



ANNO SEPTIMO & OCTAVO

VICTORIAE REGINAE.

 the reign of her Majesty Queen Victoria, intituled [here insert the
 title of this Act], on the
 Day of
 in

at the Parish of
 the Year
 the [Offence] for which [Cap. LXXXVII] do adjudge the said A. B.
 to have forfeited [the Office] be subject to a Fine] the sum of

**An Act for making a Landing Place at or near
 Hythe in the Parish of Fawley, and extra-
 parochial Places adjoining thereto, in the County
 of Southampton. [19th July 1844.]**

WHEREAS the making a Landing Place or Hard at or near
 Hythe on the Southern Side of the Southampton Water
 in the Parish of Fawley in the County of Southampton
 would be of great public Utility: And whereas the Persons herein-
 after named are willing, at their own Expence, to carry such Under-
 taking into execution, but the same cannot be effected without the
 Authority of Parliament: May it therefore please Your Majesty
 that it may be enacted; and be it enacted by the Queen's most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That *Andrew
 Robert Drummond, Robert Stratton, George Wickens Willes, Luke
 Dodds, Mary Tate, Arthur Spencer, John Munday the younger,
 Mary Trattle, James Ross, William Martell, Charles Brett, Horatio
 Francis Kingsford Holloway, Thomas Wrenford Southouse, George
 Robbins, Henry George Greeves, Sarah Etheridge, Joseph Langar,*
 and all other Parties who have already subscribed or shall hereafter
 subscribe to the said Undertaking, and their Executors, Admini-
 strators, Successors, and Assigns respectively, shall be united into a

Company
incorporated.

[Local.]

Company

Company for the Purpose of making the said Landing Place or Hard, with proper Approaches, Works, and Conveniences connected therewith, according to the Provisions of this Act, and for the Purpose aforesaid shall be incorporated by the Name of "The *Hythe* Hard Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands within the Restrictions herein-after contained for the Purpose of the said Undertaking.

Capital.

II. And whereas the estimated Expence of making the said Pier and Works is Four thousand five hundred Pounds; be it enacted, That Four thousand five hundred Pounds shall be the Capital of the said Company.

Shares.

III. And be it enacted, That the said Capital shall be divided into One hundred and fifty Shares, each of the Amount of Thirty Pounds; and such Shares shall be numbered in arithmetical Progression, beginning with Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

IV. And be it enacted, That all Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders.

V. And be it enacted, That every Person who shall have subscribed or shall subscribe the Sum of Thirty Pounds or upwards to the Capital of the Company shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of Thirty Pounds so subscribed by him.

Registry of Shareholders.

VI. And be it enacted, That the Company shall keep a Book to be called the Register Book of Shareholders, and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares; and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the First Ordinary Meeting, or at some subsequent Meeting of the Company.

Addresses of Shareholders.

VII. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called the Shareholders Address Book, in which the Clerk shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof; and for every One hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

VIII. And

VIII. And be it enacted, That on Demand of the Holder of any Share the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificates of Shares.

IX. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder; his Executors, Administrators, Successors, or Assigns, to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be Evidence.

X. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested; or if such Certificate be lost or destroyed, then upon Proof thereof a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Clerk in the Register of Shareholders; and for every such Certificate so given or exchanged the Clerk may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be renewed when destroyed.

XI. And be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in the Landing Place or Hard by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect, and the same, when duly executed, shall be delivered to the Clerk, and be kept by him, and the Clerk shall enter a Memorial thereof in the Book to be called the Register of Transfers, and shall endorse such Entry on the Deed of Transfer; and for every such Entry and Endorsement the Clerk may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of the Purchaser of any Share an Endorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and for such Endorsement the Company may demand any Sum not exceeding One Shilling; and such Endorsement, being signed by the Clerk, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Clerk as aforesaid the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfers of Shares to be registered.

XII. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Transfer not to be made until Calls paid.

XIII. And

Closing of
Transfer
Books.

XIII. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Ten Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

Transmis-
sion of
Shares by
other Means
than Trans-
fer to be
authen-
ticated by
Declaration.

XIV. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary in the High Court of Chancery; and such Declaration shall be left with the Clerk, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of
Transmis-
sion by
Marriage,
Will, &c.

XV. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any Testamentary Instrument or by Intestacy the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Clerk of the said Company; and upon such Production, in either of the Cases aforesaid, the Clerk shall make an Entry of the Declaration in the said Register of Transfers.

Notices to
joint Pro-
prieters of
Shares.

XVI. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for
Money pay-
able to
Minors, &c.

XVII. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such
Idiot

Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

XVIII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject, and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trust to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts, and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Company not bound to regard Trusts.

XIX. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Ten Days Notice at least be given of each Call by Advertisement in some Newspaper as after mentioned, and that no Call exceed the Amount of Five Pounds *per* Share, and that successive Calls be not made at less than the Interval of Sixty Days; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons and at the Times and Places from Time to Time appointed by the said Company.

Power to make Calls.

XX. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof to the Time of the actual Payment.

Interest on Calls unpaid.

XXI. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Payment of Subscriptions before Call.

XXII. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Enforcement of Calls by Action.

Declaration
in Action
for Calls.

XXIII. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each such Calls), whereby an Action hath accrued to such Company by virtue of this Act.

Matter to
be proved in
Action for
Calls.

XXIV. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act; and it shall not be necessary to prove the Appointment of the Directors who made such Call, nor any other Matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Five Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of Sixty Days between Two successive Calls had not elapsed.

To compel
Payment of
Subscrip-
tions.

XXV. And be it enacted, That the several Persons who have subscribed any Money towards the said Undertaking shall pay the Sums respectively by them subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be directed by the Company, and the Company shall have the same Powers for enforcing the Payment of such Subscriptions as are herein given with respect to enforcing the Payment Calls by the Shareholders.

Proof of Pro-
prietorship.

XXVI. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of
Shares for
Nonpay-
ment of
Calls.

XXVII. And be it enacted, That if the Holder of any Share shall fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Two Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of
Forfeiture to
be given
before De-
claration
thereof.

XXVIII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a
Declaration

Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper as after mentioned; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

XXIX. And be it enacted, That such Declaration of Forfeiture shall not take effect so as to authorize the Sale or other Disposition of any Share until such Declaration have been confirmed at some General Meeting of the Company to be held after the Expiration of Two Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors may sell the forfeited Share either by public Auction or private Contract, and if there be more than One such forfeited Share then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold.

Forfeiture to be confirmed by a General Meeting.

Sale of forfeited Shares.

XXX. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share; and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

Evidence as to Forfeiture of Shares.

XXXI. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

No more Shares to be sold than sufficient for Payment of Calls.

XXXII. And be it enacted, That if Payment of such Arrears of Calls and Interest and Expences be made before any Share so forfeited and

On Payment of Calls forfeited Shares and to revert.

and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Extent of
Liability of
Share-
holders.

XXXIII. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Execution
against
Share-
holders to
the Extent
of Capital
not paid up.

XXXIV. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or sued against the Lands, Property, or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders of the Company to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder, except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after Notice in Writing to the Persons sought to be charged, and upon such Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders without Fee.

Reimburse-
ment.

XXXV. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls, he shall forthwith be reimbursed such additional Sum by the Directors out of the Funds of the Company.

Power to
borrow
Money.

XXXVI. And be it enacted, That after the whole of the said Sum of Four thousand five hundred Pounds shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One thousand five hundred Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Landing Place or Hard, and the future Calls on the Shareholders of the Company, or to give Bonds in manner herein-after mentioned.

Re-borrow-
ing.

XXXVII. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Evidence of
Authority
for borrow-
ing.

XXXVIII. And be it enacted, That the Certificate of a Justice that One Half of the original Capital has been paid up, together with a
Copy

Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors or by the Clerk to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

XXXIX. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Mortgages
and Bonds.

XL. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of
Mortgagees.

XLI. And be it enacted, That no such Mortgage, although it should comprise future Calls on the Shareholders, shall preclude the Company from receiving and applying to the Purposes of the Company, any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Application
of Calls not-
withstanding
Mortgage.

XLII. And be it enacted, That the respective Obligees in such Bonds shall proportionally according to the Amount of the Monies secured thereby be entitled to be paid out of the Tolls or other Property or Effects of the Company the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Rights of
Obligees.

XLIII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk; and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Register of
Mortgages
and Bonds.

Transfer of
Mortgages
and Bonds.

XLIV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person, by Deed, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Entry of
Transfers of
Mortgages
and Bonds.

XLV. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of
Interest.

XLVI. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of
Interest to
be stamped.

XLVII. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable except by Deed duly stamped.

Repayment
of Money
borrowed at
a Time fixed.

XLVIII. And be it enacted, That the Company may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof; and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment
of Money
borrowed
where no
Time fixed.

XLIX. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Clerk, and if given by the Company shall be by Writing given either personally to such Mortgagee or Bond Creditor, or, if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper as after mentioned; and at the Expiration of the said Notice, when given

given by the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same pursuant to such Notice.

L. And in order to provide for the Recovery of the Arrears of Interests and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest or such Principal and Interest and Costs become due, be it enacted, That if such Interest or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

For enforcing Payment of Arrears.

LI. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money, Interest, and Costs be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of Eight hundred Pounds he may alone, or if his Debt does not amount to the Sum of Eight hundred Pounds he may in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear, after Demand as aforesaid, shall together with his Amount to the Sum of One thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal and Interest.

LII. And be it enacted; That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Southampton*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Appointment of Receiver.

LIII. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Mortgagees not to vote.

LIV. And

Access to
Account
Books by
Mortgagees.

LIV. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to
convert
Loan into
Capital.

LV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

New Shares
to be con-
sidered same
as original
Shares.

LVI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Share
at a Pre-
mium, new
Shares to be
offered to
original
Share-
holders.

LVII. And be it enacted, That if at the Time of any such Augmentation of Capital taking place by the Creation of new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion of One for every existing Share held by them respectively; and such Offer shall be made by Letter under the Hand of the Clerk, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode; and such new Shares shall vest and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same.

If not at a
Premium, to
be issued as
Company
think fit.

LVIII. And be it enacted, That if at the Time of such Augmentation of Capital taking place the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the Company shall think fit.

LIX. And

LIX. And be it enacted, That all the Money raised by the Company, whether by Subscriptions of the Shareholders or by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and, secondly, in carrying the Purposes of the Company into execution. Application of Capital.

LX. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held on the first Week of *September* after the passing of this Act, and the future General Meetings shall be held in the first Week in *March* and the first Week in *September* in each Year; and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held at *Hythe* aforesaid. Ordinary Meetings to be held half-yearly.

LXI. And be it enacted, That no Matters, except such as are appointed by this Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting. Business at Ordinary Meetings.

LXII. And be it enacted, That every Meeting of the Shareholders other than an Ordinary Meeting shall be called an "Extraordinary Meeting;" and such Meetings may be convened by the Directors at such Times as they may think fit. Extraordinary Meetings.

LXIII. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition, or in the Notice upon which it shall have been convened. Business at Extraordinary Meetings.

LXIV. And be it enacted, That it shall be lawful for Five or more Shareholders, holding in the aggregate Twenty Shares to the Amount of Six hundred Pounds, by Writing under their Hands at any Time to require the Directors to call an Extraordinary Meeting of the Company, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be left at the Office of the Company, or given to at least Three Directors, or left at their last or usual Places of Abode; and forthwith upon the Receipt of such Requisition the Directors shall convene a Meeting of the Shareholders; and if for Twenty-one Days after such Notice the Directors fail to call such Meeting, the said Number of Shareholders, qualified as aforesaid, may call such Meeting, by giving Fourteen Days public Notice thereof. Extraordinary Meetings convened by Shareholders.

LXV. And be it enacted, That Ten Days public Notice at the least of all Meetings, whether ordinary or extraordinary, shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting, or of an Ordinary Meeting if any other Business than the Business hereby appointed for Ordinary Meetings is to be done thereat, shall specify the Purpose for which the Meeting is called. Notice of Meetings.

Quorum of
a General
Meeting.

LXVI. And be it enacted, That in order to constitute a Meeting, whether ordinary or extraordinary, there shall be present, either personally or by Proxy, Five or more Shareholders holding in the aggregate Twenty Shares to the Amount of Six hundred Pounds; and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*.

Chairman at
General
Meeting.

LXVII. And be it enacted, That at every Meeting of the Company One or other of the following Persons shall preside as Chairman; (that is to say,) the Chairman of the Directors, or in his Absence some One of the Directors of the Company to be chosen for that Purpose by the Meeting, or in the Absence of the Chairman and of all the Directors any Shareholder to be chosen for that Purpose at such Meeting.

Adjourned
Meetings.

LXVIII. And be it enacted, That every Meeting of the Shareholders may be adjourned from Time to Time; and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Votes of
Share-
holders.

LXIX. And be it enacted, That at all General Meetings of the Company every Shareholder shall be entitled to vote according to the Scale of voting herein-after mentioned; (that is to say,) every Shareholder possessing Sixty Shares and upwards to give Ten Votes; for Fifty Shares and under Sixty, Nine Votes; for Forty Shares and under Fifty, Eight Votes; for Thirty Shares and under Forty, Seven Votes; for Twenty Shares and under Thirty, Six Votes; for Fifteen Shares and under Twenty, Five Votes; for Ten Shares and under Fifteen, Four Votes; for Five Shares and under Ten, Three Votes; for Three Shares and under Five, Two Votes; for Two Shares and not less than One Share, One Vote: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him.

Manner of
voting.

LXX. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

LXXI. And

LXXI. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Clerk of the Company Two Days before the holding of the Meeting at which such Proxy is to be used; and that no Person shall at any One Meeting represent as Proxy more than Three Shareholders. Proxies.

LXXII. And be it enacted, That if several Persons be jointly entitled to a Share the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share shall for the Purpose of voting at any Meeting be deemed the sole Proprietor thereof; and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof. Votes of joint Shareholders.

LXXIII. And be it enacted, That if any Shareholder be a Lunatic or Idiot such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor he may vote by his Guardian or any One of his Guardians; and every such Vote may be given either in Person or by Proxy. Votes of Lunatics, Minors, &c.

LXXIV. And be it enacted, That the Number of Directors shall be Five; and that the said *Andrew Robert Drummond, George Wickens Willes, George Robbins, Thomas Wrenford Southouse,* and *John Munday* the younger shall be the first Directors of the Company. First Directors.

LXXV. And be it enacted, That the Directors appointed by this Act shall continue in Office, until the first Ordinary Meeting to be held in the Year One thousand eight hundred and forty-five; and at such Meeting the Shareholders present personally or by Proxy may either continue in Office the Directors appointed by this Act, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present personally or by Proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, as herein-after mentioned. Election of future Directors.

LXXVI. And be it enacted, That no Person shall be capable of being a Director unless he be a Shareholder possessed of Three Shares; and that no Person holding an Office or Place of Trust or Profit under the Company, or interested in any Contract with the Company, shall be capable of being a Director; and that no Director shall be capable of accepting any other Office or Place of Trust or Profit under the Company, or of being interested in any Contract with the Company, during the Time he shall be a Director. Qualification of Directors.

LXXVII. And

Failure of
Meeting for
Election of
Directors.

LXXVII. And in order to provide for the Accident of a sufficient Number of Shareholders not being present at any Meeting at which Directors are to be elected, be it enacted, That if at any Meeting at which an Election of Directors ought to take place Eight Shareholders holding in the aggregate Shares to the Amount of One thousand Pounds shall not be present within One Hour from the Hour appointed for the Meeting no Election of new Directors or Re-election of existing Directors shall be made, nor shall any Business be transacted; but in such Case, at the Expiration of Fourteen Days from the Day of such intended Meeting, another Meeting shall be held at the same Place; and if at such other Meeting the said Number of Shareholders so qualified as aforesaid be not present personally or by Proxy within One Hour from the Hour fixed for the Meeting, such Meeting shall stand adjourned to the following Day at the same Hour and Place; and if at the Meeting so adjourned the said Number of Shareholders so qualified as aforesaid be not present within One Hour from the Hour appointed for the Meeting, the existing Directors shall continue to act and retain their Powers until new Directors be appointed at the first Ordinary Meeting of the following Year.

Rotation of
Directors
first elected.

LXXVIII. And be it enacted, That the Directors appointed by this Act, and continued in Office as aforesaid, or the Directors elected to supply their Place as aforesaid, shall retire from Office at the Time and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors; (that is to say,) at the End of the first Year after the first Election of Directors One of such Directors shall go out of Office, at the End of the second Year One of the remaining Number of such Directors shall go out of Office, at the End of the third Year One other of the remaining Number of such Directors shall go out of Office, and at the End of the fourth Year the Remainder of such Directors shall go out of Office; and in each Instance the Places of retiring Directors shall be supplied by an equal Number of Shareholders qualified as aforesaid.

Permanent
Rotation of
Directors.

LXXIX. And be it enacted, That at the first Ordinary Meeting in every subsequent Year One of the Directors, being he who shall have been longest in Office, shall go out of Office and cease to be a Director, and his Place shall be supplied in like Manner; nevertheless every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall with reference to the going out by Rotation be considered as a new Director.

Cases in
which Office
of Director
shall become
vacant.

LXXX. And be it enacted, That if any of the Directors at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the Company, or be either directly or indirectly concerned in any Contract with the Company, or participate in any Manner in the Profits of any Work to be done for the Company, or if such Director at any Time cease to be a holder of Three Shares in the Company, then in any of the Cases aforesaid the Office of such Director shall become vacant, and thenceforth

forth the Person in respect of whom the Office of Director shall so have become vacant shall cease from voting or acting as a Director.

LXXXI. And be it enacted, That if any Director of the Company die or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his Place some other Shareholder duly qualified to be a Director; and the Shareholder so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Occasional Vacancies in Office of Director to be supplied.

LXXXII. And with respect to the Exercise of the Powers of the Company, be it enacted, That the Directors shall have the Management and Superintendence of the Affairs of the Company, and they may lawfully exercise all the Powers of the Company, except as to such Matters as are directed by this Act to be transacted by a General Meeting of the Company; and, amongst other Powers to be exercised by the Directors,

Powers of Company to be exercised by Directors.

They may appoint and displace any of the Officers of the Company, except the Clerk and the Treasurer;

They may fix the Salaries of all Officers, except the Salaries of themselves and of the Clerk and the Treasurer;

They may make and enforce the Calls upon the Shares of the respective Shareholders;

They may declare the Forfeiture of all Shares on which such Calls are not duly paid, subject to the Confirmation of a General Meeting as aforesaid;

They may enter into Contracts for the Execution of the Works of the Company, and for all other Matters necessary for the Transaction of its Affairs;

They may purchase the Lands authorized to be taken by the Company, and sell such Parts thereof as may not be required for the Purposes of the Company;

They may fix the Tolls to be taken by the Company; and

They may make Bye Laws for the Regulation of the Affairs of the Company:

But all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act in that Behalf; and the Exercise of all such Powers shall be subject also to the Control and Regulation of any General Meeting specially convened for the Purpose, but not so as to render invalid any Act done by the Directors prior to any Resolution passed by such General Meeting.

LXXXIII. And be it enacted, That the following Powers of the Company, (that is to say,) the Choice and Removal of Directors, the Appointment and Removal of the Treasurer and Clerk, the Determination as to the Remuneration of the Directors and of the Treasurer and Clerk, the Determination as to the borrowing of Money on Mortgage, the Determination as to the Augmentation of Capital, the Determination as to the leasing of Tolls and the Declaration of Dividends,

Powers of the Company not to be exercised by the Directors.

Dividends, shall be exercised only at a General Meeting of the Company.

Meetings of
Directors.

LXXXIV. And be it enacted, That the Directors shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper from Time to Time and from Place to Place; and at any Time any Two of the Directors may require the Clerk to call a Meeting of the Directors; and in order to constitute a Meeting of Directors there shall be present at least Three of the Directors; and all Questions, Matters, and Things considered at any such Meeting shall be determined by the Majority of Votes; and no Director, except the Chairman, shall have more than One Vote at any such Meeting; and if there be an equal Division of Votes upon any Subject entertained by such Meeting the Chairman, in addition to his Vote as One of the Directors, shall have a casting Vote as Chairman.

Permanent
Chairman of
Directors.

LXXXV. And be it enacted, That at the first Meeting of the Directors held after the passing of this Act, and at the first Meeting of Directors held after each annual Appointment of Directors, the Directors present at such Meeting shall choose One of the Directors to act as Chairman of the Directors for the Year following such Choice; and if the Chairman die or resign, or cease to be a Director, or otherwise become disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Directors to fill such Vacancy; and every such Chairman so to be elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional
Chairman of
Directors.

LXXXVI. And be it enacted, That if at any Meeting of the Directors the Chairman shall not be present, the Directors present shall choose some One of their Number to be a Chairman of such Meeting.

Contracts by
Directors.

LXXXVII. And be it enacted, That the Power of the Directors to make Contracts on behalf of the Company may lawfully be exercised as follows; (that is to say,)

With respect to any Contracts which if made between any private Persons would be by Law required to be in Writing and under Seal the Directors may make such Contract on behalf of the Company in Writing and under the Common Seal of the Company:

With respect to any Contract which if made between any private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then the Directors may make such Contracts on behalf of the Company in Writing signed by any Three of the Directors, and in the same Manner may vary or discharge the same:

With respect to any Contract which if made between any private Persons would by Law be valid although made by Parol only,
and

and not reduced into Writing, the Directors may make such Contract on behalf of the Company by Parol only, without Writing, and in the same Manner may vary or discharge the same: And all Contracts made according to the Provisions herein containey shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be; and on any Default in the Execution of any such Contract either by the Company or any other Party thereto such Actions or Suits may be brought either by or against the Company as might be brought had the same Contracts been made between private Persons only.

LXXXVIII. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Nonperformance thereof, or such other Things as the Company think proper; and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Company lawfully may, from Time to Time as they think fit, compound with any Person on account of any Breach or Nonperformance of any such Contract, for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Contracts
for Works.

LXXXIX. And be it enacted, That the Directors shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company, and of the Directors and Committees of Directors, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders or Directors respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

Proceedings
to be entered
in a Book,
and to be
open for In-
spection.

XC. And be it enacted, That all Acts done by any Meeting of the Directors, or by any Person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person attending such Meeting as a Director or acting as aforesaid, or that such Person was disqualified, be as valid as if such Person had been duly appointed and was qualified to be a Director.

Informalities
in the Ap-
pointment of
Directors
not to in-
validate Pro-
ceedings.

XCI. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Con-
tract

Indemnity of
Directors.

tract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors or any of them shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Capital of the Company for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Company shall apply the existing Funds and Capital of the Company for the Purpose of such Indemnity, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

Appoint-
ment of
Auditor.

XCII. And be it enacted, That the Chairman of the Quarter Sessions for the Time being of the County of *Hants* shall annually appoint an Auditor for the Purpose of auditing the said Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the said Chairman of the Quarter Sessions shall from Time to Time appoint an Auditor to supply such Vacancy.

Duty of
Auditor.

XCIII. And be it enacted, That it shall be the Duty of such Auditor half-yearly to audit the said Accounts of the Company, and to receive from the Directors the Balance Sheet required to be presented to the Shareholders, and to examine the same.

Powers of
Auditor.

XCIV. And be it enacted, That for the above Purposes such Auditor may examine the Accounts of the Company at any Time during Fourteen Days previous to each Ordinary Meeting, and may either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Delivery of
Balance
Sheet, &c.,
by Directors
to Auditors.

XCV. And be it enacted, That the Directors shall deliver to such Auditor the said Balance Sheet Fourteen Days at the least before the ensuing Ordinary Meeting at which the same is required to be produced to the Shareholders.

Remunera-
tion of
Auditors.

XCVI. And be it enacted, That the Remuneration of such Auditor for each such half-yearly Audit shall not exceed the Rate of Two Guineas *per* Day, nor the Sum of Four Guineas in the whole, and the same shall be paid to him by the Company.

Remunera-
tion of Di-
rectors.

XCVII. And be it enacted, That the Remuneration of the Directors shall from Time to Time be fixed by a General Meeting of the Company.

XCVIII. And

XCVIII. And be it enacted, That at the first General Meeting after the passing of this Act the Company shall elect a Clerk and a Treasurer, and any subsequent General Meeting may remove from Office any such Clerk or Treasurer, and if such Clerk or Treasurer die or resign, or be so removed, another Clerk or Treasurer shall be elected in his Place at a General Meeting; and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Clerk or Treasurer respectively, as they think proper.

Company to
appoint
Clerk and
Treasurer.

XCIX. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Clerk from his Office, and may appoint some Person temporarily to fill the Office of the Treasurer or Clerk so suspended; or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company, for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Clerk so suspended, and of electing a new Treasurer or Clerk, as the Case may require.

Suspension
of Clerk or
Treasurer.

C. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Separation
of Offices of
Clerk and
Treasurer.

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Company other than that of Treasurer or Clerk, as the Case may be:

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

CI. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Security to
be taken.

Officers to
account on
demand.

CII. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time when required by the Directors make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Directors, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary
Remedy
against Par-
ties failing
to account.

CIII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before any Two or more Justices at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters or Things, in his Possession or Power, belonging to the Company,

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts,
and

and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any Director or other Person acting on behalf of the Company shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before such Two or more Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twelve Hours without bringing him before Two Justices to answer to the Charge as hereinbefore directed.

CIV. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer. Sureties not to be discharged.

CV. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company by the Directors, and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid. Accounts to be kept.

CVI. And be it enacted, That the Books of the Company shall be brought to a Balance Fourteen Days at least before each Ordinary Meeting; and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Half Year; and previously to each Ordinary Meeting such Balance Sheet shall be examined and docqueted by the Directors, or any Three of their Number, and shall be signed by the Chairman of the Directors. Books to be balanced.

CVII. And be it enacted, That the Books so balanced, together with such Balance Sheet as aforesaid, shall, for Fourteen Days previous to each Ordinary Meeting, and for One Month thereafter, be open for the Inspection of the Shareholders at the principal Office or Place of Business of the Company; but the Shareholders shall not be entitled at any Time, except during the aforesaid Period before and after each Ordinary Meeting, to demand the Use or Inspection of such Books, unless in virtue of a written Order signed by Three of the Directors. Inspection of Accounts by Shareholders at stated Times.

CVIII. And be it enacted, That at such Ordinary Meeting the Directors shall produce to the Shareholders assembled such Balance Sheet as aforesaid applicable to the Period immediately preceding such Meeting. Balance Sheet to be produced.

CIX. And

Book-keeper to be appointed, and to allow Inspection of Books at certain Times.

CIX. And be it enacted, That a Book-keeper shall be appointed by the Directors; and such Book-keeper shall enter the Accounts aforesaid in Books to be provided for the Purpose; and every such Book-keeper shall permit any Shareholder, or any Loan Creditor, to inspect such Books at any reasonable Time during One Fortnight before and One Month after every Ordinary Meeting, and if he fail to permit any such Shareholder or Loan Creditor to inspect such Books, or take Copies or Extracts therefrom during the Periods aforesaid, he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Annual Account to be made up, and a Copy transmitted to Clerk of the Peace.

CX. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *August*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Southampton*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Accounts as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Declaration of Dividends.

CXI. And be it enacted, That previously to every Ordinary Meeting the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the immediately preceding Ordinary Meeting, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Ordinary Meeting; and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not to reduce Capital.

CXII. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced.

Funds for Contingencies.

CXIII. And be it enacted, That before apportioning the Profits aforesaid the Directors may, if they think fit, set aside thereout such Sum as they may think proper to meet Contingencies, or for enlarging, repairing, or improving the Works connected with the Landing Place or Hard, or any Part thereof, and may divide the Balance only among the Proprietors.

Dividends not to be paid unless all Calls paid.

CXIV. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid.

Power to make Bye Laws for the Officers of the Company.

CXV. And with respect to the Power of the Company to make Bye Laws, be it enacted, That, in addition to the Power herein-after given to the Company to make Bye Laws for regulating the Use of the Landing Place or Hard, it shall be lawful for the Company from
Time

Time to Time to make such Bye Laws as they think fit for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company.

CXVI. And be it enacted, That the Company may impose such reasonable Fines and Forfeitures upon all Persons, being Officers and Servants of the Company, offending against such private Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence; and such Fines and Forfeitures may be recovered in the Manner herein-after provided.

Fines for
Breach of
such Bye
Laws.

CXVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such last-mentioned Bye Laws in all Cases of Prosecution under the same.

Evidence of
Bye Laws.

CXVIII. And for the Purpose of providing as to the Determination of any Dispute authorized or directed by this Act to be settled by Arbitration, be it enacted, That within Fourteen Days after any such Dispute shall have arisen each Party shall in Writing nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after such Appointments shall have been made neither Party shall have Power to revoke any such Appointment without the Consent of the other; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been made from the other Party to appoint an Arbitrator, either Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute; and in such Case the Award or Determination of such single Arbitrator shall be final.

Arbitrators
to be ap-
pointed
within Four-
teen Days
after
Dispute.

CXIX. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Vacancy of
Arbitrators
to be sup-
plied.

Appoint-
ment of
Umpire.

CXX. And be it enacted, That if within Fourteen Days after their Appointment such Two Arbitrators cannot determine the Matters referred to them they shall nominate and appoint an Umpire, and the Decision of the Majority of such Two Arbitrators and of such Umpire on the Matters so referred shall be final.

Power of
Arbitrators
to call for
Books, &c.

CXXI. And be it enacted, That such Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Service of
Notices upon
the Com-
pany.

CXXII. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity requiring to be served upon the Company, may be served by the same being given personally to the Clerk of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Clerk, or in case there be no Clerk, or the Place of Abode of the Clerk respectively shall not be found, then by being given to any One Director of the Company, or by being delivered to some Inmate of the Place of Abode of any such Director.

Service by
Company on
Share-
holders.

CXXIII. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That, unless any such Notice be expressly required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered in due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Notices by
Advertis-
ment.

CXXIV. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper published and usually circulated in the County of *Southampton*.

Authentica-
tion of
Notices.

CXXV. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director or by the Treasurer or the Clerk of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Releases to
Witnesses.

CXXVI. And be it enacted, That in all legal Proceedings under this Act general or other Releases for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness may be granted by any Two or more of the Directors; and every such Release or Discharge under the Hands and Seals of Two of the Directors shall be

be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

CXXVII. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk or Treasurer, and not of the Company.

Proof of
Debts in
Bankruptcy.

CXXVIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

CXXIX. And be it enacted, That the Company shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (G.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-before contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November One thousand eight hundred and forty-three*, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

Houses, &c.
not to be
taken unless
specified in
Schedule.

CXXX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Company to agree with the Owners of any Lands which they may require for the Purposes of this Act for the absolute Purchase, for a Consideration in Money, of any such Lands or any Part thereof, as the said Company shall think fit, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever.

Power to
purchase
Lands.

CXXXI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that

Parties
under Dis-
ability en-
abled to sell
and convey.

is

is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors, and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, and not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such married Woman as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be in a gross Sum.

CXXXII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

CXXXIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept, and the said Company shall make, Compensation for any Damage by them sustained by reason of being deprived of the Access by Water to and the Water Frontage of such Lands which they do or may now enjoy, or otherwise owing to the Exercise of the Powers of this Act, the Amount of such Compensation to be settled by Arbitration, in case of any Dispute about the same between such Parties and the Company.

Amount of Compensation to be ascertained by Valuation, in case of Parties under Disability.

CXXXIV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except when the same shall have been determined by the Verdict of a Jury under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other

other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

CXXXV. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

CXXXVI. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule (H.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company, to attend the Reversion and Inheritance.

Form of Conveyances.

CXXXVII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Company, be it enacted, That all such Costs shall be borne by the said Company; and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Company may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the said Company enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the said Company the Parties from whom such Lands shall have been so purchased do not deliver a Bill of their Costs to the said Company, then the said Company shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such

Costs of Conveyances.

[Local.]

43 B

Costs,

Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of
Costs.

CXXXVIII. And be it enacted, That the Company and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall have been so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Company, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Company, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase
Money pay-
able to Par-
ties under
Disability,
amounting
to 200*l.*, to
be deposited
in Bank of
England.

CXXXIX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Hythe* Hard Company," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Endorsements thereon, as likewise Endorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and General Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12G.1. c.32.

12G.2. c.24.

Application
of Monies
deposited.

In

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

CXL. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Order for Application.

CXLI. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums from 20*l.* to 200*l.* to be deposited or invested in Trustees.

CXLII. And

Sums not exceeding 20*l.* to be paid to Parties.

CXLII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited,

CXLIII. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the said Company, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Company, it shall be lawful for the Company to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Company can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Company, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Company.

Application of Monies deposited.

CXLIV. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Company, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order the same to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment

CXLV. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for

for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

CXLVI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court, and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession deemed the Owner.

CXLVII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for; and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in Cases of Money deposited.

CXLVIII. And be it enacted, That the said Company shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively

Payment of Price to be made previous to Entry, except to survey, &c.

tively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Company to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners and Occupiers of such Lands.

Penalty on Company entering upon Lands without Consent, before Payment of the Purchase Money.

CXLIX. And be it enacted, That if the Company or any of their Contractors, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Company shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Company shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Company to the Payment of any Penalties as aforesaid if the said Company shall *bonâ fide*, and without Collusion, have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the said Company may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Company's Right.

CL. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Company.

Notice of Intention to take Land.

CLI. And be it enacted, That when the Company shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the said Company, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Company are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized.

CLII. And

CLII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the said Company in respect of his Interest therein; or if such Party and the Company shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Parties interested in Lands to state their Claims.

CLIII. And be it enacted, That where according to the Provisions of this Act the Company are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for the Company to issue their Precept under their Common Seal to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly, and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Proceedings in case of Refusal to deliver Possession of Lands.

CLIV. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to between the Company and the Owners of any Lands or of any Interest in any such Lands taken or required for or injuriously affected by the Execution of the Works by this Act authorized (including among such Owners all Parties by this Act enabled to sell or convey Lands), as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Company to take such Lands, or to proceed in the Execution of the Works by this Act authorized, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of Compensation to be paid by the Company in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Dispute as to Compensation to be settled by a Jury.

CLV: Provided always, and be it enacted, That if any Compensation claimed under the Provisions of this Act shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Claims not exceeding 50% by Two Justices.

CLVI. And

Notice by
Company of
Intention to
have a Jury
summoned.

CLVI. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then One Month at the least before issuing their Warrant for summoning a Jury as herein-after provided, the Company shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Company shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition
by Party
claiming
Compensa-
tion, to
have a Jury
summoned.

CLVII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Company of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Company be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then within Twenty One Days after the Receipt of any such Notice from any Party so entitled they shall issue their Warrant to the Sheriff to summon a Jury accordingly in manner herein mentioned.

Warrant for
summoning
Jury to be
addressed to
the Sheriff.

CLVIII. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Company shall issue their Warrant to the Sheriff under their Common Seal, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, by being a Shareholder of the Company or otherwise, such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate; and if all the Coroners of such County be so interested, such Application may be made to some Person, having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to One who shall have most recently served either of the said Offices.

Provisions
applicable
to Sheriff to
apply to
Coroner.

CLIX. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury where the Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall immediately on receiving Notice of the Delivery of the Warrant deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book belonging to the County where the Lands in question shall be situate.

CLX. And

CLX. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Summoning
of Jurymen.

CLXI. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Impanneling
of Jury.

CLXII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Company to the other Party.

Notice of
Inquiry.

CLXIII. And be it enacted, That the Sheriff shall preside on the said Inquiry; and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Sheriff to
preside.

Witnesses to
be sum-
moned.

CLXIV. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Oath of
Jurymen.

CLXV. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Company, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works by this Act authorized, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Company; and the Sums of Money to

Verdict of
Jury to be
for the Pur-
chase of
Lands and
for Damage,
assessed
separately.

[Local.]

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be

be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Value of
Interests
previously
purchased to
be deducted.

CLXVI. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Company shall be first deducted.

Verdict and
Judgment to
be recorded.

CLXVII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the
Inquiry.

CLXVIII. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Company, all the Costs of such Inquiry shall be borne by the Company; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Company, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Company: Provided always, that in every Case where by reason of the Absence in Foreign Parts or of any Disability the Owner of the Land shall have been prevented from treating with the Company all the Costs shall be borne by the Company.

Particulars
of the Costs.

CLXIX. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any Costs payable by the Company, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same

same may be deducted out of any Money awarded by the Jury to be paid to such Owner, as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

CLXX. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on
Sheriff and
Jury for
Default.

CLXXI. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on
Witnesses
making
default.

CLXXII. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter; and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Reference of
Dispute as
to Compens-
ation to
Justices.

CLXXIII. And be it enacted, That if at any Time after the said Company shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the Company shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Company shall remain in the undisturbed Possession of such Lands,

The Com-
pany em-
powered to
purchase the
Interest in
Lands the
Purchase
whereof may
have been
omitted by
Mistake.

Lands, provided within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Company, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Company shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Party respectively in respect thereof during the Interval between the Entry of the Company thereon and the Time of Payment of such Purchase Money or Compensation by the Company, so far as such mesne Profits or Interests may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Company had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value
of such
Lands to be
estimated.

CLXXIV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest and Profits, without regard to any Improvements or Works made in the said Lands by the Company, and as though such Works had not been constructed.

The Com-
pany to pay
the Costs of
Litigation as
to such
Lands.

CLXXV. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Where Part
only of
Lands under
Lease taken,
the Rent to
be appor-
tioned.

CLXXVI. And with respect to any Lands required for the Purposes of this Act which shall be comprised in a Lease or Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessees of such Lands on the one Part, and the Company on the other Part; and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required

required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act in the same Manner as they would have done in case such Part of the Land only had been included in the Lease.

CLXXVII. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the said Company Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Tenants to be compensated.

CLXXVIII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Company, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Company, or to the Persons appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Company.

Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

CLXXIX. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same.

Compensation to such Tenants.

CLXXX. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Company, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept under their Common Seal to the Sheriff to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff; and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

On Refusal, Sheriff to give Possession.

Production
of Leases.

CLXXXI. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Company may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Company, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and shall be entitled to Compensation accordingly.

Compulsory
Purchase
limited for
Ten Years.

CLXXXII. And be it enacted, That the Powers of the said Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof, nor shall it be lawful for the Company to purchase any Lands by Compulsion, except such as are in the Schedule hereto mentioned.

Capital to be
subscribed
before
Powers for
Purchase of
Lands ex-
ercised.

CLXXXIII. And be it enacted, That before any of such Powers shall be put in force the whole of the said Capital of Four thousand five hundred Pounds shall be subscribed, under Contract, binding the Parties thereto, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed; and a Certificate under the Hands of Two Justices, certifying that the whole of the said Sum has been subscribed, shall be sufficient Evidence thereof; and on the Application of the Company, and on the Production of such Evidence as such Justices shall think proper and sufficient, such Justices shall grant such Certificate accordingly.

Lands not
wanted to
be sold.

CLXXXIV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Common Seal of the Company; and a Receipt under such Common Seal shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not
so sold to
vest in
Owners of
adjoining
Lands.

CLXXXV. And be it enacted, That if the Company do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be
offered to
original or
adjoining
Owners.

CLXXXVI. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made

made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the Company shall think fit.

CLXXXVII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Company, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of
Pre-emption
to be
claimed
within Sixty
Days.

CLXXXVIII. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation, and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Company for the Purposes of this Act.

Difference
as to Price
to be settled
by Valua-
tion.

CLXXXIX. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making of the Landing Place and Works in the said Parish of *Fawley*, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Company shall from Time to Time, until the said Landing Place and Works shall be completed, and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parish by reason of such Lands having been taken or used for the Purposes of the said Landing Place and Works; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Company think fit to redeem such

Land Tax
and Poor's
Rate to be
made good.

Land

Land Tax, he or they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Power to
construct
a Landing
Place or
Hard.

CXC. And be it enacted, That the Company may, subject to the Provisions herein-after mentioned, by their Contractors, Agents, Officers, Workmen, and Servants, make, build, construct, and complete, on and from the Southern Side of the *Southampton Water* in the Parish of *Fawley* aforesaid, or any extra-parochial Place adjoining thereto, upon the Lands delineated upon the Plan and described in the Book of Reference herein-after mentioned, a Landing Place or Hard, with proper and sufficient Floats, Stairs, Cranes, Weighing Machines, Pilings, Excavations, Erections, Reservoirs, Channels, Sluices, and other Works and Conveniences, and with all necessary or convenient Roads, Avenues, and Approaches thereto on the Land Side, as the said Company shall deem requisite or suitable, for the Reception and Accommodation of Ships, Boats, and Vessels, and for the embarking and disembarking, landing, and shipping of Passengers, Carriages, Horses, and all Kinds of Cattle and other Animals, and of Goods, Wares, Merchandize, and Commodities of any Kind, and also from Time to Time may alter and improve the said Landing Place, Hard, and Works as the said Company shall judge fit, and also may erect and make proper and convenient Toll Gates and Houses, for the Collection of the Tolls, Rates, and Duties to be taken under the Authority of this Act, upon or near to the said Landing Place, Hard, and Works; and for the Purposes aforesaid it shall be lawful for the said Company, and their Contractors, Agents, Officers, Workmen, and Servants, to dredge, dig, excavate, remove, and convert to their own Use all such Mud, Gravel, Clay, and other Matter as it may be expedient or necessary to remove for the Construction of the said Landing Place, Hard, and Works, or for the Maintenance thereof and of the Approaches thereto, and for improving the Accommodation of the said Landing Place or Hard, and, subject to the Provisions and Restrictions in this Act contained, to enter upon, take, and use such of the Lands delineated on the said Plan and described in the said Book of Reference as shall be necessary for the Purposes of this Act.

Deposited
Plans to be
open to
Inspection.

CXCI. And whereas Plans and Sections, showing the Line and Situation of the said Landing Place, Works, and Approaches, and also a Book of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, were on the Sixth Day of *December* One thousand eight hundred and forty-three deposited with the Clerk of the Peace for the County of *Southampton*; be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Book of Reference, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to One Shilling for every such Inspection of such Documents, and

One

One Shilling for every Hour every such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

CXCII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or in the said Books of Reference, or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County of *Southampton*, and a Copy thereof with the Clerk of the said Parish of *Fawley*; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerk of the Parish respectively along with the Documents to which they relate; and thereupon such Document, or the Schedule to this Act, shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the said Landing Place and Works in accordance with such Certificate.

Errors and Omissions to be corrected.

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

Copies to be Evidence.

CXCIV. And be it enacted, That when the said Plan of the said Landing Place, Works, and Approaches as now intended to be executed shall have been submitted to and approved by the Lords Commissioners of the Admiralty, a Copy of the said last mentioned Plan so approved shall before the Commencement of any of the said Works be deposited with the said Lords Commissioners in the Office of the Hydrographer of the Admiralty, and signed by the Secretary of the Admiralty; and the said Company, in making the said Landing Place, Works, and Approaches, shall not deviate from the Line or Situation thereof to be defined on the said last-mentioned Plan, without the Consent of the Lords Commissioners of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Plan to be deposited with Admiralty, and Company not to deviate from Plan.

CXCV. 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, to make or begin to make, construct, or carry on any Work below the Line of High-water Mark at ordinary or Spring Tides (other than the Works to be described or implied from the said Plan so approved), 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

No Works to be executed below High-water Mark, other than those defined on Plan.

Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Landing
Place to be
completed in
Ten Years.

CXCVI. And be it enacted, That after the Expiration of Ten Years from the passing of this Act all the Powers hereby given to the said Company for executing the said Landing Place and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Landing Place and Works as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Warehouses
and other
Works.

CXCVII. And be it enacted, That it shall be lawful for the Company, upon the said Lands, and according to the Provisions herein contained, to make, build, alter, and maintain such Warehouses, Storehouses, and other Buildings and Works as they may deem necessary for the Security and Accommodation of any Goods, Merchandize, or Things shipped or unshipped at the Landing Place or other Works made under the Authority of this Act.

Cranes,
Weighing
Machines,
&c.

CXCVIII. And be it enacted, That it shall be lawful for the Company to erect or provide such Cranes, weighing and other Machines, Conveniences, Weights and Measures, upon the Landing Place or other Works made under this Act, as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things shipped or unshipped at the said Landing Place or other Works.

Warping
Buoys to
be placed
opposite
Landing
Place.

43 G. 3. c. 21.

CXCIX. And be it enacted, That it shall be lawful for the said Company to lay down, fix, and maintain in the Shore or Bed of the *Southampton Water*, opposite the Head of the said Landing Place, One or more Warping Buoys, for the Use of Vessels going to or coming from the said Landing Place, but in such Place or Places only, and in such Way, Manner, and Form only, as the Commissioners for the Time being acting under and by virtue of Two Acts passed respectively in the Forty-third and Fiftieth Years of the Reign of His Majesty King *George* the Third, the one intituled *An Act for abolishing certain Dues called Petty Customs, Anchorage and Groundage, and for improving the Port of the Town of Southampton; for making a convenient Dock for the Security of Ships; for extending the Quays and Wharfs, and making Docks and Piers in the Harbour there; and for erecting Warehouses for the safe Custody of Goods and Merchandize; and for imposing certain Duties for the above Purposes,* and the other intituled *An Act for altering and amending an Act made in the Forty-third Year of His present Majesty's Reign, for improving the Port of the Town of Southampton, or their Harbour Master,* shall from Time to Time think fit or proper and approve of, but not otherwise or elsewhere.

50 G. 3.
c. 168.

Tolls on
Vessels
using Land-
ing Place.

CC. And be it enacted, That as soon as the said Landing Place shall be completed, or so far formed that Vessels can conveniently lade and unlade thereat, it shall be lawful for the said Company to demand and receive, for any Vessel which shall arrive at, make fast to, or depart from the said Landing Place and Works, according to the

the Tonnage Burden of such Vessel, any Sum not exceeding the several Tolls specified in the Schedule (K.) to this Act annexed, for each Voyage that such Vessel shall make to or from the said Pier.

CCI. And be it enacted, That a Certificate under the Hand of any Chairman of the Quarter Sessions of the Peace for the County of *Southampton* shall be conclusive Evidence that the said Landing Place is completed, or so far formed that Vessels can conveniently lade or unlade thereat; and any such Chairman shall sign such Certificate, on proper Proof being adduced to him that the said Landing Place is in the State herein-before mentioned.

Certificate of Chairman of Quarter Sessions to be Evidence that said Place is completed.

CCII. Provided always, and be it enacted, That the Voyage of any Vessel for the Purpose of rendering the same liable to the Payment of Tolls under the Provisions herein contained shall comprehend an Arrival at and Departure from the said Landing Place, so that a Vessel paying such Tolls on its Arrival shall not be subject to pay the same Tolls at its Departure, and *vice versa*.

Vessels paying Tolls on Arrival not subject to same Rates on Departure.

CCIII. And be it enacted, That it shall be lawful for the said Company to demand and receive, from the Owner or other the Person having the Control of any Vessel, for any Period that any such Vessel shall make fast to or remain at the said Landing Place, or in any of the Channels or Approaches made by the said Company leading to the same, beyond the Period necessary for the taking in or discharging the Passengers or Cargo of such Vessel, any Sum not exceeding the Sum specified in the Schedule (L.) to this Act annexed, according to the Scale therein specified.

Tolls on Vessels remaining at Landing Place longer than necessary for taking in or discharging Cargo.

CCIV. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

Tonnage of Vessels to be ascertained by the Register, or by Measurement according to 5 & 6 W. 4. c. 56.

CCV. And be it enacted, That it shall be lawful for the Company to demand and receive, for all Goods, Articles, or Things in the Schedule (M.) to this Act annexed which shall be shipped or unshipped, received or delivered from or upon the said Landing Place or Work, any Sum not exceeding the several Tolls in the said Schedule (M.) specified.

Tolls on Goods shipped or unshipped at Landing Place.

CCVI. And be it enacted, That when and so soon as the Landing Place shall be completed, or so far formed that Passengers are able to embark or land from or at the same, every Person who shall land from or embark in any Vessel at or from the Landing Place, and every Person who shall be on or use the Landing Place, shall pay to the

Tolls on Passengers.

the said Company, in respect of every such landing or Embarkation, and of every Time of entering or coming upon the Landing Place, such Sum or Sums as the said Company shall appoint, not exceeding the Sum mentioned in the said Schedule (M.) to this Act annexed, and set down against the Word Passengers in such Schedule.

Exemptions
from Toll.

CCVII. And be it enacted, That no Rate or Duty hereby imposed shall be charged or chargeable for or in respect of any Soldier or Sailor, or other Person employed in Her Majesty's Service, or in the Service of the Admiralty, Navy Board, or Ordnance, or of the Customs, Excise, or Post Office, nor for the Horses, Arms, or Ammunition of them or any of them, nor for or in respect of any Goods, Wares, or Merchandize the Property of the Crown, or which may have been seized under any of the Laws of Customs or Excise, nor any Articles landed or embarked for the public Service; and if any Person or Persons shall claim or take the Benefit of any such Exemption without being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, over and above the Rates and Duties imposed by this Act.

Company
may take
Rates for
Stores,
Cranes, and
Weighing
Machines.

CCVIII. And be it enacted, That it shall be lawful for the Company to demand and take, for the Use of any Warehouse, Store, Shed, or any other Building, or for the Use of any Crane or Weighing Machine erected by the said Company, of and from the Owner or Person having the Charge of any Goods, Articles, or Things, using such Warehouse, Store, Shed, or other Building, or loaded or unloaded, weighed, or measured by means of any such Crane and Weighing Machine, such reasonable Charges respectively as the said Company shall from Time to Time appoint.

Rates on
Foreign
Vessels to
be reduced
where Re-
ciprocity
Treaties
shall be
entered into
with Foreign
Countries.

CCIX. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by 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 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 this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Power to
compound
for Tolls on
Steam
Packets.

CCX. And be it enacted, That it shall be lawful for the said Company, from Time to Time as they shall see convenient, to compound and agree, for any Time not exceeding One Year, to and with the Owners, Consignees, Agents, or Masters of any Steam Vessels using and resorting to the said Landing Place, for the Payment of such Sum or Sums of Money as they may think sufficient or proper for and in lieu of and in full Discharge of the Tolls which would by this Act be payable in respect of such Steam Vessels, or of the Passengers, Live Stock, Goods, and Merchandize conveyed therein, and also to com-
pound

pound and agree, for any Time not exceeding One Year, with any Persons using or frequenting the said Landing Place, for the Tolls which would be payable in respect of such Persons, and their Servants, Carriages, Horses, and personal Luggage; and that such Composition Money shall be recovered, paid, and applied as the Tolls by this Act imposed would be recoverable, payable, and applicable: Provided always, that in case the said Company shall at any Time compound and agree in manner aforesaid with any Owner, Consignee, Agent, or Master of any Steam Vessel, for such Tolls as aforesaid, it shall be lawful for all Owners, Consignees, Agents, or Masters of any other Steam Vessels plying for Hire between the same Places as those for which such Composition and Agreement shall have been made, to compound for the Tolls payable by or in respect of such Steam Vessels, upon the like Terms as any other Owner, Consignee, Agent, or Master of any Steam Vessel shall for the Time being have compounded and agreed under the Power and Authority herein contained; and the said Company are hereby required to accept such Composition as last aforesaid, to the Intent that such Tolls may not be compounded for in favour of any particular Owner, Consignee, Agent, or Master of any Steam Vessel.

CCXI. And be it enacted, That it shall be lawful for Two or more Justices of the Peace for the Division of *Southampton* in the County of *Southampton*, in Petty Sessions assembled, to grant Licences to any Persons to be Watermen of the Landing Place, being first satisfied that such Persons are well qualified for the Purpose, and to deprive any such Waterman of his Licence, as well for such Cause as is herein-after mentioned as for any other Cause which shall appear to them sufficient; and the Watermen having such Licences shall employ themselves at such reasonable Times and in such Manner as shall be directed by the Master of the said Landing Place, in pursuance of the Powers hereby given to him, in conveying Passengers and Goods to and from the said Landing Place, and in attending for that Purpose; and such licensed Watermen shall, at all Times when they shall be employed in seeking or waiting for Employment in carrying Passengers or Goods to or from the said Landing Place, wear a Badge for the Purpose of Distinction, which Badge shall be provided by the Company, and shall be immediately surrendered to the Company by every Waterman if and when he shall cease to be such.

Licensing
Watermen.

CCXII. And be it enacted, That the Fee payable to the Clerk to the said Justices for any Licence to be so granted as aforesaid shall not exceed the Sum of Three Shillings and Sixpence.

Fee for
Licences.

CCXIII. And be it enacted, That the Number of the said licensed Watermen shall be regulated by the Board of Directors; and the Justices who shall license any Waterman as aforesaid shall before doing so be satisfied by Writing under the Hand of one of the Directors that there is a Deficiency in the due Number of Watermen.

Regulating
Number of
Watermen.

CCXIV. And be it enacted, That the Watermen having such Licences as aforesaid shall in all respects conform to the Directions to be from Time to Time given by the Master of the Landing Place in

Watermen
to obey
Master of
Landing
Place.

[Local.]

43 G

pursuance

pursuance of the Powers hereby given to him for that Purpose, and that in case any such Waterman shall wilfully violate any of such Directions he shall, upon Application to Two Justices for the Division aforesaid, be deprived of his Licence.

Penalty on Waterman wearing Badge without being licensed.

CCXV. And be it enacted, That if any Person, not having such a Licence as aforesaid, shall wear such Badge as aforesaid, or any Imitation or Counterfeit of such Badge, for the Purpose of inducing a Belief that he is a licensed Waterman of the Landing Place, or if any Person, on ceasing to be a Waterman of the said Landing Place, shall, on Demand by the Master of the Landing Place, refuse to deliver up his Badge, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Watermen may make fast to Landing Place.

CCXVI. And be it enacted, That it shall be lawful for the Watermen having such Licences as aforesaid to make fast to the Landing Place, and to station in any of the Channels or Approaches to the same, any Vessel kept and used by them for the Purpose of carrying Passengers or Goods for Hire to and from the Landing Place, and to arrive at and depart from the Landing Place in any such Vessel, and to embark or land from or at the Landing Place, and to remain upon and use the same, without being liable to pay any of the Tolls herein mentioned and applicable in such Cases: Provided always, that regular Tolls shall be payable for all Passengers who shall land from or embark in any such Vessel, and for all Goods, Articles, and Things which shall be shipped or unshipped, received or delivered from or upon the said Landing Place or Works into or from any such Vessel.

Tolls to be charged equally.

CCXVII. Provided always, and be it enacted, That (except in the Case of the licensed Watermen herein-before provided for) the several Tolls authorized to be taken by this Act shall at all Times be charged equally and at the same Rate in respect of the same Description of Vessels and Goods.

Recovery of Tolls by Distress of Ship and Tackle.

CCXVIII. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Tolls shall be payable to the said Company shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Company to collect such Tolls to go on board of such Vessel, and demand such Tolls, and on Nonpayment thereof or any Part thereof to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Tolls shall be paid; and in case any of the said Tolls shall remain unpaid for the Space of Fourteen Days next after a Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Tolls so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

CCXIX. And

CCXIX. And be it enacted, That when the Cargo of any Vessel arriving at such Landing Place, or any Part of such Cargo, shall be intended to be unshipped at such Landing Place, the Master or Commander of such Vessel shall, within One Hour after the Arrival of such Vessel at such Landing Place, deliver to the Person for the Time being appointed to collect the said Tolls the following Particulars; (that is to say,)

Masters of Vessels to give Account of Goods intended to be unshipped.

The Name of the Consignee of the Cargo or Part of the Cargo of such Vessel intended to be unshipped at such Landing Place;

And if the whole Cargo of such Vessel shall be intended to be unshipped at such Landing Place, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel;

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds, Weights, and Quantities of the several Goods, Articles, and Things intended to be so unshipped:

And every such Master or Commander shall, if required by the Person appointed to collect the said Tolls, give to such Person Three Hours Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

CCXX. And be it enacted, That any Master or Commander of any Vessel the Cargo or Part of the Cargo of which shall be intended to be unshipped at the said Landing Place, who shall fail to deliver or give any of the Particulars or the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particular or Notice, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Penalty on Masters giving no Account, or a false Account.

CCXXI. And be it enacted, That the Master or Commander of any Vessel on board of which any Goods, Articles, or Things shall be shipped from the said Landing Place shall give to the Person for the Time being appointed by the Company to collect the said Tolls a true Account, if required, of the Kinds, Quantities, and Weights of such Goods, Articles, or Things, before such Vessel shall leave the said Landing Place or Works; and any Master or Commander who shall fail to give such Account, or shall give a false Account of any such Goods, Articles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Master of Vessel to give an Account of Goods intended to be shipped.

Penalty for Neglect.

CCXXII. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed to collect the said Tolls, and the Master or Commander of any Vessel, concerning the Weight or Quantities of any Goods, Articles, or Things in respect of which any Tolls are payable by this Act, it shall be lawful for such Collector to cause all such Goods, Articles, or Things to be weighed or measured, as the Case may require, and, if necessary, to detain the Vessel in which such Goods, Articles, or Things may be, until the same shall have been weighed or measured.

In case of Dispute, Goods to be weighed or measured.

CCXXIII. And be it enacted, That if the Goods, Articles, or Things so weighed or measured shall be of greater Weight or Measure than

Expenses of weighing or measuring Goods.

than shown from the Manifest, Account, or Statement delivered or made by the Master or Commander of the Vessel in which the same may be, the Expences of such weighing or measuring shall be paid to the said Company or their Collector, and shall be recovered by the said Company or their Collector by the same Means as herein provided for the Recovery of Tolls due in respect of such Goods, Articles, and Things; but if such Goods, Articles, and Things shall be of the same or less Weight or Quantity than shown by the Manifest, Account, or Statement so delivered or made as aforesaid, the said Company shall pay all the Expences of such weighing or measuring, and shall also pay to the Master or Commander of the Vessel all Expences which may be occasioned to any such Person by reason of such weighing or measuring.

Tolls on Goods, by whom and when payable.

CCXXIV. And be it enacted, That the Tolls payable to the said Company in respect of any Goods, Articles, or Things shipped or unshipped at the said Landing Place shall be paid as follows; (that is to say,) if such Goods, Articles, or Things shall be shipped, such Tolls shall be paid by the Owner or Consignor of such Goods, Articles, or Things previous to Shipment of the same, if required; or if such Goods, Articles, or Things shall be unshipped, such Tolls shall be paid by the Owner or Consignee of such Goods, either before the Expiration of Two Calendar Months next after the same shall have been unshipped, or previous to the Removal of the same from the said Landing Place, which shall first happen.

Recovery of Tolls on Goods.

CCXXV. And be it enacted, That if Default be made in the Payment of any Tolls payable under this Act in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the said Company to collect such Tolls to distrain any such Goods, Articles, or Things, or if the same shall be removed from the said Landing Place, Warehouses, or Works, to distrain any other Goods, Articles, or Things on the said Landing Place, or in the said Warehouses or Works, belonging to the Person liable to pay such Tolls, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Tolls due to the said Company; or it shall be lawful for the said Company to recover such Tolls by Action in any of the Superior Courts, provided that the Person collecting any such Tolls shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Tolls may enter Vessels.

CCXXVI. And to the end that the Tolls by this Act imposed may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the said Company to collect any such Tolls to enter, either alone or with any other Persons, into any Vessel liable to any of the said Tolls, and to ascertain the Tolls payable in respect of any such Vessel, or of any Goods, Articles, or Things therein.

Penalty on evading

CCXXVII. And be it enacted, That if any Master or Commander of any Vessel, or other Person whatever, shall evade the Payment of any of

of the said Tolls payable to the said Company, he shall pay to them Three Times the Amount of any such Tolls; and the same shall be recovered from such Master or Commander, or Person, in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any of the Superior Courts.

Payment of Tolls.

CCXXVIII. And be it enacted, That in all Cases of Tolls payable under this Act in respect of Vessels propelled by the Power of Steam, and in respect of Goods and Merchandize contained in such Vessels, all such Tolls shall be paid to the Person appointed to collect the said Tolls before the sailing of such Steam Vessel.

As to Tolls payable by Steam Vessels.

CCXXIX. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs at the Port of *Southampton*, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report inwards or outwards for any Vessel liable to the Tolls imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate, under the Hand of the Person appointed to collect such Tolls, that the Tolls payable under this Act in respect of such Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

Collector of Customs may withhold a Discharge to any Vessel until Tolls are paid.

CCXXX. And be it enacted, That all Tolls payable by or in respect of Passengers landing at or embarking from the said Landing Place, shall be paid to the Collector for the Time being, or other Person to be appointed by the said Company for that Purpose; and in case of Refusal or Neglect of Payment of such Tolls or any Part thereof, or any Arrears of such Tolls, on Demand, to any Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said Company or their Collector, or any other Person authorized or deputed by him or them, and all and every such Persons and Person are and is hereby authorized and empowered to take and distrain the Luggage, Goods, Wares, Merchandize, Commodities, Articles, Matters, or Things of such Passengers landing at or embarking from the said Landing Place, and to detain such Luggage, Goods, Wares, Merchandize, Commodities, Articles, Matters, or Things, until Payment of the Amount of all Tolls which at the Time of such Seizure and Distress made shall be due and owing from such Passenger as aforesaid, together with reasonable Charges for such Seizure and Distress; and if the said Tolls, with such reasonable Charges as aforesaid, shall not be paid within Five Days after any Distress so taken as aforesaid, it shall be lawful for the Party taking such Distress to cause the same to be appraised and sold as the Law directs in Cases of Distress for Rent; save and except that every such Sale shall be subject to Duty and the Rules and Regulations of the Acts of Parliament relating to Sales by Auction.

Recovery of Tolls for Passengers.

CCXXXI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Tolls, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the

Disputes concerning Tolls and Distress to be settled by a Justice.

Tolls or the Charges of such Distress (as the Case may be) shall be ascertained by some Justice of the Peace, who upon Application made to him for that Purpose shall determine the Amount of the Tolls that may be due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

List of Tolls
to be set up.

CCXXXII. And be it enacted, That the said Company shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed on the Front of the principal Office of Business of the said Company, and on some conspicuous Part of the said Landing Place, a List of the several Tolls which shall be from Time to Time payable in respect of the said Landing Place; and no such Toll shall be payable during such Time as such Lists shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed and in the State required by this Act.

Tolls on
landing
within cer-
tain Distance
of Hard.

CCXXXIII. And be it enacted, That it shall be lawful for the Company to receive for all Vessels which shall touch the Shore of the *Southampton Water* within the Space of Half a Mile on either Side of the said Landing Place, for the Purpose of shipping or unshipping, receiving or delivering, from or upon the said Shore within such Space as aforesaid, any of the Goods, Articles, or Things mentioned in the said Schedule (M.) to this Act annexed, or for the Purpose of landing or embarking any Person or Persons at or upon the said Shore within such Space as aforesaid, such Tolls as by this Act are authorized to be received by the Company in the Case of such Goods, Articles, or Things being shipped or unshipped, received or delivered from or upon the said Landing Place, or of any Person or Persons landing or embarking at or from the said Landing Place, such Tolls to be paid by the Persons having the Control of the Vessels into or from which such Goods shall be shipped or unshipped, received or delivered, or from or into which such Person or Persons shall be landed or embarked; and it shall be lawful for the Company, for the Purpose of recovering the Tolls which by the Provisions last aforesaid they are authorized to receive, to use and exercise all the Powers and Privileges granted by this Act for the Purpose of enabling them to recover the other Tolls which they are hereby authorized to receive: Provided always, that no Owner or Occupier of any Part of the Land adjoining the said Shore within the Space aforesaid shall be hereby precluded from freely shipping or unshipping, receiving or delivering any Goods, Articles, or Things upon any Part of the said Shore for the Purpose of removing the same from or of conveying and depositing the same to and upon the Land of which he shall be such Owner or Occupier, or from freely landing or embarking any Person or Persons upon or from any Part of the said Shore for the Purpose of going to or departing from the Land of which he shall be such Owner or Occupier, so that no
Hire

Hire or Reward be taken for any such shipping or unshipping, receiving or delivering, landing or embarking, as last aforesaid.

CCXXXIV. And be it enacted, That it shall be lawful for the said Company from Time to Time to appoint such Toll Collectors as they shall think necessary, and at pleasure to remove such Toll Collectors.

Power to appoint Collector of Tolls.

CCXXXV. And be it enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon the said Landing Place for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, Commodities, or other Matters or Things shall have been landed or placed upon the said Landing Place, then and in every such Case it shall be lawful for the said Company, or for the Collector or other Person appointed by them, to demand and levy a Sum not exceeding the Amount of the Tolls authorized to be taken by virtue of this Act, by way of additional Toll, for and in respect of every successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, Commodities, or other Matters or Things shall remain on the said Landing Place.

Additional Tolls for Articles remaining on the Pier above a certain Time.

CCXXXVI. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is on Duty.

Regulations as to Toll Collectors.

CCXXXVII. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

Penalties on Toll Collectors.

If he do not place such Board, and keep the same in its Place during the whole Time he is on Duty :

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board :

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person :

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the said Company made in pursuance thereof :

If, upon the legal Toll being paid or tendered, he do unnecessarily detain or wilfully hinder any Carriage or any Person from passing upon the Landing Place :

If he make use of any scurrilous or abusive Language to any Passenger upon or to any Person lawfully using the Landing Place.

CCXXXVIII. And

Toll Collector to be liable for wrongful Detention of Goods.

CCXXXVIII. And be it enacted, That if at any Time it be made to appear to any Two or more Justices, upon the Complaint of the said Company, that any such Detention and measuring of Goods as herein-before mentioned was without reasonable Grounds, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justices shall issue their Warrant accordingly.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

CCXXXIX. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the said Company, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the said Company in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid, in right of his Appointment as Toll Collector, then, upon Application being made by the said Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the said Company, or any Person appointed by them for that Purpose.

Power to lease Tolls.

CCXL. And be it enacted, That it shall be lawful for the said Company from Time to Time to demise, lease, or set all or any of the Tolls hereby authorized to be taken, or the Use and Occupation of any Quay, Wharf, House, Warehouse, Landing Place, Building, Crane, Machine, or other Convenience, or any or either of them, for any Term or Number of Years at any Time, for such Rent, and under and subject to such Covenants and Provisoos respectively as he or they shall think fit.

Lessees to be deemed Collectors.

CCXLI. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Tolls so let, shall be deemed Collectors of the Tolls so let, and they shall have the same Powers to collect and recover such Tolls, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they had been appointed for that Purpose by the said Company.

Lessees making default to be removed.

CCXLII. And be it enacted, That if any such Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of

of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall become payable, then upon Application made by the Company to a Justice it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building, with the Appurtenances thereto belonging to the Company, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Company, and deliver the same to them or any Person appointed by them for that Purpose.

CCXLIII. And be it enacted, That upon such Possession being obtained it shall be lawful for the Company to determine the Lease (if any) previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or in respect of unperformed or broken Obligations or Conditions on the Lessee's Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Determination thereof, the Company may again let the Tolls to the same or any other Person, or cause them to be collected in the same Manner as if no such former Lease had been made relative thereto.

Power of
reletting
Tolls.

CCXLIV. And be it enacted, That in case any Person shall assault any Collector or Servant of the said Company in the Execution of any of the Powers by this Act granted, or shall pass through any Toll Gates or Bars to be erected or set up on the said Landing Place or its Approaches without having paid the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
assaulting
Persons
employed.

CCXLV. Provided always, and be it enacted, That the said Company, and their Officers, Servants, and Persons employed by them in virtue of this Act, shall have full Power and they are hereby severally authorized, if they shall see Cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters and Things as shall be remaining on the said Landing Place, and all Horses, Cattle, and Live Stock shall be immediately removed and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Tolls hereby authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, Cattle, and Live Stock as aforesaid.

Power to
remove Ar-
ticles from
Landing
Place.

CCXLVI. And be it enacted, That it shall be lawful for the said Company from Time to Time to appoint a Master of the said Landing Place, and at pleasure to remove such Master.

Power to
appoint
Master of
Landing
Place.

CCXLVII. And be it enacted, That it shall be lawful for such Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

Powers of
Master.

For regulating the Time and Manner in which any Vessel shall lie at or alongside of the said Landing Place, and the Position,
[Local.] mooring

mooring or unmooring, placing or removing, of any Vessel alongside the said Landing Place :

For regulating the Manner in which Passengers shall land from or embark in any Vessel, and the Manner in which any Vessel shall take in or discharge a Cargo, or any Part thereof, or shall take in or discharge Ballast at the said Landing Place :

For regulating the Government of any Vessel at or alongside the said Landing Place, and the Use generally of the said Landing Place :

For regulating the Time and Manner of the Employment of the licensed Watermen in conveying Passengers and Goods to and from the Landing Place, and of their Attendance at the Landing Place or elsewhere for that Purpose, and for regulating the Time and Manner at and in which their Vessels shall be moored, unmoored, placed, or removed at or alongside the Landing Place, or the Channels or Approaches thereof.

Penalty on Master exercising Powers unreasonably.

CCXLVIII. And be it enacted, That in case any such Master appointed under this Act shall, without reasonable Cause, exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty on not complying with the Directions of the Master of Landing Place.

CCXLIX. And be it enacted, That the Master or Commander of any Vessel being at the said Landing Place shall regulate such Vessel according to the Directions of the Master of the said Landing Place for the Time being, made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice in Writing signed by the said Landing Place Master of any such Direction served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Ten Pounds.

Power of Master to remove Vessels.

CCL. And be it enacted, That if the Master or Commander of any Vessel, being at the said Landing Place, or within Forty Yards of the said Landing Place, shall not moor, unmoor, place, or remove such Vessel according to the Directions of the Master of the said Landing Place for the Time being, given to the said Master or Commander, it shall be lawful for any such Master of the said Landing Place, when it can be done with Safety to such Vessel, but not otherwise, to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and recovered from any such Master or Commander in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Penalty on Master of Vessel obstructing Master of Landing Place.

CCLI. And be it enacted, That if any Master or Commander of any Vessel lying at the said Landing Place, or within the Distance aforesaid of the said Landing Place, or any Person on board the same, shall hinder the Master of the said Landing Place, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel

Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

CCLII. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened at or to the said Landing Place, or within Forty Yards of the said Landing Place, shall not, upon Demand of the Master of the said Landing Place, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there shall be no Person on board of any such Vessel so moored or fastened it shall be lawful for the Master of the said Landing Place to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Master of the said Landing Place shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel; and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Master may cut Ropes,

CCLIII. And be it enacted, That if any Tar, Pitch, Rosin, Spirituous Liquors, Turpentine, Oil, or combustible Thing, being on the said Landing Place, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose signed by the Master of the Landing Place for the Time being shall have been served on the Owner or Person having the Charge of the same, every such Owner or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds for every Hour such combustible Thing shall remain in any such Place as aforesaid after the Expiration of Two Hours from the Service of the said Notice.

Combustible Matter on Landing Place to be removed.

Penalty.

CCLIV. And be it enacted, That if any such combustible Thing as aforesaid shall remain on the said Landing Place after Daylight the Owner or Person having Charge of the same, or in his Default the said Company, at the Expence of such Owner or Person, shall provide a sufficient Number of Persons to guard the same from One Hour before Sunset to One Hour after Sunrise; and such Expence, if not paid to the said Company, on Demand, shall be ascertained and recovered in the same Manner as Damages for the Recovery of which no special Provision is herein contained are by this Act directed to be ascertained and recovered.

Combustibles to be guarded during the Night.

CCLV. And be it enacted, That every Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds; (that is to say,)

Penalties against Fire.

1.—Every Person who shall boil or heat any Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter in any Vessel lying at the said Landing Place, except in such Place and in such Manner as shall be specially appointed by the Master of the Landing Place for the Time being for that Purpose:

Boiling or heating Pitch, &c.

2.—Every Person who shall, without the Permission of the Master of the Landing Place for the Time being, bring or suffer to remain any

Gunpowder.

any Gunpowder on the said Landing Place, or in any Vessel lying at the same, or within Forty Yards of the said Landing Place.

Penalty on obstructing Passage to Landing Place.

CCLVI. And be it enacted, That if any Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber, shall leave or suffer such Vessel or Float of Timber to remain within Forty Yards of the said Landing Place, so as to obstruct the Passage of any other Vessel to or from the said Landing Place, and shall not immediately upon Notice given of such Obstruction remove the same, so as to make a free Passage for other Vessels, or if any Person shall throw any Gravel, Stone, Rubbish, or Soil of any Kind into the said *Southampton Water* within the Distance aforesaid of the said Landing Place, or upon the said Landing Place, or the Limits thereof, without the Permission of the Master for the Time being of the Landing Place, or shall wilfully extinguish any Lamp, or throw down or injure or displace any Lamp, Lamp Post, or Lamp Iron, on the said Landing Place, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for cutting Ropes.

CCLVII. And be it enacted, That if any Person, other than the Master of the Landing Place in execution of the Powers of this Act, shall wilfully cut, break off, or destroy any Rope or other Thing by which any Vessel lying at the said Landing Place shall be moored or fastened, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Remedies for damaging Landing Place or Works.

CCLVIII. And be it enacted, That in case, through any wilful Act or Negligence of any Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber, any Damage shall be done to the said Landing Place, or to any other Property of the said Company, by means of such Vessel or Float of Timber, such Master, Pilot, or other Person shall, upon Proof of such Offence and Amount of Damage claimed before One or more Justices, forfeit such Sum or Sums of Money not exceeding the Sum of Fifty Pounds as the said Justice or Justices shall determine and adjudge to be the Amount of such Damage; and it shall be lawful for the Justice or Justices before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded by him shall be paid, and, if the same shall not be paid within Seven Days after the taking of such Distress, to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Justices, and all the Charges incurred by the Distress, Detention, and Sale of such Property; and in case any such Information or Complaint shall be dismissed the said Justice or Justices shall have Power to award Costs to be paid to such Master, Pilot, or other Person, and also such a Sum as the said Justice or Justices shall consider a sufficient Compensation for his Loss of Time and Expences, and also for any Loss arising from the Detention of any such Vessel or Float of Timber as aforesaid: Provided always, that

that nothing herein contained shall affect the Right of the Company to proceed for the Recovery of the Amount of any such Damage by Action at Law or otherwise against the Owner or Master or Commander of any such Vessel or Float of Timber where the Amount claimed shall exceed the said Sum of Fifty Pounds.

CCLIX. And be it enacted, That the Owner, Master, or Commander of every Vessel or Float of Timber shall be answerable to the Company for any Damage done by such Vessel or Float of Timber, or any Person employed about the same, to the said Landing Place or other Works or Property of the Company; and all such Damage, in case the Amount claimed in respect thereof shall not exceed Fifty Pounds, shall be ascertained by and be recovered before any Justices; and it shall be lawful for the Master of the said Landing Place for the Time being appointed under this Act to detain any such Vessel until sufficient Security shall have been given for the Amount of the Damage done by the same, or by any Person employed therein.

Owner or
Master of
Vessel an-
swerable for
Servants.

CCLX. And be it enacted, That if the Owner, Master, or Commander of any Vessel or Float of Timber shall make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel or with such Float of Timber, the Person doing such Damage shall repay to the said Owner, Master, or Commander the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage; and the Amount of such Damage, together with the Costs, shall, if such Damage does not exceed Fifty Pounds, be ascertained by and recovered before any Justice.

Owners may
recover
from Ser-
vants.

CCLXI. And be it enacted, That it shall be lawful for any Two or more Justices to appoint such Persons as shall be nominated for that Purpose by the Company to be Special Constables for the said Landing Place, and within the Distance of Half a Mile on either Side thereof; and every Person so appointed shall be sworn in by any such Justices duly to execute the Office of a Constable upon the said Landing Place and within the Limits aforesaid, and when so sworn in shall have the same Powers, Protections, and Privileges upon the said Landing Place and within the Limits aforesaid, and shall be subject to the same Liabilities, as Constables have or are subject to by the Common Law of *England*.

Landing
Place Con-
stables.

CCLXII. And be it enacted, That it shall be lawful for any Two or more Justices to dismiss or suspend any such Constable for Neglect of Duty; and no Person so dismissed or suspended shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as Constable shall cease.

Power of
Justices to
dismiss
Constables.

CCLXIII. And be it enacted, That any Person who shall assault or resist any Constable, or obstruct him in the Execution of any Duty which he is authorized by this Act to perform, or shall aid or incite any Person so to assault or resist, shall for every such Offence forfeit a Sum not exceeding Five Pounds; or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding

Penalty for
assaulting
Constables.

exceeding Three Calendar Months without hard Labour, or Two Calendar Months with hard Labour.

Power to
appoint
Meters and
Weighers.

CCLXIV. And be it enacted, That it shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers on the said Landing Place, and to remove any such Persons at their Pleasure, and to make Regulations for their Government, and to fix reasonable Rates to be paid to such Meters and Weighers for weighing or measuring any Goods, Articles, or Things liable to any of the Rates payable under this Act.

Penalty on
other than a
licensed
Weigher or
Meter, &c.
weighing or
measuring
Goods.

CCLXV. And be it enacted, That if any Person, other than a Meter or Weigher licensed by the Company, or a Meter or Weigher appointed by the Commissioners of Her Majesty's Customs, shall weigh or measure any Goods, Articles, or Things shipped, unshipped, or delivered at the said Landing Place, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and the weighing or Measurement of any such Goods, Articles, or Things by any such Person shall be deemed illegal.

Penalty on
Masters of
Vessels, &c.
employing
others than
licensed
Meters and
Weighers.

CCLXVI. And be it enacted, That if any Master or Commander of any Vessel importing or exporting, or any Owner, Consignor, Consignee, or Person having the Charge of any Goods, Articles, or Things requiring to be weighed or measured at the said Landing Place, shall employ any Person other than a Weigher or Meter licensed by the Company, or appointed by the Commissioners of Her Majesty's Customs, to weigh or measure the same, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Bye Laws.

CCLXVII. And be it enacted, That it shall be lawful for the said Company from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes within the Distance aforesaid, subject as aforesaid; (that is to say,)

Use of
Landing
Places, &c.
Placing and
removing of
Vessels.

For governing or regulating the Use of the Landing Places, Quays, Wharfs, and other Works hereby authorized to be made:
For regulating the placing and removing, and making fast of Vessels lying at or going to or from the said Landing Place, and preventing Obstructions to such Vessels in respect thereof, and for the good Order and Government of all such Vessels:

Loading and
unloading,
&c. of
Goods.

For regulating the shipping, unshipping, landing, warehousing, stowing, depositing, loading, and removing of all Goods, Articles, or Things from, in, or on the said Landing Places, Warehouses, and Premises of the Company:

Persons em-
ployed at
Landing
Place.

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed on or use the said Landing Place and Premises of the said Company:

Prevention
of Damage.

For preventing Damage or Injury to any Vessels, Goods, Articles, or Things at or on the said Landing Place and Premises belonging to the Company:

Constables.

For regulating the Constables of the said Landing Place, and the Times and Manner in which the Constables shall perform their Duties:

For

For regulating the Use of Cranes, Weighing Machines, Weights, and Measures belonging to the Company, and fixing the Charges payable for the Use of the same, and the Duties and Conduct of all Weighers and Meters appointed by them : Use of Cranes, &c.

For regulating the Duties and Conduct of the Carriers employed on the Landing Place, Wharfs, and Premises of the Company, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same : Carriers.

For preventing the smoking of Tobacco and the Commission of any other Nuisance on the said Landing Place and Premises, and generally for regulating the embarking from and on and the Use of the said Landing Place : Nuisances.

And it shall be lawful for the Company, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and have the Common Seal of the Company affixed thereto, and if affecting other Persons than the Officers or Servants of the Company be printed and published as herein provided.

CCLXVIII. And be it enacted, That it shall be lawful for the Company by the Bye Laws so to be made by them to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence : Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid. Enforcing Bye Laws.

CCLXIX. And be it enacted, That no Bye Law which shall be made by the Company under the Authority of this Act, except such as may relate solely to their Officers or Servants, shall be valid or binding, unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Southampton* ; and it shall be incumbent on such Justices, on the Request of the Company, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow the same as they shall think meet : Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers published in the County of *Southampton* One Month at least before the hearing of such Application ; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Company Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection. Bye Laws to be confirmed.

CCLXX. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office on the said Landing Place of the Company ; and it shall be lawful for all Persons, at all reasonable A Copy of proposed Bye Laws to be open to Inspection.

seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication
of Bye Laws.

CCLXXI. And be it enacted, That such Bye Laws, when confirmed, shall be painted on a Board, and hung up, affixed, and continued on the Front or on some conspicuous Part of such principal Office of the Company at the said Landing Place; and such Board shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to
be binding
on all Par-
ties.

CCLXXII. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of
Bye Laws.

CCLXXIII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Common Seal of the Company, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof it shall be sufficient that a painted Board, containing a Copy thereof, was affixed or continued in the Manner by this Act directed; and in case of such Board being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he shall be prosecuted, or that a Board was not affixed or continued to be affixed as required by this Act.

Provision for
Damages
not other-
wise pro-
vided for.

CCLXXIV. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence, or on Nonpayment of the Damages or Charges, in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue his or their Warrant accordingly.

For ascer-
taining Com-
pensation.

CCLXXV. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

CCLXXVI. And

CCLXXVI. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse, to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Justices to
examine
Parties and
Witnesses.

CCLXXVII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justices to be paid by the Company for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid, or either of them, or any other Justice, on Application, shall issue his Warrant accordingly, and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company; and the Justices aforesaid, or either of them, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress
against the
Company.

CCLXXVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Reimburse-
ment of the
Treasurer.

CCLXXIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Company affecting other Persons than the Officers or Servants of the Company, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Publication
of Penalties.

[Local.]

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CCLXXX. And

Defacing
Boards,
used for
Publication
of Bye
Laws.

CCLXXX. And be it enacted, That if any Person pull down or break or deface any Board put up or affixed as required by this Act, for the Purposes of publishing any Bye Law or Penalty or Toll to be taken under this Act, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to
be sum-
marily re-
covered
before One
or more
Justices.

CCLXXXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties
may be
levied by
Distress.

CCLXXXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One Justice shall issue his Warrant of Distress accordingly.

Imprison-
ment in
default of
Distress.

CCLXXXIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give such sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the Justices whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon Return thereof such Insufficiency as aforesaid shall

shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

CCLXXXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Application of Penalties.

CCLXXXV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to be sued for within Six Months.

CCLXXXVI. And be it enacted, That it shall be lawful for any Justice or Justices to summon any Person whom it may be thought necessary to examine as a Witness touching any Matter in question or Offence herein-before made cognizable before a Justice; and if any Person who shall be so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, or any other Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on Witnesses making default.

CCLXXXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient Offenders to be taken into custody.

CCLXXXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (I.) to this Act annexed.

Form of Conviction.

CCLXXXIX. And

Informalities.

CCLXXXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress, how to be levied.

CCXC. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCXCI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons may Appeal to Quarter Sessions on giving Security.

CCXCII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act he may appeal to the General Quarter Sessions for the said County of *Southampton*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCXCIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Not to affect Her Majesty's Ships, &c.

CCXCIV. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessel employed in the Service of Her Majesty, or of the Ordnance, Customs, or Excise, or of Her Majesty's Postmaster General, or to prejudice
or

or derogate from any of the Rights or Privileges, Jurisdiction or Authority of the Corporation of the *Trinity House of Deptford Strond*, or to affect any Right of Fishery.

CCXCV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to affect, prejudice, alter, abridge, lessen, defeat, destroy, or take away any Rights, Estates, Interests, Powers, or Privileges whatsoever now belonging or appertaining to the Commissioners acting under or by virtue of the herein-before mentioned Acts of the Forty-third and Fiftieth Years of the Reign of His said Majesty King *George the Third*, or to any other Person or Persons whomsoever, under and by virtue of the said Acts or either of them, but all such Rights, Estates, Interests, Powers, or Privileges shall remain and continue in as full Force and Effect, and may be exercised and enjoyed by the said Commissioners, and other the Person or Persons entitled thereto, in as full, ample, beneficial, and effectual a Way and Manner, to all Intents, Effects, Constructions, and Purposes whatsoever, as if this Act had not passed, any thing herein contained or to be implied to the contrary thereof in anywise notwithstanding.

Saving the Rights of the Commissioners acting under 43 G. 3. c. 21. and 50 G. 3. c. 168. for improving the Port of Southampton.

CCXCVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions ; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Number.

Words importing the Masculine Gender shall include Females :

Gender.

The Word "Month" shall mean Calendar Month :

Month.

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* :

Superior Courts.

The Word "Oath" shall include Affirmation in case of Quakers or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

Oath.

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

Lands.

The Word "Justices" shall mean any Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise (unless where otherwise expressed), and who shall not be interested in the Matter :

Justice.

The Word "Toll" shall include any Rate or Charge or other Payment payable under this Act, for any Passenger, Animal, Carriage, Goods, Merchandize, Articles, Matters, or Things landing on or embarking from the Pier, or for any Vessel chargeable with Rate, Toll, or Duty :

Toll.

The Expression the "Landing Place" shall mean the Landing Place, Approaches, and other Works by this Act authorized to be made :

Landing Place.

The Expression "the Company" shall mean the Company incorporated by this Act :

Company.

Directors. The Expression, the "Directors and the Clerk" shall mean the Directors and the Clerk of the Company:

Vessel. The Word "Vessel" shall include Ship, Lighter, Vessel, Barge, and Boat propelled by Steam or otherwise:

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF CERTIFICATE OF SHARE.

The Hythe Hard Company.

Number

THIS is to certify That *A. B.* of _____ is the
 Proprietor of the Share Number _____ of the Hythe
 Hard Company, subject to the Regulations of the said Company.
 Given under the Common Seal of the said Company, the
 Day of _____ in the Year of our Lord _____

SCHEDULE (B.)

FORM OF TRANSFER OF SHARE.

I _____ of _____ in consideration of the Sum of _____
 paid to me by _____ of _____ do
 hereby transfer to the said _____ Share or Shares
 numbered _____ in the Undertaking called the Hythe
 Hard Company, to hold unto the said _____ his
 Executors, Administrators, and Assigns [*or* Successors and Assigns],
 subject to the several Conditions on which I held the same at the
 Time of the Execution hereof; and I the said _____
 do hereby agree to take the said Share or Shares, subject to the same
 Conditions. As witness our Hands and Seals, the
 Day of _____

SCHEDULE (C.)

FORM OF MORTGAGE DEED.

The Hythe Hard Company.

Mortgage, Number

£

BY virtue of an Act passed, &c., intituled &c., we, the Hythe Hard Company, in consideration of the Sum of
 paid to us by *A. B.* of do assign unto the
 said *A. B.*, his Executors, Administrators, and Assigns, the said
 Undertaking [and (*in case such Loan shall be in anticipation of
 the Capital authorized to be raised*) all future Calls on Share-
 holders], and all the Tolls and Sums of Money arising by virtue of
 the said Act, and all the Estate, Right, Title, and Interest of the
 Company in the same, to hold unto the said *A. B.*, his Executors,
 Administrators, and Assigns, until the said Sum of
 Pounds, together with Interest for the same at the Rate of
 for every One hundred Pounds by the Year, be satisfied. [The Prin-
 cipal Sum to be repaid at the End of Years from the Date
 hereof (*in case any Period be agreed upon for that Purpose.*)]
 Given under our Common Seal, this Day of
 in the Year of our Lord

SCHEDULE (D.)

FORM OF BOND.

The Hythe Hard Company.

Bond, Number

BY virtue of an Act passed, &c., intituled, &c., we, the Hythe Hard
 Company, in consideration of the Sum of Pounds
 to us in hand paid by *A. B.* of do
 bind ourselves and our Successors unto the said *A. B.*, his Executors,
 Administrators, and Assigns, in the penal Sum of Pounds.
 The Condition of the above Obligation is such, that if the said
 Company shall pay to the said *A. B.*, his Executors, Admini-
 strators, or Assigns, on the Day of
 which will be in the Year the Principal Sum
 of Pounds, together with Interest for the
 same at the Rate of per Centum per Annum, payable
 half-yearly on the Day of and
 Day of then the above written
 Obligation is to become void, otherwise to remain in full Force.
 Given under our Common Seal, this Day of
 One thousand eight hundred and

SCHEDULE (E.)

FORM OF TRANSFER OF MORTGAGE OR BOND.

I *A. B.* of _____ in consideration of the
 Sum of _____ paid to me by *G. H.* of
 _____ do hereby transfer to the said *G. H.*
 his Executors, Administrators, and Assigns a certain Bond [*or*
 Mortgage] Number _____ made by the Hythe Hard Com-
 pany to _____ bearing Date the
 Day of _____ for securing the Sum of
 _____ Pounds, and Interest [*or, if such Transfer be by En-*
dorsement, the within Security], and all my Right, Estate, and In-
 terest in and to the Money thereby secured [*and if the Transfer be*
of a Mortgage, and in and to the Tolls, Money, and Property thereby
assigned].

In witness whereof I have hereunto set my Hand and Seal, this
 _____ Day of _____ One thousand eight
 hundred and _____

SCHEDULE (F.)

FORM OF PROXY.

A. B. of _____ One of the Proprietors of the Hythe
 Hard Company, doth hereby appoint *C. D.* of _____ to
 be the Proxy of the said *A. B.*, in his Absence to vote in his Name
 upon any Matter relating to the Undertaking proposed at the
 Meeting of the Proprietors of the said Company to be held on
 the _____ Day of _____ next, in such Manner
 as he the said *C. D.* doth think proper.

In witness whereof the said *A. B.* hath hereunto set his Hand [*or,*
if a Corporation, say, the Common Seal of the Corporation], the
 _____ Day of _____ One thousand eight hundred
 and _____

SCHEDULE (G.)

Numbers referring to the Plan.	Owners Names.	Lessees Names.	Occupiers Names.	Description of Property.
<i>Tything or Hamlet of Hythe in the Parish of Fawley in the County of Southampton, or extra-parochial.</i>				
1	Andrew Robert Drummond, Esquire, as Lord of the Manors of Cadland and Fawley, or one of them, and as Owner of the adjoining Lands.	-	The Inhabitants of Hythe and the Public.	The present Hard, Causeway, or Landing Place of the said Tything or Hamlet of Hythe abutting upon the Southampton Water.
2	Andrew Robert Drummond, Esquire, as Lord of the Manors of Cadland and Fawley, or one of them, and as Owner of the adjoining Lands.	-	-	Mudland situate between High and Low Water Marks.
3	Andrew Robert Drummond -	Charles Bishop	Charles Bishop	Pasture or Waste Land.
5	Mary Witt and Elizabeth Witt	-	Themselves, and Richard Penkivil.	Pasture or Waste Land.
6	Andrew Robert Drummond -	-	John Bartlett and the Widow Stroud.	Cottages and Gardens.
7	Andrew Robert Drummond, as above, Mary Witt and Elizabeth Witt, Benjamin Gird, and James Bracher. -	-	-	Reservoir and Mudland in connection with the present Hard.
8	Benjamin Gird -	-	Benjamin Gird	Houses and Garden.

SCHEDULE (H.)

FORM OF CONVEYANCE.

I the Sum of _____ of _____ in consideration of _____ paid to me [or to *A. B.* of _____ and *C. D.* of _____

Two Trustees appointed to receive the same], pursuant to an Act passed, &c., intituled, &c., by the Hythe Hard Company, incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act.

In witness whereof I have hereunto set my Hand and Seal, the
Day of _____ in the Year of our Lord _____

SCHEDULE (I.)

FORM OF CONVICTION.

to-wit. } BE it remembered, That on the _____ Day
of _____ in the Year of our Lord _____
One thousand eight hundred and _____ *A. B.* is con-
victed before me *C. D.*, One of Her Majesty's Justices of the Peace
for the County of _____ [*here describe the Offence*
generally, and the Time and Place when and where committed], con-
trary to an Act passed, &c., intituled, &c.

Given under my Hand and Seal, the Day and Year first above written.

SCHEDULE (K.)

Of Tonnage Dues.

	Per Ton.		
	£	s.	d.
For every Ship, Barge, Boat, or Vessel, excepting Steam Vessels, exceeding Ten Tons Burden, and not paying the Composition herein-after mentioned, (not being a Yacht, or kept for Pleasure,) coming from or going to any Port or Place in Great Britain or Ireland	0	0	1
For every such Ship, Boat, or Vessel as last mentioned, coming from or going to any Foreign Port or Place	0	0	2
For every Steam Vessel or Steam Boat	0	0	1
All Vessels performing more than One Voyage in a Day shall be charged only for One Voyage on such Day.			
For Yachts and Vessels kept for Pleasure, at per Month	0	0	3
Or, at the Option of the Owner of the same, per Annum	0	1	0
For Barges and Lighters, Fifteen Shillings per Annum.			
Or, at the Option of the Owner of the same, at per Month			
Four Shillings:			
Or, at the Option of the Owner of the same, at per Voyage per Ton	0	0	1

SCHEDULE (L.)

Of Tolls on Vessels.

For any Time any Vessel shall make fast to or remain at the said Pier beyond the Period necessary for taking in or discharging the Cargo of such Vessel, not exceeding One Hour, per Ton	0	0	0½
Exceeding One Hour and not exceeding Two Hours, per Ton	0	0	1
Two Hours — Three —	0	0	1½
Three — Four —	0	0	2
Four — Five —	0	0	2½
Five — Six —	0	0	3
Six — Twelve —	0	0	4
And for any further Time such Vessel shall remain, a further Sum at and after the Rate of 4d. per Ton for every Twelve Hours.			
For every other Vessel, for any Time it shall remain not exceeding Twenty-four Hours, the Sum of 1s. per Ton.			
And for any further Time, after the Rate of 1s. per Ton for every Twenty-four Hours.			

SCHEDULE (M.)

	£	s.	d.
For every Passenger and Person who shall land on or embark from the said Landing Place, or any Quay or Wharf to be erected in pursuance of this Act, for each and every Time	0	0	1
N. B. Each Passenger is allowed to take Packages, being his or her Property, not exceeding together 50lb., free of Toll.			
For every other Box, Trunk, Bale, Bag, Basket, or Parcel of Passenger's Luggage	0	0	1
For every Person who shall use the said Landing Place, Wharf, or Quays for the Purpose of walking for Exercise, Pleasure, or otherwise	0	0	1
For every Four-wheeled Carriage landed on or embarked from the said Landing Place, or any Quay or Wharf to be erected in pursuance of this Act, if constructed for drawing by Two Horses	0	3	6
If constructed for drawing by One Horse	0	1	6
For every Two-wheeled Ditto	0	1	0
For every Quarter of Wheat, Oats, Rye, Barley, Malt, Beans, Peas, Tares	0	0	1
Bacon, Pork, or Hams, under Half a Cwt.	0	0	0½
Above Half a Cwt.	0	0	1
And so on in proportion.			
Barley Meal, per Sack	0	0	0½
Battens, Petersburg, per Hundred	0	0	3
Boards or Battens, close, per Hundred	0	0	2
Billiard Table	0	1	3
Boat	0	0	6
Bedstead, Mahogany	0	0	3
Every other	0	0	1½
Bricks, Fire, per Thousand	0	0	5
Building, per Thousand	0	0	4
Bale, every Box, Truss, Trunk, Case, Chest, Bundle, Basket, or Parcel containing Goods not enumerated in Schedule,			
Under Half a Cwt.	0	0	0½
Above Half a Cwt.	0	0	1
Above One Cwt. 1½d. and so on upwards.			
Cart, each	0	0	6
Corpses, each	0	5	0
Cows, each	0	0	3
Calves, each	0	0	1½
Chalk, per Ton	0	0	1
Coals, Culm, Splint, Coke, or Cinder, per Ton	0	0	2
Deals, per Load, containing Fifty Cubic Feet	0	0	6
Dung, per Ton	0	0	1
Dogs, each	0	0	1
Donkeys, each	0	0	1
Flour, per Sack of Five Bushels	0	0	1
per Barrel	0	0	1
Faggots, per Hundred	0	0	2
Fire Wood, per Cord	0	0	1½
Hay, per Ton	0	0	6
Hops, per Bag	0	0	3
per Pocket	0	0	2

	£	s.	d.
Household Goods, per Waggon Load	0	2	6
per Cart Load	0	1	3
Horses, each	0	0	6
Hoops, per Bundle	0	0	0½
Hurdles, per Hundred	0	0	6
Hides, raw or tanned, each	0	0	0½
Laths, per Five Bundles or less	0	0	0½
Lath Wood, per Fathom	0	0	2
Lead, per Cwt.	0	0	2
Lime, per Ton	0	0	3
Lambs or Sheep	0	0	0½
Mahogany, in Logs or Planks, per Foot Cube	0	0	2
Malt, per Quarter	0	0	1
Marble, per Cwt.	0	0	2
Oak or Elm Planks, per Load, containing 30 Cubic Feet	0	0	3
Oxen, each	0	0	3
Potatoes, per Bushel	0	0	0½
Posts and Rails, per Dozen	0	0	2
Pianofortes, each	0	2	6
Pitch and Tar, per Barrel	0	0	1
per Half Barrel	0	0	0½
Peas, per Quarter	0	0	1
split, per Sack	0	0	1
Pigs, each	0	0	1
Pictures, each	0	0	2
Straw, per Ton	0	0	2
Sofas, each	0	0	3
Stone, per Ton	0	0	1
Paving, per Cwt.	0	0	2
Slates, per Ton	0	0	2
And if less than a Ton by per Cwt.	0	0	3
Seed, per Cwt.	0	0	0½
Skins, Goat, Dog, Calf, Sheep, or Lamb, each	0	0	0¼
Shovels, per Dozen	0	0	1
Sand, per Ton (or Gravel)	0	0	2
And if less than a Ton by per Cwt.	0	0	3
Tea, per Quarter Chest	0	0	1
And so on in proportion for any greater or less Quantity than a Half Chest.			
Timber, per Load, containing 50 Cubic Feet	0	0	6
Tables, Dining, and other, per Set	0	0	6
Tables, each	0	0	1
Tombstones, each	0	0	6
Marble	0	3	0
Tiles, per Thousand	0	0	3
Turtle, each	0	2	6
Wool, Yarn, or Cotton, per Cwt.	0	0	2
Wine (not British), Sweet Oil, or Spirits, contained in any Butt, Pipe, Puncheon, or Piece, or any Cask whatsoever.			
per Butt	0	1	0
per Hogshead	0	0	8
per Half Hogshead or less	0	0	4
Wine, bottled, in Hampers and Cases, per Dozen Bottles	0	0	1
or Vinegar (British), per Gallon	0	0	0½
Whitening, per Hogshead	0	0	3
Small Casks in proportion.			
Wood, per Fathom	0	0	1

[Local.]

	£	s.	d.
Witheys, per 10 Bundles	0	0	2
Wainscot Logs, per Cwt.	0	0	4
All Goods and Packages, Articles and Things, which are most usually or may be most conveniently or fairly measured by Weight, not enumerated in this Schedule, to pay at the Rate of,			
if less than a Cwt.	0	0	1
If One Cwt. and less than Two Cwt.	0	0	2
If Two Cwt. and less than Three Cwt.	0	0	3
If Three Cwt. and less than Four Cwt.	0	0	5
And so upwards.			
All Goods and Packages, Articles and Things, which are most usually or may be most conveniently or fairly measured by superficial Extent, not enumerated in this Schedule, to pay at the Rate of,			
If less than One Cubic Foot	0	0	0½
If One Cubic Foot and less than Two	0	0	1
If Two Cubic Feet and less than Three	0	0	1½
If Four Cubic Feet and less than Five	0	0	2
And so upwards.			
All Live Animals not enumerated in this Schedule to pay each	0	0	1

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