are unknown);

Section 104 (Justices may act in both counties).

Taking and recovery of tolls.

14. As from the day of transfer the tolls shall be paid to such persons and at such places and in such manner as the Corporation shall appoint and the Corporation may recover any unpaid tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

(c) *As to both Undertakings.*

Meaning of company.

15. In the provisions of this Part of this Act hereinafter contained "the company" means a company from whom an undertaking is transferred to or purchased by the Corporation under the provisions of this Part of this Act.

Deed of transfer.

16. The transfer and sale of the undertaking of the company shall be carried into effect by a deed which may be in the form set forth in the Second Schedule to this Act or to the like effect or in such other form as may be agreed between the company and the Corporation and on the execution of the deed by the company the undertaking of the company shall by virtue of the deed and of this Act be transferred to and become vested in the Corporation.

17. All mortgages bonds charges debts and liabilities upon or affecting the undertaking of the company or due from or payable by the company which at the day of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company and if at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not been passed.

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Liabilities
to be de-
frayed by
company.

18. Subject to the provisions of this Act and to any agreement that may be entered into between the Corporation and the company all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Contracts
with com-
pany to be
binding on
Corporation.

19. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Books &c.
to remain
evidence.

20.—(1) (a) From and after the day of transfer the company shall continue to exist only for the purpose of discharging paying and satisfying the mortgages charges debts debentures and liabilities upon or affecting their undertaking or due from or payable by the company and for the purpose of bringing defending settling or compounding any actions accrued or accruing and of receiving and recovering the purchase money payable to the company in accordance with the provisions of this Act and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company.

Company to
wind up
affairs.

(b) The directors who are in office on the day of transfer and the survivor or survivors of them shall

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continue without re-election to hold the office of directors and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

(2) For the purpose of the payment and distribution of the assets of the company remaining in the hands of the directors the several persons whose names shall appear in the books of the company at the day of transfer as the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid.

(3) If the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same or if there is no person able to give an effectual receipt therefor the directors shall pay the said money into the High Court or where the amount does not exceed five hundred pounds into the county court of Southampton holden at Southampton under any Act for the time being in force for the relief of trustees and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to the money so paid in.

Dissolution
of company.

21. When and so soon as the company shall have completed the winding up of their affairs (as to which a certificate in writing under the hands of any two or more of the directors and the clerk of the company shall be filed with the clerks of the peace for the borough and for the county of Southampton and shall be conclusive

evidence) the company shall by virtue of this Act be dissolved and cease to exist. A.D. 1928.

Upon the dissolution of the company the minute books books of account and other books and papers retained by them shall be transferred to the Corporation.

PART III.

TRAMWAY.

22. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 so far as they are applicable for the purpose and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Part of this Act : Incorporation of
Tramways
Act 1870.

Provided that the following words in the said section 19 shall not apply to the Corporation namely “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages.”

23. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramway hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turn-outs crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith (namely) :— Power to
make
tramway.

A tramway (double line 1 mile 1 furlong and 8·15 chains in length) in Burgess Road commencing by a junction with the existing tramway in The Avenue at a point 7·12 chains or thereabout measured in a northerly direction from the intersection of the centre lines of Highfield Lane and The Avenue and terminating in Portswood Road by a junction with the existing tramway at a point 1 furlong 4·15 chains or thereabout measured in a northerly direction from the intersection of the centre lines of Langhorn Road and Portswood Road :

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Provided that—

- (1) The tramway shall not be constructed in any road until the same has where necessary been widened so that a space of not less than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway:
- (2) Nothing in this Part of this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the said Act of 1882 apply except in accordance with and subject to the provisions of that section.

Period for
completion
of tramway.

24. The tramway authorised by this Act shall be completed within five years from the thirty-first day of October nineteen hundred and twenty-eight and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Works to
form part
of tramways
undertaking
of Corpora-
tion.

25. The tramway authorised by this Act and the works connected therewith shall for all purposes form part of the tramways undertaking of the Corporation and the provisions of the Southampton Corporation Tramways Acts 1877 to 1920 and of the enactments incorporated therewith and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramway and works as if they had formed part of the tramways and works authorised by those Acts:

Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations.

Amendment
of section
7 (B) (4) of
Southamp-
ton Corpo-
ration
Tramways
Order 1902.

26. Subsection (B) (4) of section 7 (For protection of Postmaster-General) of the Southampton Corporation Tramways Order 1902 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

PART IV.

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FINANCE AND MISCELLANEOUS.

27.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of that table and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the same table (namely):—

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) The purchase of the Northam undertaking and defraying the costs and expenses incident to such purchase and to the transfer of the undertaking to the Corporation (other than the costs of this Act).	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the tramway authorised by this Act.	£ 37,200	Twenty years from the date or dates of borrowing.
(c) The provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramway authorised by this Act.	4,200	Twenty years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part III (Tramway) of this Act and with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of Part III thereof.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent the money is borrowed.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the

A.D. 1928. interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purpose (a) hereinbefore mentioned the general rate and the general rate fund;

As regards money borrowed for the purposes (b) and (c) hereinbefore mentioned and any money borrowed for the purposes of Part III (Tramway) of this Act the revenue of the tramways undertaking of the Corporation and the general rate and general rate fund or any of those securities;

As regards money borrowed for the purpose (d) hereinbefore mentioned the general rate and the general rate fund and the revenue of the tramways undertaking of the Corporation in such proportions as they may determine;

As regards money borrowed with the consent of the Minister of Health such fund rate or revenue as he may prescribe.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by section 80 (Power to use one form of mortgage for all purposes) of the Southampton Corporation Act 1910.

Application
of revenue.

28.—(1) So long as the Corporation continue to take tolls in respect of the Northam undertaking all money received by them on account of the revenue of that undertaking and if the Itchen undertaking shall be acquired by the Corporation all money received by them on account of the revenue of that undertaking shall be applied in the manner and in the order following (that is to say):—

Firstly In payment of the working and establishment expenses and the cost of the maintenance renewal and repair of the undertaking in respect of which the money is received;

Secondly In payment of the interest on money borrowed by the Corporation for the purposes of or connected with such undertaking;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of such undertaking;

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Fourthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities as defined in section 3 of the Southampton Corporation Act 1925 and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure of the Corporation upon such undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum ;

Fifthly In repayment (if the Corporation think fit) to the general rate fund of the amount of any deficiency in the revenue of such undertaking previously made good out of that fund ;

and the balance remaining over shall after retention by the Corporation of such sum as is required for carrying on such undertaking be applied in the reduction of the tolls taken in respect thereof.

(2) Any deficiency in the revenue of either of the said undertakings shall be made good and any expenses incurred by the Corporation in connection therewith (other than expenses defrayed out of such revenue or out of borrowed money) shall be defrayed at the option of the Corporation out of the reserve fund formed for the purposes of such undertaking or out of the general rate fund.

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Accounts to
be furnished
to Minister
of Trans-
port.Inquiries by
Minister of
Transport.Application
of existing
enactments.

29. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

30. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

31.—(1) The following enactments shall with any necessary modifications and subject as regards mortgages granted under the provisions of section 80 (Power to use one form of mortgage for all purposes) of the Southampton Corporation Act 1910 to the provisions of that section extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

The Southampton Corporation Tramways Act 1897—

Section 27 (Provisions as to mortgages);

Section 34 (Power to borrow under Local Loans Act 1875);

Section 36 (Protection of lenders from inquiry);
and

Section 40 (Application of money borrowed).

The Southampton Corporation Act 1910—

Section 25 (Power to retain sell &c. lands);

Section 26 (Proceeds of sale of surplus lands);

Section 73 (Section 234 of Public Health Act not to apply);

Section 75 (Mode of payment off of money borrowed);

Section 76 (Sinking fund);

Section 77 (Corporation not to regard trusts);

Section 99 (Recovery of demands);

Section 103 (Judges not disqualified);

Section 104 (Application of section 265 of Public Health Act 1875); and A.D. 1928.
—

Section 107 (Powers of Act cumulative).

The Southampton Corporation Act 1925—

Section 31 (Inquiries by Minister of Health).

(2) Provided that—

(a) In the exercise of the powers of section 25 of the said Act of 1910 as applied to this Act the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained;

(b) Nothing in the said section 25 shall release the Corporation or any person purchasing or acquiring any lands from them under that section as applied to this Act from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

32. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the revenue of the tramways undertaking of the Corporation in such proportions as the Corporation may by resolution determine or out of money to be borrowed for that purpose. Costs of Act.

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The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

PROVISIONS OF THE NORTHAM ACTS SAVED FROM REPEAL.

36 George III cap. XCIV.

Bridge and
tolls not to
be rated, the
bridge
deemed
extra-paro-
chial, and
the centre
the boundary
of the two
counties.

VII. And be it further enacted, that neither the said bridge, when built, nor the tolls to be taken thereat, nor the said toll houses, gates, or bars, to be erected thereat or thereon, with their appurtenances, nor any or either of them, nor any other toll houses, gates, or bars wheresoever to be erected by virtue of this Act, with their appurtenances, nor any or either of them, nor any of the tolls to be collected, taken or received at the said toll houses, gates, or bars, or any or either of them, by virtue of this Act, nor any person or persons whomsoever, for or in respect thereof, shall in anywise or manner be rated or assessed for or towards or be liable to pay any public or parish rate, tax, or duty, whatsoever.

Materials
may be
brought and
worked on
waste lands
without
satisfaction
and on
private
lands with
satisfaction
for injury
done.

XX. And be it further enacted, that it shall be lawful for the said Company of Proprietors, and their agents, workmen, and servants, from time to time and at all times from and after the passing of this Act, at their will and pleasure, to bring, place, lay, work, and use, any timber, stone, brick, lime, or other materials, for building and erecting, or for repairing or rebuilding the said bridge, or to bring, place, and lay, any stones, gravel, or other materials, for making, repairing, or amending, the said roads, or either of them, or for executing any other of the purposes of this Act, in, upon, through, and over, any common or waste ground, within five hundred yards of the said bridge or roads respectively, without making any recompence for so doing; and also in, upon, through, and over, any private lands or grounds, within five hundred yards of the said bridge or roads respectively, doing as little damage as may be, and making satisfaction for such damage to the owners and occupiers of such lands or grounds; and that in case of dispute, about the quantum of such damage and satisfaction, the same shall be settled by any two or more justices of the peace for the county wherein the damage shall be done, and such justices are hereby authorised and empowered to hear, settle, and determine the same accordingly.

XXI. And be it further enacted, that in case any road or roads now in being shall be continued or made a part of the said intended roads, or either of them, and in such case by virtue of this Act become vested in the said Company of Proprietors, all persons who by law are now obliged to do statute work on, or are in anywise chargeable with or towards the repairing or amending such roads now in being, shall still remain liable and chargeable, and do their respective work on, and repair and amend the said roads now in being, in such manner as such persons ought to have done before the passing of this Act, and would have continued liable to do; anything herein contained to the contrary notwithstanding.

A.D. 1928.

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Persons liable to repair of roads to continue so.

LV. And be it further enacted, that if the person or persons having the care of any float, raft, boat, barge, or vessel, which shall be navigated in or upon the said River Itchen, shall wilfully, carelessly, or negligently, cause, permit or suffer, any damage or injury to be done to the said bridge, or any part or parts thereof, by any such float, raft, boat, barge, or vessel, then and in every such case the owner or owners of every such float, raft, boat, barge, or vessel, shall be answerable and liable to make satisfaction to the said company of proprietors, for such damage or injury, and such satisfaction shall and may be recovered from the owner or owners of such float, raft, boat, barge, or vessel, in like manner as if such damage or injury had been occasioned by or through their own negligence or carelessness: Provided nevertheless, that no person or persons who is or are owner or owners of any such float, raft, boat, barge, or vessel, shall be liable to any action or prosecution at law, for any damage that may accidentally be done by such float, raft, boat, barge, or vessel, to the said bridge; any thing in this Act contained to the contrary notwithstanding.

Damage done to the bridge by masters of vessels, &c. to be paid for by the owners.

LXV. And, for prevention of any injury to the fishery in the River Itchin, by the building of the said bridge, be it further enacted, that if any person or persons whomsoever (other than and except the owner or owners, for the time being, of the said fishery in the said River Itchin, or any person or persons authorised by him or them so to do), shall at any time or times during, or from and after, the building of the said bridge, fish for, catch, or take, any salmon, or any other fish, in the said River Itchin, at, under, or near the said bridge, or shall fasten any boat, vessel, stage, or other thing, for the taking of salmon, or any other fish, to the said bridge, or any part or parts thereof, or under or near the same, or shall let down from, or fasten any net, wear, pot, hook, angle, leap, hair, noose, troll, or other engine or device whatsoever, to or under, or near the said bridge, or any part or parts thereof, for the purpose of fishing for, catching, or taking any salmon, or any other fish, or shall in any manner, or by any means whatsoever, at, under, or near the said bridge, prevent, hinder, or obstruct, or attempt or endeavour to prevent,

For prevention of injury to the Itchin Fishery.

A.D. 1928. hinder, or obstruct, the free passage for salmon and other fish, up the said River Itchin, or be anywise aiding therein or thereunto, and shall be thereof convicted by the confession of the party or parties so offending, or by the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace for the county of Southampton, or for the county of the town of Southampton, (which oath the said justice or justices is and are hereby empowered and required, upon application made to him or them for that purpose, to administer), every person so offending shall, for every such offence, forfeit and pay the sum of five pounds.

Rights of
the Itchin
Navigation
saved.

LXIX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed, deemed, or taken to abridge, diminish, lessen, infringe, or in anywise prejudice the right and property of and in the navigation of the River Itchin, or any benefits or advantages belonging to the Proprietors thereof, under or by virtue of the Acts of Parliament which have been heretofore passed concerning the said navigation, or any of them, or otherwise howsoever.

SECOND SCHEDULE.

FORM OF DEED OF TRANSFER.

Pursuant and subject to the provisions of the Southampton Corporation Act 1928 and in consideration of _____ pounds paid by the mayor aldermen and burgesses of the borough of Southampton (hereinafter called "the Corporation") to the Company of Proprietors of _____ (hereinafter called "the company") the company hereby grant convey and assign to the Corporation the undertaking property and assets of the company to hold the same unto and to the use of the Corporation their successors and assigns and the Corporation hereby accept the same accordingly.

In witness whereof the parties hereto have respectively affixed their respective common seals this _____ day of _____ 19 _____.

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