



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxv.*

An Act to convert the Shares in the Capital authorized to be raised by the Acts for making a Dock or Docks at *Southampton* into Stock ; to raise a further Sum of Money ; and to alter and amend some of the Powers of the said Acts.

[4th July 1843.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, 6 & 7 W. 4. intituled *An Act for making and maintaining a Dock or Docks at Southampton*, whereby the Persons therein mentioned and described were united into a Company and made One Body Corporate by the Name and Style of "The *Southampton* Dock Company : " And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for extending the Time for making a Dock or Docks at Southampton* : And whereas the said Company have purchased the whole of the Land which they are by the said first-recited Act authorized to take and use and which is necessary and proper for the Purposes of making the Dock or Docks and Works by the said Acts authorized, and the said Land has been conveyed and Possession thereof delivered to the said Company : And whereas the said Company have embanked and inclosed from the

[*Local.*]

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Sea

Sea Sixty-six Acres or thereabouts of the Land so authorized to be taken, and have constructed therein, under the Powers and Authorities of the said Acts or one of them, a Tidal Dock or Basin, with Quays, Wharfs, Cranes, and other Works, and have made considerable Progress towards the Construction of an inner and close Dock, and of a Lock connecting the same with the Tidal Basin: And whereas divers Sums of Money have been from Time to Time called for by the Directors, by virtue and in pursuance of the Powers and Authorities of the first-recited Act, to the Amount in the whole of Fifty Pounds *per* Share, being the full Amount by the first-recited Act authorized to be levied and raised by Subscription as therein mentioned, whereby the Sum of Two hundred and seventy-six thousand one hundred Pounds has been raised, nearly the whole of which has been applied in purchasing the Land, and making the Docks and Works by the said Acts authorized, and otherwise to the Purposes of the said Undertaking: And whereas the further Sum of Seventy-three thousand nine hundred Pounds remains unpaid in respect of Shares upon which the Calls heretofore made as aforesaid have not been paid, and such Sum will not be sufficient to complete the Docks and Wharfs, and fully to carry into effect the several Purposes of the said recited Acts; and it is expedient that the Shares in the Capital authorized by the said first-recited Act should be converted into Stock, and that the Company should be empowered to raise a further Sum of Money for the Purposes of the said Acts, and that some of the Powers and Provisions contained in the said recited Acts or one of them should be altered and amended; but the Purposes aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Provisions, Matters, and Things therein respectively contained, shall (except so far as the same are by this Act repealed, altered, or otherwise provided for,) be good, valid, applicable, and effectual for carrying this Act into execution, in as full a Manner as if the same had been repeated and re-enacted in this Act with reference to the Purposes herein provided for.

Extending Provisions of former Acts to this Act, except as hereby altered.

Shares converted into Stock.

II. And be it enacted, That from and after the passing of this Act the Capital or Joint Stock of the said Company, instead of being divided into Shares of Fifty Pounds each, in manner directed by the said first-recited Act, shall be taken to consist of a Sum of Stock of such nominal Amount or Value as shall be equal to the aggregate Amount of so many Sums of Fifty Pounds each as there shall immediately before the passing of this Act be Shares in the said Company; and that every Person and Corporation who shall immediately previous to the passing of this Act be the Proprietor of One or more of the said Shares of Fifty Pounds each in the Capital or Joint Stock of the said Company shall from thenceforth be deemed and taken to be the Proprietor of the like Number of Sums of Fifty Pounds each in the said Capital or Joint Stock; and that all the Provisions, Matters, and Things in the said recited Acts respectively contained, with reference to the Shares into which the said Capital or Joint Stock of the

the said Company is by the said first-recited Act directed to be divided, and to the Proprietors of such Shares, and to the Rights, Powers, Interests, and Liabilities of such Proprietors, shall (except so far as the same are by this Act repealed, altered, or otherwise provided for,) be applicable, so far as the same are or may be in their Nature applicable thereto, to the Parts or Proportions of Fifty Pounds each into which the said Joint Stock is hereby directed to be taken as being divided, and to the Proprietors thereof respectively, and to the Rights, Powers, Interests, and Liabilities of such Proprietors:

III. And be it enacted, That it shall be lawful for the said Company, under the Authority of the Resolution of a General Meeting or of a Special General Meeting of the Proprietors thereof, duly convened for that Purpose, in addition to the Sums of Money by the said first-recited Act authorized to be raised, or so much thereof as may be raised, to raise a further Sum by the Creation of a further Capital or Joint Stock of the nominal Amount or Value of Three hundred and fifty thousand Pounds, to be subscribed for in such Parts or Proportions as the said Company or the Directors thereof for the Time being shall appoint.

Power to create further Stock to the Amount of 350,000*l.* nominal Value.

IV. And be it enacted, That all and every Part and Proportion in the said additional Joint Stock of the said Company shall be and be deemed to be Personal Estate, and be transmissible accordingly as such.

New Stock to be Personal Estate.

V. And be it enacted, That, subject to the Provisions herein-after contained for giving the then existing Proprietors of the Capital or Joint Stock of the said Undertaking who shall have paid up all Monies which shall have been called for in respect of their respective Parts and Proportions thereof a Priority in taking the said additional Joint Stock, the Parts or Proportions of such additional Joint Stock shall be issued on such Terms and Conditions as the Directors of the said Company for the Time being, with the Approval of a General Meeting or of a Special General Meeting of the said Company, shall direct.

New Stock to be issued on such Terms and Conditions as the Directors shall appoint.

VI. And be it enacted, That every Subscriber to and Proprietor of the said additional Capital or Joint Stock shall in all respects perform and fulfil the Terms and Conditions upon or under which the same shall be issued, in such and the same Manner as if the same were incorporated in and made Part of this Act, and for that Purpose, if so required, shall pay such Sum or Sums, at such Time or Times, to such Person or Persons, and in such Manner as the said Directors shall, in pursuance of the Powers and Provisions of this Act, direct or appoint.

Proprietors of new Stock to fulfil the Terms and Conditions appointed by the Directors.

VII. And be it enacted, That the Parts and Proportions of the additional Capital or Joint Stock authorized by this Act to be raised shall in the first place be offered to the then Proprietors of the Capital or Joint Stock of the said Undertaking who shall have paid up all Monies which shall have been called for in respect of their respective Parts, Shares, and Proportions thereof, in rateable Proportions

Present Proprietors, having paid their Calls, to have a Priority in taking the new Stock.

portions according to the Amount of Capital Stock held by them therein respectively, or as near thereto as consistently may be, and the same shall vest in and belong to such of the then Proprietors, having paid up all Calls as aforesaid, as shall accept the same, and shall perform and fulfil such Terms and Conditions as the Directors shall, in pursuance of the Powers and Provisions of this Act, direct or appoint to be a Condition precedent to their becoming entitled thereto.

If any new Stock is not taken up in the first instance, it may be issued on such Terms as the Directors shall think fit.

VIII. And be it enacted, That in case any of the Proprietors of the said Undertaking shall, within the Space of One Calendar Month, if resident within the United Kingdom of *Great Britain and Ireland*, or if resident abroad then within the Space of Six Calendar Months next after an Offer of the same in Writing, signed by the Clerk or Secretary of the said Company, shall have been given or sent by Post to them, or left at their respective last known Places of Abode in *England*, or at the Places mentioned and described in the Book or List of the Proprietors of Shares in the said Undertaking by the said first-recited Act directed to be kept by the Secretary of the said Company, refuse or neglect to signify their Acceptance of the Part or Proportion of the said additional Capital or Joint Stock to be appropriated to them respectively, or, having so signified their Acceptance, shall refuse or neglect to perform and fulfil such Terms and Conditions as the Directors shall in manner aforesaid direct or appoint to be a Condition precedent to their becoming entitled thereto, then it shall be lawful for the said Company or for the Directors and they are hereby empowered to issue such Parts and Proportions of the said Capital or Joint Stock as shall not have been accepted as aforesaid, or in respect whereof the said Terms and Conditions precedent shall not have been fulfilled as aforesaid, to any Person or Persons, and upon such Terms and Conditions as they shall direct or appoint.

Monies to be raised to form Part of the general Funds of the Company.

IX. And be it enacted, That all Monies which shall be raised or obtained by means of the issuing of such Parts or Proportions of the additional Capital or Joint Stock hereby authorized to be created shall form Part of the general Funds of the said Company, and be applicable accordingly.

Proprietors of the new Stock to be entitled rateably with the other Proprietors.

X. And be it enacted, That every Person and Corporation who shall subscribe for and become the Proprietor of any Part or Proportion of the additional Capital or Joint Stock hereby authorized to be raised shall be and is hereby declared to be the Owner and Proprietor of a corresponding Proportion of the Capital or Joint Stock of the said Company, and shall be entitled to a corresponding Share of the general Profits and Dividends of the said Company.

Equalizing the Dividends upon the original and new Stock.

XI. Provided always, and be it enacted, That in case, at the Time of the Declaration of any Dividend of the Profits of the said Undertaking, any Sum or Sums shall, under the Terms and Conditions to be appointed as aforesaid, remain unpaid, or be liable to be called for from the Proprietors thereof, regard shall be had thereto in computing the Amount of the Dividend to be declared in respect of the Parts or Proportions of such additional Capital or Joint Stock.

XII. And

XII. And be it enacted, That all such Persons and Corporations who shall subscribe for and become Proprietors of any Part or Proportion of the said additional or Capital Joint Stock hereby authorized to be raised shall be deemed to be, and shall from the Time of their respectively becoming the Proprietors of the respective Parts or Proportions of the said additional Capital be, united to and incorporated with the said Company.

Subscribers to new Stock to be incorporated with the Company.

XIII. And be it enacted, That the Parts and Proportions of the additional Capital so to be raised as aforesaid shall be considered as Part of the general Capital or Joint Stock of the said Company, and be under and subject to the same Powers, Provisions, Remedies, Penalties, Forfeitures, Regulations, Directions, and Management, in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital or Joint Stock of the Company, so far as such Powers, Provisions, Remedies, Penalties, Forfeitures, Regulations, and Directions shall be applicable thereto.

New Stock subject to same Regulations as the original Capital.

XIV. And be it enacted, That all the Regulations, Provisions, and Authorities contained in the said first-recited Act for enforcing the Calls for the Capital Stock of the said Company, and for the Recovery thereof, or of any Arrears thereof, and relating to the Forfeiture of any Sums advanced, and of the Shares in the said Capital or Joint Stock; by reason of any Neglect or Refusal to comply with such Calls, shall be applicable (so far as the same are or may be applicable thereto) to any Calls which may be made in respect of the additional Capital or Joint Stock hereby authorized to be raised as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Provisions as to Calls to apply to the new Stock so far as applicable.

XV. And be it enacted, That every Person or Corporation who shall by virtue of this Act become entitled to any Part or Proportion of the additional Capital or Joint Stock hereby authorized to be raised shall while so entitled have such Vote in respect of every Fifty Pounds Capital Stock of nominal Value or Amount which may be created by virtue of this Act, of which such Person or Corporation may be the Proprietor, as if such Fifty Pounds of Capital Stock had been an original Share of Fifty Pounds in the said Undertaking under the said first-recited Act.

Provisions as to voting in respect of the new Stock.

XVI. And be it enacted, That such Right of voting shall be held by every such Person or Corporation, in the same Manner, to the same Extent, and subject to the same Stipulations, Provisions, Restrictions, and Limitations, so far as the same may be applicable, as are contained in said first-recited Act with respect to the Right of voting by the Proprietors of original Shares of Fifty Pounds in the said Undertaking; and generally that all the Provisions, Matters, and Things in the said recited Acts respectively contained with reference to the Shares into which the Capital or Joint Stock of the said Company is by the said first-recited Act directed to be divided, and to the Proprietors of such Shares, and to the Rights, Powers, Interests, and Liabilities of such Proprietors, shall (so far as the same may be applicable, and except so far as the same are by this Act

Right of voting to be held under same Regulations as in first-recited Act.

General Adoption of the Provisions of the former Acts as to the new Stock.

repealed, altered, or otherwise provided for,) be applicable to the additional Capital or Joint Stock hereby authorized to be raised, and to the Proprietors thereof respectively, and to the Rights, Powers, Interests, and Liabilities of such Proprietors.

For adopting  
the Form of  
Transfer.

XVII. Provided always, and be it enacted, That the Form of Transfer of any Part or Proportion of any Part of the Capital or Joint Stock of the said Company may be in the Words or to the Effect of the Form contained in the said first-mentioned Act for the Transfer of Shares, with such Variations as the Provisions herein contained may render necessary or expedient.

Any fractional  
Sum of the  
original Stock  
may be trans-  
ferred.

XVIII. And be it enacted, That it shall be lawful for any Proprietor of any Part, Share, or Proportion of the said original Capital or Joint Stock, who shall have paid all the Monies which shall have been called for in respect of such Part, Share, or Proportion, and for the Executors, Administrators, or Successors of such Proprietor, subject, nevertheless, to the Provisions of the first-recited Act and of this Act, so far as the same are or may be applicable, to sell or otherwise dispose of and to transfer any Part, Share, or Proportion of the said original Capital or Joint Stock of the said Company to which he or they may be entitled, or any fractional or other Part thereof, notwithstanding that the same be of less than the nominal Amount or Value of Fifty Pounds, or may be of some other nominal Value or Amount not being a Multiple of Fifty Pounds.

The like as  
to the new  
Stock when  
paid up in  
full.

XIX. And be it enacted, That after the whole Amount liable to be called for or paid in respect of the additional Capital or Joint Stock hereby authorized to be raised shall have been called for, it shall be lawful for any Proprietor of any Part, Share, or Proportion of such last-mentioned Capital or Joint Stock who shall have paid all the Monies which shall have been called for in respect of such last-mentioned Part, Share, or Proportion, and for the Executors, Administrators, or Successors of such last-mentioned Proprietor, (subject to the Provisions of the said first-recited Act and of this Act, so far as the same are or may be applicable,) to sell or otherwise dispose of and to transfer any Part or Share or Proportion of the additional Capital or Joint Stock of the said Company to which he or they may be entitled, or any fractional or other Part thereof.

Power to  
convert the  
Debenture  
Notes into  
Stock.

XX. And whereas, under the Authority of a General Meeting of the said Company, certain Debenture or Loan Notes have been issued by the said Company, the Subscribers for which have thereby made themselves liable to pay to the Use of the said Company the Sum of Thirty Pounds in respect of each such Debenture or Loan Note, to be called for by the Directors from Time to Time as therein mentioned, and by the Terms of such Notes the same are to carry Interest at Five Pounds *per Centum per Annum*, and to be repayable at the End of Three Years, but with an Option to the Holder then to elect, either to be repaid the Amount subscribed, or to have such Notes renewed for a further Period not exceeding Five Years nor less than Two, or to have each such Note converted into Fifty Pounds of the Capital of the Company, the whole Thirty Pounds having been paid  
up;

up; be it further enacted, That it shall be lawful for the Directors of the said Company, previous to allotting or appropriating the additional Capital Joint Stock hereby authorized to be raised amongst the Proprietors of the said Company, as herein-before provided, or afterwards, in case any of such additional Capital or Joint Stock shall remain unappropriated, to allot and appropriate to the Holder or Holders of any of the said Debenture or Loan Notes in respect whereof the whole Sum of Thirty Pounds upon each Note shall have been paid up a Part or Proportion of the said additional Capital or Joint Stock of the nominal Value of Fifty Pounds for every such Debenture or Loan Note upon which the Sum of Thirty Pounds shall have been paid as aforesaid, and such Part or Proportion of the additional Capital or Joint Stock as last aforesaid shall thereupon vest in and belong to the Holder of the Debenture or Loan Note to whom the same shall be so allotted or appropriated as aforesaid, who shall thereupon be and become the Owner and Proprietor of a rateable Share or Proportion of the Capital or Joint Stock of the said Company, and shall thenceforth be united to and incorporated with the said Company in manner herein-before provided; and all Liability of the said Company upon the Debenture or Loan Note in respect whereof such Share or Proportion of the said additional Capital or Joint Stock shall have been allotted as aforesaid shall thenceforth cease and be extinguished.

XXI. And be it enacted, That, subject and without Prejudice to the several Mortgages, Assignments, and Charges made, executed, and given by the said Company to any Person or Persons under the Powers of the said recited Act of the Sixth Year of His said late Majesty's Reign, and now subsisting or remaining undischarged, whether wholly or in part, and to all the Powers, Rights, and Remedies given by the said last-mentioned Act to or for the Benefit of such Mortgagees respectively, until such Mortgages shall have been fully paid and satisfied, it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest, in addition to the Sum of One hundred and fifty thousand Pounds by the said last-mentioned Act authorized to be borrowed and taken up at Interest, any further or additional Sum of Money not exceeding the Sum of One hundred and fifty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper.

Power to borrow further Money in addition to the Capital on the Security of the Undertaking.

XXII. And be it enacted, That the said Company and the Directors of the said Company, after an Order made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of the said recited Acts and of this Act, or any of them, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums, as the Security for any such Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his Trustee, who shall advance the same.

Company empowered to mortgage the Undertaking.

XXIII. And

A Copy of  
the Order of  
any General  
Meeting to  
be sufficient  
Evidence.

XXIII. And be it enacted, That a Copy of the Order of any General or Special General Meeting of the said Company, authorizing the borrowing of any such Sum of Money, certified by One Director or the Secretary of the said Company to be a true Copy, shall be sufficient Evidence of the making of such Order for raising such additional Sum of Money.

Mortgages,  
&c. to be  
under the  
Seal of the  
Company.

XXIV. And be it enacted, That all such Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company, and may be in the Words or to the Effect following, or with such Variations therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of  
Security.

‘ *Southampton Dock Company.*

‘ Number .

‘ **B**Y virtue of an Act passed in the Sixth Year of the Reign of  
‘ His late Majesty King *William* the Fourth, intituled *An Act for*  
‘ *making and maintaining a Dock or Docks at Southampton*, and of  
‘ an Act passed in the First Year of the Reign of Her present  
‘ Majesty Queen *Victoria*, intituled *An Act for extending the Time*  
‘ *for making a Dock or Docks at Southampton*, and of an Act passed  
‘ in the                      Year of the Reign of Her present Majesty  
‘ Queen *Victoria*, intituled [*here insert the Title of this Act*], we;  
‘ the *Southampton Dock Company*, incorporated by and under the  
‘ said Acts, in consideration of the Sum of                      to us  
‘ paid by *A.B.*                      of                      do assign unto the  
‘ said *A.B.*                      his Executors, Administrators, and  
‘ Assigns, the said Undertaking, and all and singular the Rates, Tolls,  
‘ and Sums of Money arising by virtue of the said Act, and all the  
‘ Estate, Right, Title, and Interest of the said Company of, in, and  
‘ to the same, to hold unto the said *A.B.*                      his Executors,  
‘ Administrators, and Assigns, until the said Sum of  
‘ together with Interest for the same after the Rate of  
‘ for every One hundred Pounds for a Year, shall be fully paid and  
‘ satisfied. Given under our Common Seal, this                      Day  
‘ of                      in the Year of our Lord                      .’

Parties to be  
respectively  
entitled  
without any  
Preference.

XXV. And be it enacted, That the respective Parties to whom such Mortgages or Assignments shall be executed and given shall be entitled one with the other, and with the respective Parties to whom any Mortgages, Assignments, or Charges may be hereafter executed and given by the said Company, under the Powers of the said first-recited Act, or of that Act and this Act, jointly to their respective Portions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties (with their proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the

the Date thereof be entered in some Book to be kept by the Secretary of the said Company, which said Book may be perused at all seasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward.

XXVI. And be it enacted, That all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated and specified; and such Transfer may be made in the Words or to the Effect following; (that is to say,)

Parties may transfer their Rights.

Transfers to be by Deed duly stamped.

‘ I *A.B.* of in consideration of the  
 ‘ Sum of to me paid by *C.D.*  
 ‘ do hereby transfer to the said *C.D.*  
 ‘ his Executors, Administrators, and Assigns, a certain Mortgage;  
 ‘ Number made by the *Southampton Dock Company* to  
 ‘ bearing Date the Day of  
 ‘ for securing the Sum of and Interest, and all my  
 ‘ Right, Estate, and Interest in and to the Money thereby secured;  
 ‘ and in and to the Rates, Tolls, Sums of Money, and Property  
 ‘ thereby assigned. Dated this Day of  
 ‘ in the Year of our Lord

Form of Transfer.

And every such Transfer shall, within Fourteen Days next after the Date thereof if executed in *England*, or otherwise within Fourteen Days next after the Arrival thereof in *England* if executed elsewhere, be produced to the Secretary of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Company shall be paid such Sum as the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made, every such Transfer shall entitle such Assignee, or his Executors, Administrators, or Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

XXVII. And be it enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for any Two or more Justices of the Peace acting for the Town and County of the Town of *Southampton*, not being interested in the

Interest of Money borrowed payable in preference to Dividends.

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Matter

Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid, but subject, nevertheless, to the Powers, Rights, and Remedies given by the said first-recited Act, to or for the Benefit of the Holders of any Mortgages, Assignments, or Charges heretofore made, executed, and given by the said Company to any Person or Persons under the Powers of the said first-recited Act, and now subsisting or remaining undischarged.

Powers for  
recovering  
same.

XXVIII. And be it enacted, That the Monies to be received by such Person as aforesaid is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates, Tolls, or Sums, be fully paid and satisfied, and after such Interest and Costs shall have been paid and satisfied the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Mortgagees  
not to be  
deemed  
Proprietors.

XXIX. Provided always, and be it enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share or Part of the Capital or Joint Stock of the said Company, or shall be capable of acting or voting as such at any Meeting of the said Company, by or on account of his having advanced any Money on such Mortgage or Assignment.

Money bor-  
rowed and  
paid off may  
be raised  
again.

XXX. And be it enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so raised or borrowed, then and in every such Case it shall be lawful for the said Company, immediately, or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off to the Holders of such Mortgages or Assignments or any of them, as often as the same shall happen, but so, nevertheless, that the said Company shall not in any Event borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Principal Sum of One hundred and fifty thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Undertaking, over and above the Amount of Calls for the Time being remaining unpaid and still to be called for by the said Company, and over and above the Sum of One hundred and fifty thousand Pounds by the said first-recited Act authorized to be borrowed.

XXXI. And

XXXI. And be it enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall, in their Discretion, think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and in case the Company shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured, such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Power to stipulate Periods for Repayment of Money borrowed.

XXXII. And be it enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, together with all Arrears of Interest, at or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Secretary of the said Company for the Time being.

Provision as to Repayment where no Time stipulated.

XXXIII. Provided nevertheless, and be it enacted, That the said Company may at all Times pay off and discharge all or any of such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in One or more Newspapers circulated in *London* and the Town of *Southampton*, and at the Expiration of such Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on Demand, make default in Payment of the said Principal Money and Interest then due, in pursuance of such Notice.

Company may pay off Mortgages.

XXXIV. And be it enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid, by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the County of *Southampton* or the Town and County of the Town of *Southampton* respectively, acting within their respective Jurisdictions, and not being interested in the Matter in question, and they are hereby respectively required, on Request to them made on behalf of any Parties entitled to such Mortgage or Assignment as aforesaid, and to whom any Principal Sum or Sums of Money shall be then due thereon and unpaid, amounting in the whole to the Sum of Twenty thousand Pounds and upwards, by an Order under their Hands to appoint some Person or Persons to receive the Whole or such Parts of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies.

For enforcing the Repayment of the Principal Money borrowed.

Monies so due and unpaid as aforesaid, but subject, nevertheless, to the Powers, Rights, and Remedies given by the said first-recited Act to or for the Benefit of the Holders of any Mortgages, Assignments, or Charges heretofore made, executed, and given by the said Company to any Person or Persons, under the Powers of the said first-recited Act, and now subsisting or remaining undischarged.

Money received declared to be received for the Use of the Persons to whom the same shall be due.

XXXV. And be it enacted, That the Money so to be received by such Person is hereby declared to be so much Money received by or for the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest then due thereon, shall be fully satisfied and paid, and after such Principal and Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Power to borrow Money of the Public Works Loan Commissioners, and give Security.  
5 & 6 Vict. c. 9.

XXXVI. And be it enacted, That it shall be lawful for the said Company and the Directors thereof, at any Time or from Time to Time, by Order of any Special General Meeting of the Company to be convened for that Purpose, to borrow of the Commissioners for carrying into execution an Act passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, any Part or Parts of the said Sums of One hundred and fifty thousand Pounds and One hundred and fifty thousand Pounds, by the said recited Act of the Sixth Year of His said late Majesty's Reign and by this Act, or either of them, authorized to be borrowed and taken up at Interest, not exceeding in the whole One hundred thousand Pounds, and by Deed under the Common Seal, and at the Costs of the said Company, to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of the said recited Acts or of this Act, or any or either of them, or otherwise, for securing to the said Commissioners the Repayment of the Sum or Sums of Money to be so borrowed as aforesaid, with Interest; provided, that no One Special General Meeting shall have Power to authorize the Directors of the said Company to borrow of the said Commissioners any Sum or Sums exceeding in the whole Fifty thousand Pounds.

Security to Commissioners to have Priority.

XXXVII. And be it enacted, That every Security to be given to the said Commissioners shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors,  
and

and shall have Priority over all other Mortgages, Charges, and Securities whatsoever hereafter to be created by the said Company, under the Authority of the said recited Acts or of this Act, or any of them, and over any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them.

XXXVIII. And whereas by the said Act of the Sixth Year of the Reign of His said late Majesty King *William* the Fourth it was enacted, that if the Account to be laid before any Half-yearly General Meeting, as therein mentioned, should not be considered satisfactory by such Meeting, then and in such Case the said Meeting should have Power to appoint a Committee of Inspection, to consist of Ten or more Proprietors, each of whom should hold at least Fifty Shares in the said Undertaking, who should examine into such Account, and report thereon to a future Meeting of the said Company to be held for that Purpose by Adjournment or otherwise; be it enacted, That so much of the said Act whereby the Members of such Committee are required to be Holders of at least Fifty Shares in the said Undertaking shall be and the same is hereby repealed; and in lieu thereof be it enacted, that such Committee shall consist of Ten or more Proprietors each of whom shall hold at least One thousand Pounds Capital Stock in the said Undertaking.

Qualification  
of Members  
of Committee  
of Accounts  
varied.

XXXIX. And whereas by the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth it was enacted, that in case at any Time after the Expiration of Twenty-one Years from the passing of the said Act any Part of the Lands by the said Act authorized to be taken, not being less than Five Acres, should appear to the Mayor, Aldermen, and Burgesses for the Time being of the Borough of *Southampton* not to be *bonâ fide* employed for the Purposes of the said Undertaking, it should be lawful for the said Mayor, Aldermen, and Burgesses, upon Three Calendar Months previous Notice, to require the said Company to prove to the Satisfaction of the Justices of the Peace at any General or Quarter Sessions to be holden for the County of *Southampton*, that such Part of the Lands as should be specified in such Notice was *bonâ fide* employed for the Purposes of the Undertaking; and in default of such Proof being shown as aforesaid then upon Payment or Tender of the then actual Value of the Improvement or Improvements (if any) which should have been made upon such Lands by the said Company, to be ascertained by a Jury, in case of Dispute, in manner therein provided; the Lands in such Notice specified, or such Part thereof (not being less than Five Acres) as should not be proved to be so *bonâ fide* employed for the Purposes of the said Undertaking, should revert to and vest in the Mayor, Aldermen, and Burgesses of the said Borough as of their original Estate; and it was further enacted, that if a good and sufficient Sea Wall or Embankment should not be made for shutting out the Sea from the Land thereby authorized to be taken within Seven Years from the passing of the said Act, then and in such Case the Lands so taken by the said Company for the Purposes of the said Act should revert to and vest in the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, and their Successors, as of their original Right; provided nevertheless, that no such

Repeal of the  
Provisions of  
former Acts  
as to making  
Sea Wall or  
Embank-  
ment, and  
determining  
the Power of  
the Act, if  
Docks not  
made within  
Ten Years.

Reverter of Right should accrue unless and until such Notice should have been given as therein mentioned ; and it was further enacted, that in case the Docks and Works intended to be made under the Authority of the said Act should not have been completed so as to answer the Objects of the said Act within the Space of Seven Years from the passing thereof, then and from thenceforth all the Powers and Authorities given by the said Act should cease and determine, save only as therein mentioned : And whereas by the said Act of the First Year of the Reign of Her present Majesty it was enacted, that so much of the said first-mentioned Act whereby it was enacted that if a good and sufficient Sea Wall and Embankment should not be made for shutting out the Sea from the Land thereby authorized to be taken within Seven Years from the passing of the said Act then and in such Case the Lands so taken by the said Company for the Purposes of the said Act should revert to and vest in the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, and their Successors, as of their original Right, should be and the same were thereby repealed ; and it was by the said Act of the First Year of the Reign of Her present Majesty enacted, that the Term granted by the said first-recited Act for the Completion of the said Dock or Docks and Works, and the making a Sea Wall or Embankment, as directed by the said first-recited Act, should be extended and enlarged from the Expiration of the Term of Seven Years granted by the said first-recited Act for the further Term of Three Years ; and it was further enacted, that if a good and sufficient Sea Wall or Embankment should not be made for shutting out the Sea from the Land by the said first-recited Act and that Act authorized to be taken within Ten Years, to be computed from the passing of the said first-recited Act, then and in such Case the Lands taken by the said Company for the Purposes of the said first-recited Act and of that Act should revert to and vest in the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, and their Successors, as of their original Right ; provided nevertheless, that no such Reversion of Right should accrue to the said Mayor, Aldermen, and Burgesses unless and until such Notice should have been given as therein mentioned ; and it was further enacted, that in case the said Dock or Docks and Works should not be completed so as to answer the Objects of the said first-recited Act and of that Act within the Space of Ten Years, to be computed from the passing of the said first-recited Act, then and from thenceforth all the Powers and Authorities given by the said first-recited Act and that Act should cease and determine, save only as therein mentioned ; be it enacted, That so much of the said recited Acts of the Sixth Year of the Reign of His late Majesty King *William* the Fourth and of the First Year of the Reign of Her present Majesty Queen *Victoria* as is lastly herein-before recited shall be and the same is hereby repealed.

Defining  
how the Sea  
Wall shall  
be built.

XL. And be it enacted, That no Boundary or other Wall, Fence, Erection, or Building whatsoever shall at any Time hereafter be erected or made by the said Company or their Successors on any Part of the said Land by the said recited Acts authorized to be purchased and taken lying to the Southward of an imaginary Line drawn from the South-eastern Extremity of the Town Quay to the South-eastern Site

Site of *Calshot Castle*, save and except such Sea Wall or Embankment as shall be necessary for effectually shutting out the Sea from and inclosing the Lands of the said Company and their Successors lying to the Northward of the said imaginary Line, and which Sea Wall or Embankment shall not be less than Twenty Feet in Width at the Summit, and shall not be raised in any Part thereof more than Three Feet above the Level of the Top of the Coping of the Tidal Dock.

XLI. And be it enacted, That so much of the Land by the said recited Acts authorized to be purchased and taken as lies to the Southward of the Limit hereby defined as the extreme Boundary of the last-mentioned Sea Wall or Embankment, (that is to say,) of another imaginary Line running parallel to the first-mentioned imaginary Line, and forming the Base of the said proposed Sea Wall or Embankment, shall from and immediately after the passing of this Act revert to and become the Property of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, and their Successors, in such Manner as if the same was their Property immediately previous to the Sale thereof to the *Southampton Dock Company*.

Certain Land to revert to the Corporation of *Southampton* after the passing of this Act.

XLII. Provided always, and be it enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, at any Time hereafter to embank or inclose the Land so hereby ceded to and vested in them, or any Part thereof, or to make, construct, or erect any Building or Erection thereon or on any Part thereof, or to use the same for any Purpose whatsoever, except with the Consent of the said *Southampton Dock Company* or their Successors, under their Common Seal first had and obtained for that Purpose.

Corporation not to embank or inclose the Land without the Consent of the Company.

XLIII. Provided also, and be it enacted, That the said *Southampton Dock Company* shall from Time to Time make at their own Expence a Footpath of not less than Twenty Feet in Width on that Part of the said Sea Wall or Embankment next the Sea which shall be on the Southern and Western Sides of the Boundary Wall or Fence to be from Time to Time erected on their said Land, as the same shall from Time to Time be embanked and shut out from the Sea, and the said Boundary Wall or Fence be erected, and shall at all Times thereafter permit the said Footpath to be used and enjoyed from Sunrise to Sunset as a public Walk or Promenade.

Footpath to be made at the Expence of the Company.

XLIV. And be it enacted, That the said Footpath shall for ever thereafter be maintained and kept in repair by and at the Expence of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton* and their Successors, and that the same shall not be used for any other Purpose than that of a public Walk or Promenade: Provided also, that the Right hereby granted of using and enjoying the said Footpath as a public Walk or Promenade shall not be so used or exercised as to interfere with the free Use and Enjoyment by the said Dock Company and their Successors of the said Sea Wall or Embankment,

Footpath to be maintained and kept in repair by the Corporation.

ment, or the necessary Maintenance, Support, and Repair by the said Company and their Successors of the said Sea Wall or Embankment, the said Company and their Successors in such Case repairing and making good any Damage which may be thereby done to the said Footpath, and interfering as little as possible with the free Use and Enjoyment by the Public of the said Footpath as a Walk or Promenade.

If the Docks are abandoned after 21 Years from the passing of this Act, the Lands to revert to the Corporation.

XLV. And be it enacted, That in case at any Time after the Expiration of Twenty-one Years from the passing of this Act the said Dock or Docks shall at any Time be abandoned or given up by the said Company, or any Part of the said Land so authorized to be taken as aforesaid which shall have been embanked or inclosed (not being less than Five Acres), shall appear to the Mayor, Aldermen, and Burgesses for the Time being of the Borough of *Southampton* not to be *bonâ fide* employed for the Purposes of the said Undertaking, it shall be lawful for the said Mayor, Aldermen, and Burgesses, upon Three Calendar Months previous Notice, to require the said Company to prove to the Satisfaction of the Justices of the Peace at any General or Quarter Sessions to be holden for the County of *Southampton* that the said Dock or Docks are not abandoned and given up, or that such Part of the Lands so embanked or inclosed as aforesaid as shall be specified in such Notice are *bonâ fide* employed for the Purposes of the Undertaking; and in default of such Proof being shown as aforesaid, then, upon Payment or Tender of the then actual Value of the Improvement or Improvements (if any) which shall have been made upon such Lands by the said Company, the Dock or Docks so abandoned and given up, or the Lands in such Notice specified, or such Part of the said Lands (not being less than Five Acres) as shall not be proved to be so *bonâ fide* employed for the Purposes of the said Undertaking, shall revert to and vest in the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, the Value of such Improvements as aforesaid, in case of Dispute, to be ascertained by a Jury in manner provided by the herein-before in part recited Act for the Purpose of settling Differences between the said Company and Persons interested in Lands taken or damaged by the said Company.

Repeal of Provisions of 6 & 7 W. 4. c. 29. prohibiting Vessels from entering the Docks under Sail.

XLVI. And be it enacted, That so much of the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, whereby it was enacted, that before any Ship or other Vessel should enter or pass into the said Docks, Locks, or Basins, or any of them, such Ship or Vessel should have her Sails lowered or furled, so that she might not enter into or navigate in any of the said Locks, Basins, or Docks under Sail, and in case any Master or Pilot or other Person having the Charge or Command of any Ship or Vessel should enter or navigate, or cause or permit or suffer to enter or to be navigated, such Ship or Vessel under Sail into or in the said Locks, Docks, or Basins, or any of them, every such Master, Pilot, or other Person so offending should for every such Offence forfeit and pay any Sum not exceeding Five Pounds, shall be and the same is hereby repealed.

XLVII. And

XLVII. And be it enacted, That it shall be lawful for the Directors of the said Company, if they shall think fit, to order and direct, that before any Ship or other Vessel shall enter or pass into the said Docks, Locks, or Basins, or any of them, or any One or more of them in particular, such Ship or Vessel shall have her Sails lowered or furled so that she may not enter into or navigate in any of the said Locks, Basins, or Docks under Sail, and from Time to Time to suspend, alter or vary, annul, and renew such Orders or Directions as the said Directors shall think fit; and in case any Master or Pilot, or other Person having the Charge or Command of any Ship or Vessel, shall enter or navigate, or cause or permit or suffer to enter or to be navigated, such Ship or Vessel into or in the said Locks, Docks, or Basins, or any or either of them, contrary to such Orders or Directions (if any), every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

The Directors may prohibit Vessels from entering the Docks under Sail.

XLVIII. And be it enacted, That it shall be lawful for the said Company, for or in respect of Tonnage Dues to be taken or received for Ships or Vessels entering into the said Docks, Basins, Locks, or Cuts, or for lying therein or for departing therefrom, to take or receive different Rates or Dues for different Docks, Basins, Locks, or Cuts, so that a higher Rate of Tonnage Duty may be charged as to any One or more of the said Docks, Basins, Locks, or Cuts than as to any other or others of them, (not exceeding the several Rates or Sums specified and set forth in the Schedule (B.) to the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth annexed,) as the said Company, or the Directors thereof, shall from Time to Time appoint.

Different Rates of Tonnage Duties may be levied upon Vessels using different Docks.

XLIX. And be it enacted, That it shall be lawful for the said Company, for or in respect of Tonnage Dues to be taken, levied, or received for any Ship or Vessel entering into the said Docks, Basins, Locks, or Cuts, or lying therein or departing therefrom, being a Vessel not exceeding the Burden of One hundred and twenty Tons Register Tonnage, or being a Vessel, of whatever Tonnage, trading between the Port of *Southampton* and the *Isle of Man*, or between the Port of *Southampton* and any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, to take, levy, and receive at and after a lower Rate of Duty than for or in respect of other Ships and Vessels using the said Docks, Basins, Locks, or Cuts, as the said Company, or the Directors thereof, shall from Time to Time appoint.

Vessels under 120 Tons, and Vessels trading with the Isle of Man or the Channel Islands, may be charged a lower Rate of Tonnage Duties.

L. And be it enacted, That it shall be lawful for the said Company, for or in respect of Tonnage Dues to be taken, levied, or received as aforesaid, to take, levy, or receive, for or in respect of Steam Vessels proceeding from or going to any Port or Place in *Great Britain* or *Ireland*, or any other Port or Place lying between *Elsinore* and *Cape Finisterre*, different Rates, Dues, and Sums from the Rates, Dues, and Sums to be taken, levied, and received for or in respect of other Ships or Vessels using the said Docks, Basins, Locks, or Cuts, and either higher or lower than such last-mentioned Rates, Dues, or Sums (but not exceeding the several Rates or Sums

Different Rates of Tonnage Duties may be levied upon certain Steam Vessels than upon other Vessels.

specified and set forth in the Schedule (B.) to the said Act of the Sixth Year of the Reign of His said late Majesty King *William* the Fourth annexed), as the said Company, or the Directors thereof, shall from Time to Time appoint.

Power to  
compound  
Tonnage  
Duties for an  
annual Rent.

LI. And be it enacted, That it shall be lawful for the said Company from Time to Time to compound and agree, by the Year or for any shorter Time, with any Proprietors or Owners of Ships or Vessels using the said Locks, Docks, Basins, or Cuts, for the Rates, Dues, and Sums payable for or in respect of the Tonnage of such Ships or Vessels, and to accept and take such a Rent or Rents, by the Year or for any shorter Time, in lieu of such Rates, Dues, and Sums so compounded for as aforesaid, as the said Company shall from Time to Time think proper: Provided always, that in case the said Company shall at any Time or Times compound and agree in manner aforesaid with any Proprietor or Owner of a Ship or Vessel for such Rates, Dues, and Sums as aforesaid, it shall be lawful for all other Proprietors or Owners of Ships or Vessels using the said Locks, Docks, Basins, or Cuts, to compound for the Rates, Dues, and Sums payable in respect of Tonnage for their Ships or Vessels, upon the like Terms as any other Proprietor or Owner of a Ship or Vessel shall for the Time being have compounded and agreed, under the Power or Authority herein-before contained; and the Company are hereby required to accept such Composition as last aforesaid, to the Intent that such Tolls or Dues may not be compounded for partially or in favour of any particular Person or Party.

Repealing  
the Power of  
guaranteeing  
to the Com-  
missioners  
under the  
Acts of 43  
and 50 G.3.  
a certain  
Income.

LII. And whereas by the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth it was enacted, that the said Company should be required to pay to the said Commissioners for the Time being acting in execution of the said Acts of the Forty-third and Fiftieth Years of the Reign of His late Majesty King *George* the Third, from and after the opening of the said Dock or Docks for the Reception of Ships and Goods, out of the Rates, Rents, and Sums by the said first-recited Act authorized to be taken and received, such annual Sum as should be sufficient to make up the annual Income of the said Commissioners to be derived under or by virtue of the said Act of the Fiftieth Year of the Reign of King *George* the Third; from the Rates, Duties, and Payments thereby authorized to be taken and received in respect of Goods, Wares, Merchandize, and other Commodities, to such annual Amount as should be equal to the average annual Income derived by the said Commissioners from the last-mentioned Rates, Duties, and Sums during the Three Years next preceding the passing of the said first-recited Act, such annual Sum to be computed and payable at the Times and in manner in the said first-recited Act mentioned; and it was by the said last-mentioned Act provided, that in case the said Commissioners should at any Time reduce, alter, or vary the said last-mentioned Rates, Duties, and Sums below the Rates, Duties, and Sums then received and taken by them on such Goods, Wares, and Merchandize, the said Company should not be liable to pay to the said Commissioners, in respect of such Loss or Diminution of Income as aforesaid, any greater Sum than the Difference between the annual  
Income

Income which would have been received by the said Commissioners in case such Rates, Duties, and Sums last mentioned had not been so reduced, altered, or varied, and the average annual Income derived by the said Commissioners from the same Rates, Duties, and Sums during the said Three Years next preceding the passing of the said first-recited Act; and that for the Purposes aforesaid the said Commissioners should, at the Times and in manner in the said last-recited Act mentioned, produce and show forth all Books, Accounts, and Papers in their Custody, Possession, or Power in anywise concerning or relating to the last-mentioned Rates, Duties, and Payments; now be it enacted, That so much and such Parts of the said recited Act of the Sixth Year of the Reign of His said late Majesty King *William* the Fourth as are lastly herein-before recited shall be and the same are hereby repealed.

LIII. And for providing against any Loss or Diminution of Income which may be sustained by the Commissioners acting in the Execution of the said Acts of the Forty-third and Fiftieth Years of the Reign of His said Majesty King *George* the Third, be it enacted, That in case the annual Income of the said Commissioners arising from the Rates, Duties, and Payments by them taken and derived in respect of Goods, Wares, Merchandize, and other Commodities shall, in any One Year after the opening of the said Dock or Docks for the Reception of Ships and Goods, fall below the Sum of One thousand Pounds, then and in such Case, and so from Time to Time as often as the same shall happen, the said Company shall and they are hereby required to pay to the said Commissioners for the Time being, out of the Rates, Rents, and Sums in such recited Acts, and each or either of them, and of this Act, authorized to be taken and received by the said Dock Company or their Successors, such annual Sum as shall be sufficient to make up any such Deficiency as aforesaid, and that such annual Sum shall be computed to the Thirty-first Day of *March* in each Year, and shall be paid and payable to the said Commissioners on the Twenty-fourth Day of *June* in each Year; and in case the said Dock or Docks shall be opened as aforesaid on any other Day than the Thirty-first Day of *March*, then a proportionate Sum shall be paid in respect of the Time which shall elapse between the opening of the said Dock or Docks as aforesaid and the said Thirty-first Day of *March* then next following, and that such annual Payments and proportionable Part shall be paid and payable in preference to the Interest, Dividends, and Income of the Monies or Stock which shall be raised or created under any of the Powers or Provisions of the said recited Acts or either of them, or of this Act, and in preference to any Dividends or Income payable by virtue of the said recited Acts or either of them, or of this Act, to the Proprietors of the said Undertaking or any of them; and that such annual Payments and proportionable Part shall be paid and payable as aforesaid notwithstanding the said Commissioners shall at any Time or Times reduce, alter, or vary the said last-mentioned Rates, Duties, and Sums below the Rates, Duties, and Sums now received and taken by them on such Goods, Wares, and Merchandize, and notwithstanding the said Commissioners shall at any Time or Times compound and agree by the Year, or for any shorter Time, with any Person or Persons,

In case the Rates or Duties shall fall below 1,000*l.* the same to be made up by an annual Sum.

sons, for or in respect of such last-mentioned Rates, Duties, and Sums, and shall accept and take such Rent or Rents or Sum or Sums of Money by the Year, or for any shorter Time, in lieu of such last-mentioned Rates, Dues, and Sums on such Goods, Wares, and Merchandize.

Nothing in this Act to extend to authorize the Company to interfere with the Land of the Commissioners.

LIV. Provided always, and be it enacted, That nothing in this Act or the said recited Acts contained shall extend to authorize or empower the said Company, without the Consent of the Commissioners acting in the Execution of the said Acts of the Forty-third and Fiftieth Years of the Reign of His Majesty King *George* the Third, to enter into and upon or otherwise use or interfere with any of the Land of the said Commissioners now being inclosed by them on the Western Side of the Land belonging to the said Dock Company, or any of the Land forming the Quays or Wharfs belonging to the said Commissioners, nor to empower the said Company to use or interfere with any Beach or Mud Land of the said Commissioners adjoining the said Land of the Dock Company, save only as to such Beach or Mud Land for the Purpose of laying and depositing Materials for the Construction or Repairs of the Docks and Works authorized to be made and constructed by the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and then during such Periods only as may be absolutely requisite for such Purposes, the said Company doing as little Damage as may be, and repairing any Damage occasioned by any such temporary Occupation, or making Compensation for the same.

Plan of River Itchen, with a Line marked thereon, within which Quays and Embankments may be made by adjoining Owners, to be deposited with Clerks of the Peace for Southampton and Hants.

LV. And whereas divers Owners and Occupiers of Property situate on the Shores of the said River *Itchen* between *Northam Bridge* and the Mouth of the said River, and near the Site of the said Docks, have of late Years constructed Wharfs, Quays, Piers, and other Works upon the Mud Lands lying between the High and Low Water Marks on the respective Shores of the said River: And whereas several Indictments have been preferred by the said Dock Company, and are now pending, against such Owners and Occupiers, whereby it is sought that several of such Wharfs, Quays, and other Works may be declared common Nuisances, on the ground of undue Interference with the Waterway of the said River, and be abated accordingly, and very expensive Litigation has already arisen with reference to the Matters aforesaid, and such Litigation is likely to continue, but no Definition of the Rights of Parties generally will or can be obtained thereby, and it is expedient, for the Interests of all Parties and of the Public, that such Rights should be defined by the Authority of Parliament: And whereas a Survey and Plan of the said River and the Shores thereof have been made, and a Line has been carefully selected and laid down on each Shore of the said River, between the High and Low Water Marks thereof, up to or within which Line it is considered that the Inclosure and Embankment of the said Mud Land will not be prejudicial to the said River or the Navigation thereof, and will tend to the public Accommodation, by the Increase of Wharfs, Quays, and other similar Conveniences; be it therefore enacted, That immediately after the passing of this Act Duplicate Copies of the said Plan, with a Book of Reference thereto respectively, to be severally verified by the  
Signature

Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited with the Clerk of the Peace, and also with the Town Clerk for the said Town and County of *Southampton*, and also with the Clerk of the Peace of the said County of *Southampton*, who shall respectively keep the same in their respective Offices for ever thereafter; and the said Plans and Books of Reference shall be respectively open to the Inspection of the Public, who shall be at liberty to take Copies thereof and make Extracts therefrom, on Payment of One Shilling for every Inspection thereof, and Sixpence for every One hundred Words copied or extracted therefrom.

LVI. And be it enacted and declared, That from and after the Deposit of the said Plans and Books of Reference it shall be lawful for any Owner of any Mud Land lying between *Northam Bridge* aforesaid and the Mouth of the said River *Itchen*, and situate between the Highwater Mark on either Shore of the said River and the Parliamentary Quay Line laid down upon the said Maps or Plans on the same Side of the said River, to inclose or embank the same Mud Land, and to exclude the Tide or Stream of the said River therefrom, for the Purpose of forming any Wharf, Quay, Landing Place, or other Convenience; and from and after the said Deposit of the said Plans and Books of Reference every Inclosure, Embankment, Wharf, Quay, Pier, or other Projection now erected, set up, or made, or which shall at any Time or Times hereafter be erected, set up, or made, upon the Mud Land situate between *Northam Bridge* aforesaid and the Mouth of the said River, and which shall project or be on either Side of the said River beyond or nearer to the Channel of the said River than the said Parliamentary Quay Line on the same Side of the said River, shall be deemed, and every such Inclosure, Embankment, Wharf, Quay, Pier, or other Projection is hereby declared to be, a common Nuisance, and liable to be abated and removed accordingly.

After Deposit of Plans, Owners may embank within such Line.

LVII. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of Plans to be Evidence.

LVIII. Provided always, and be it enacted, That it shall not be lawful for the said Company, or any Person acting under their Authority or on their Behalf, nor shall it be lawful for any other Person, by virtue of this Act, to make, construct, or carry on any Work below the Line of Highwater Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works to be approved of by the Admiralty before commenced.

LIX. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by the said recited Acts or this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity

Rates on Foreign Vessels to be reduced to the Rates on British Ships where Reciprocity Treaties exist.

have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by the said recited Acts or this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

For paying  
the Expences  
of this Act.

LX. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences incident thereto, shall, in the first place, and in preference to all other Payments whatsoever, be paid by and out of the Money in the Hands of the Directors, or out of the first Money which shall be raised or received under or by virtue of the said recited Acts or of this Act, or any of them.

Public Act.

LXI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

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