

[20 & 21 GEO. 5.] *Southampton County* [Ch. clx.]
Council (Bursledon Bridge) Act, 1930.



CHAPTER clx.

An Act to provide for the transfer to the county council of the administrative county of Southampton of the undertaking of the Company of Proprietors of Bursledon Bridge and Roads and for other purposes. A.D. 1930.
[1st August 1930.]

WHEREAS the Company of Proprietors of Bursledon Bridge and Roads (hereinafter referred to as "the Company") were incorporated by the Act 37 George III chapter cxxxi and in pursuance of the powers conferred upon them by that Act and by the Act 41 George III chapter lv have constructed a bridge across the river Hamble and certain roads leading thereto from Bitterne Southampton and Park Gate Sarisbury respectively and take tolls in respect of the use of the said bridge and roads :

And whereas the said bridge and the road leading thereto from Park Gate Sarisbury and part of the road leading thereto from Bitterne Southampton are situate in the administrative county of Southampton (in this Act referred to as "the county") and the remainder of such last-mentioned road is situate in the county borough of Southampton :

And whereas it is expedient that provision should be made for the transfer to the county council of the administrative county of Southampton (hereinafter

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A.D. 1930. — referred to as “the Council”) of the undertaking of the Company authorised by the said Acts and that the provisions contained in this Act with reference thereto should be enacted:

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

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

And whereas in relation to the promotion of the Bill for this Act the Council have complied with the requirements of the Borough Funds Act 1872 so far as that Act applies to county councils under the provisions of the Local Government Act 1888 as extended by the County Councils (Bills in Parliament) Act 1903:

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

Short title.

1. This Act may be cited as the Southampton County Council (Bursledon Bridge) Act 1930.

Interpretation.

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

“The Council” means the county council of the administrative county of Southampton;

“The Bursledon Acts” means the Acts 37 George III chapter cxxxi and 41 George III chapter lv;

“The Company” means the Company of Proprietors of Bursledon Bridge and Roads;

“The day of transfer” means the date of any such payment or tender as is referred to in the section of this Act of which the marginal note is “Transfer of Bursledon undertaking to Council”;

“The Bursledon undertaking” means the undertaking of the Company authorised by the Bursledon Acts and as existing at the day of transfer and includes their bridge and roads and all lands property rights powers privileges exemptions and interests of every description

vested in or exerciseable or enjoyed by the Company under or by virtue of the Bursledon Acts or exercised or enjoyed by them as the owners of or in connection with their bridge and roads howsoever the same may have been acquired or are held used exercised or enjoyed but does not include any stocks funds or securities in which on the day of transfer the reserve fund of the Company is invested nor any cash of the Company in hand or at any bank on that day nor such of the minute books books of account and other books and papers belonging to the Company as may properly be required by them for the purposes of the winding up and dissolution of the Company;

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“The county fund” means the county fund of the administrative county of Southampton;

“Directors” means members of the committee of the proprietors of the Company appointed pursuant to the Act 37 George III chapter cxxxi;

“Shareholders” or “holders of shares” means proprietors of the Company;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

3. The Company shall sell to the Council and the Council shall purchase the Bursledon undertaking for such price or consideration and upon such terms and conditions as may be agreed between the Company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions shall apply as if the Bursledon undertaking were land which the Council are authorised to acquire compulsorily;

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undertaking.

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

Transfer of
Bursledon
undertaking
to Council.

4.—(1) Within one month after the date on which the price or consideration for the acquisition of the Bursledon undertaking is agreed or determined by arbitration under the provisions of this Act the Council shall pay or tender to the Company the sum so agreed or determined and upon such payment or tender the Bursledon undertaking shall by virtue of this Act be transferred to and vest in the Council.

(2) A receipt in writing under the corporate seal of the Company for the sum payable to the Company as aforesaid shall for all purposes be a sufficient discharge for the payment thereof.

As to officers
and servants
of Company.

5. On and from the day of transfer every officer or servant employed by the Company shall be transferred to and become an officer of the Council as though such officer or servant had been a road officer within the meaning of section 120 (Transfer of road officers) of the Local Government Act 1929 and the provisions of that section and sections 121 and 126 of that Act so far as they are applicable and the provisions of that Act relating to compensation to existing officers shall apply to every such officer or servant.

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

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

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

Exercise of
Company's
powers
until
transfer.

7. Until the day of transfer the Company shall maintain and carry on the Bursledon undertaking as heretofore in the ordinary course of business but the Company shall not without the previous consent of the

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Council in writing under the hand of the clerk of the Council (a) raise any further capital or borrow money or issue debentures or debenture stock or (b) make or enter into any new contract agreement liability or other obligation in respect of their undertaking which shall extend beyond the day of transfer except so far (if at all) as may be necessary for the purpose of the maintenance and upkeep of the said undertaking or (c) dispose of any capital asset land building or other like property between the date of the ascertainment of the price or consideration for the acquisition of the Bursledon undertaking and the day of transfer.

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8.—(1) All mortgages bonds charges debts and liabilities (if any) upon or affecting the Bursledon undertaking or due from or payable by the Company (otherwise than for outgoings on revenue account) which at the day of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the Council.

Liabilities
to be
defrayed by
Council.

(2) If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is existing against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted or enforced by against or in favour of the Council as and when it might have been continued prosecuted and enforced by against or in favour of the Company if this Act had not been passed.

(3) In arriving at the amount of the price or consideration to be paid for the acquisition of the Bursledon undertaking the arbitrator shall have regard to the liability (if any) of the Council under this section.

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

Contracts
with Com-
pany to be
binding on
Council.

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Books &c.
to remain
evidence.

10. All books and documents which if the transfer by this Act authorised had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Company to
wind up
affairs.

11.—(1) (a) From and after the day of transfer the Company shall continue to exist only for the purpose of receiving and recovering the purchase money payable to the Company in accordance with the provisions of this Act and of winding up the affairs of the Company and carrying into effect the purposes of this Act so far as they relate to the Company and the Company may and they are hereby empowered so to do by resolution duly passed at a special assembly of the shareholders allocate and set aside out of the said purchase money or out of the reserve fund or other funds or assets of the Company such a sum as they may think fit as compensation to the directors for loss of office and such sum shall be paid to and divided among the directors in such proportions as the directors or the majority of them may decide.

(b) The directors who are in office on the day of transfer and the survivor or survivors of them shall continue without re-election to hold the office of directors and they or a majority of them shall have full power and authority to take all necessary steps for carrying into effect the several purposes of this section. If the number of the directors be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

(2) For the purpose of the payment and distribution of the assets of the Company remaining in the hands of the directors the several persons whose names shall appear in the books of the Company at the day of transfer as the holders of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors for the money therein

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expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid. A.D. 1930.
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(3) If the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same or if there is no person who can give an effectual receipt therefor the directors shall pay the said money into the High Court or where the amount does not exceed five hundred pounds into the county court of Southampton holden at Southampton under any Act for the time being in force for the relief of trustees and every such payment into court shall effectually discharge the Company and the directors from all further liability with respect to the money so paid in.

(4) Upon the completion of the duties imposed upon the directors by this section the directors shall deliver to the Council all minute books books of account and other books and papers in their possession and not comprised in the Bursledon undertaking and the same shall thereupon become the property of the Council.

12. When and so soon as the Company shall have completed the winding up of their affairs (as to which a certificate in writing under the hands of any two or more of the directors and the clerk of the Company shall be filed with the clerk of the peace for the county of Southampton and shall be conclusive evidence) the Company shall by virtue of this Act be dissolved and cease to exist. Dissolution of Company.

13. As from the day of transfer the Bursledon Acts (except the provisions thereof relating to the constitution and capital of the Company) shall subject to the provisions of the section of this Act of which the marginal note is "Discontinuance of tolls" apply and have effect as if the Council were referred to therein instead of the Company. Application of Bursledon Acts.

14.—(1) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown Exemption from tolls in case of persons in service of Crown &c.

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A.D. 1930; — or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908.

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

Application
of revenue.

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

First In payment of the working and establishment expenses and the cost of maintenance renewal and repair of the Bursledon undertaking and of the collection recovery and disposal of such tolls;

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

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys so borrowed;

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

be again restored to the prescribed maximum and so from time to time as often as such reduction happens : A.D. 1930.

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

Fifthly In repayment (if the Council think fit) to the county fund of the amount of any deficiency in the revenue of the Bursledon undertaking previously made good out of that fund ;

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

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

16. The Council may at any time after the day of transfer by resolution, determine to discontinue the taking of tolls in respect of the Bursledon undertaking and the Council shall advertise such resolution in a newspaper circulating in the county of Southampton and as from the date named in such resolution for the discontinuance of the taking of tolls the following provisions shall have effect (namely) :— Discontin-
tinuance
of tolls.

- (1) The Bursledon Acts shall cease to have effect except the provisions of the Act 37 George III chapter cxxxi set forth in the schedule to this Act :
- (2) The Bursledon bridge and road leading thereto from Park Gate Sarisbury and so much of the road leading thereto from Bitterne Southampton as is situate in the administrative county of Southampton shall be vested in the Council and respectively be deemed to be a county

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bridge and county roads within the meaning and for the purposes of the Local Government Act 1888 and the Local Government Act 1929 :

- (3) So much of the said road leading to Bursledon bridge from Bitterne Southampton as is situate within the county borough of Southampton shall be a highway repairable by the inhabitants at large within the meaning of the Public Health Act 1875.

Power to borrow.

17.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes set forth in the following table the sums requisite for those respective purposes and all sums so borrowed shall be charged on the county fund and shall be repaid within the periods mentioned in the second column of the said table (that is to say) :—

Purpose.	Period for repayment.
(a) The purchase of the Bursledon undertaking and defraying the costs and expenses incident to such purchase and to the transfer of the undertaking to the Council (other than the costs of this Act).	Sixty years from the date or dates of borrowing.
(b) The payment of the costs charges and expenses of this Act.	Five years from the passing of this Act.

(2) Any money to be borrowed under this Act shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 but the consent of the Minister of Health shall not be required to the borrowing or to the period of repayment of moneys borrowed under this section.

Power to Council to provide money out of county fund.

18. Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to borrow" the Council may if they think fit provide out of the county fund the whole or part of the sums requisite for paying the purchase money or compensation for the acquisition of the Bursledon undertaking and for defraying the costs charges and expenses of and incidental

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to such acquisition and the transfer of the undertaking to the Council and the costs charges and expenses of and incidental to any of the purposes of this Act. A.D. 1930.
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19. The Council and the Company may enter into and carry into effect agreements and arrangements for and with respect to the transfer to the Council of the Bursledon undertaking and any matters incidental thereto and with respect to all or any of the provisions of this Act. Agreements.

20. Within three months or such longer period as the Minister of Transport may from time to time allow from the end of each financial year in which the Council take tolls under the powers of this Act the Council shall furnish to the said Minister accounts showing the amounts of the tolls received by them in that year and of the expenditure incurred in that year in the collection and recovery thereof. Council to furnish accounts to Minister of Transport.

21. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of money to be borrowed for that purpose. Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

PROVISIONS OF THE BURSLEDON ACTS SAVED FROM
REPEAL.

37 George III Chapter CXXXI.

Directions
for building
the bridge.

II. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors and they are hereby required, by themselves, their Agents, Officers, Workmen, Servants or Assistants, by Contract or otherwise, at their own Costs and Charges to build or cause to be built a good and substantial Bridge from the Land or Shore lying in the Parish of Bursledon in the County of Southampton, at or near the Ferry of Bursledon in the said County, over and across Bursledon River, to the opposite Shore at or near the Ferry House in the Parish of Titchfield in the same County, with a proper Ascent or Approach to the said Bridge at each End thereof, and fit and proper for the Passage of Travellers, Cattle and Carriages, and of such Form, Construction, and Dimensions, and of such Materials, as they the said Proprietors shall think proper, with proper Foot or Causeways over the said Bridge, . . . ; and likewise proper Wharfs, Quays, or Landing Places, on the Lands or Grounds on either Side of the said River adjoining or near the said Bridge, for the shipping and landing of Goods, Wares, Merchandise, and other Things, into and out of Ships, Barges, and other Vessels navigating on the said River; and also to erect One or more Warehouse or Warehouses, Weighbeams, and Cranes, for receiving, weighing, and landing the said Goods, Wares, Merchandise, and other Things, with proper Roads to and from the said Wharfs and Warehouses; and to support, maintain, and keep the said Bridge, Ascents or Approaches, Foot or Causeways, . . . Wharfs, Quays, or Landing Places, Warehouses, Weighbeams and Cranes, from Time to Time in good and sufficient Repair: And the said Company of Proprietors are hereby also authorized to cause all such Shelves or other Obstructions in the said River to be removed, and all such Beds of Gravel, Sand, Mud, or other Impediments to be taken away, and the Banks of the said River to be dug and cut in such Manner as they shall judge necessary and proper for erecting and building the said Bridge, and for the Preservation thereof; and from Time to Time to do and cause to be done all other Things necessary and proper for erecting, building, making, repairing, supporting, and maintaining the said Bridge, Ascents or Approaches, Foot or

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 Weighbeams, and Cranes, hereby authorized to be erected, built, —
 and made as aforesaid; and that after the said Bridge shall be built
 and completed as aforesaid, the same shall for ever be and remain
 a Public Bridge

III. And be it further enacted, That neither the said Bridge Bridge and
 when built nor the tolls to be taken thereat nor the said Toll Tolls not to
 Houses, Gates, or Bars to be erected thereat or thereon, with be rated and
 their Appurtenances, nor any or either of them, nor any other the Bridge
 Toll Houses, Gates, or Bars wheresoever to be erected by virtue deemed
 of this Act, with their Appurtenances, nor any or either of them, Extra-
 nor any of the Tolls to be collected, taken, or received at the parochial.
 said Toll Houses, Gates or Bars, or any or either of them, by
 virtue of this Act, nor any Person or Persons whomsoever, for
 or in respect thereof, shall in any wise or Manner be rated or
 assessed for or towards, or be liable to pay any Public or Parish
 Rate, Tax, or Duty whatsoever; and the said Bridge with its
 appurtenances shall be deemed Extra-parochial to all Intents
 and Purposes; any Law or Statute to the contrary
 thereof notwithstanding.

XIV. And be it further enacted, That the said Company of Materials
 Proprietors, or any such Person or Persons as they shall appoint may be got
 for that Purpose, may, and is and are hereby authorized and from Waste
 empowered to search for, cut, dig, gather, take, and carry away Grounds
 any Furze, Heath, Gravel, Chalk, Sand, Stones, Ballast, or without
 other Materials proper for building or repairing the said Bridge, paying for
 or making or repairing the Way over the same or the said Roads the same
 leading thereto, in pursuance of this Act in, upon, and out of or from Private
 or from any Waste Ground or Grounds, River or Brook in any Grounds
 Parish or Parishes near to and adjoining the said Bridge and making
 Roads, or either of them, or in any neighbouring Parish or Place Satisfaction
 without paying or making any Satisfaction for the same, for the
 the said Company of Proprietors, or such Person or Persons em- Damage.
 ployed by them for that purpose, filling up the Pits and levelling
 the Ground from which such Materials shall be so taken, or railing
 or fencing the same, so that such Pits be not dangerous to Passen-
 gers or Cattle; and also in, upon, or out of, and from and over
 the Lands and Grounds of any Person or Persons whomsoever,
 (not being a Yard, Garden, Orchard, Park, Paddock, Wood,
 Coppice, Nursery, or inclosed Ground planted with any Avenue
 of Trees for the Ornament of any House,) such Person or Persons
 having an Order from the said Company of Proprietors for so doing,
 and filling up the Pits and levelling the Ground from which
 such Materials shall be taken, and paying or offering to pay
 to the respective Owners or Occupiers of such Lands or Grounds
 for the Damages they thereby sustain, as the said Company of
 Proprietors shall judge reasonable; and in case of any Difference
 concerning the same, any Two or more Justices of the Peace

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of the County or Place where such Materials shall be so cut, digged, gathered, taken and carried away shall and may, on Fourteen Days Notice thereof to be given by the said Company of Proprietors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, with some or One of his, her, or their respective Families, or by such Owner or Owners, Occupier or Occupiers, to the said Company of Proprietors, or their Clerk for the Time being, hear, settle, and determine the Matters in Dispute, and ascertain what Damages shall be paid, and the Order and Determination of the said Justices shall be final and conclusive to all Parties.

Materials not to be carried out of Private Grounds without giving Notice.

XV. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or any other Person or Persons, under the Authority of this Act, to take and carry away Materials for building, making or repairing the said Bridge and Roads hereby authorized to be built and made, or for other the Works aforesaid, or for any of them, from any Inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County where such Lands are situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Justices shall, if they think meet, authorize the said Company of Proprietors, or such Person or Persons as the said Company shall appoint for that Purpose, to dig, gather, take, and carry away such Materials from such Grounds, at such Time or Times as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Materials may be brought and worked on Waste Lands without Satisfaction and on Private Lands with Satisfaction for Injury done.

XVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, from Time to Time, and at all Times from and after the passing of this Act, at their Will and Pleasure, to bring, place, lay, work, and use any Timber, Stone, Brick, Lime, or other Materials for building and erecting, or for repairing or rebuilding the said Bridge, or to bring, place, and lay any Stones, Gravel, or other Materials for making, repairing, or amending the said Roads, or either of them, or for executing any other of the Purposes of this Act in, upon, through, and over any Common or Waste Ground within Five Hundred Yards of the said Bridge or Roads respectively, without making any Recompence for so doing; and also in, upon, through, and over any Private Lands or Grounds within Five Hundred Yards of the

said Bridge or Roads respectively, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands or Grounds; and that in case of Dispute about the Quantum of such Damage and Satisfaction, the same shall be settled by any Two or more Justices of the Peace for the County wherein the Damage shall be done, and such Justices are hereby authorized and empowered to hear, settle, and determine the same accordingly.

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XVII. And be it further enacted, That in case any Road or Roads now in being shall be continued or made a Part of the said intended Roads, or either of them, and in such Case by virtue of this Act become vested in the said Company of Proprietors, all Persons who by Law are now obliged to do Statute Work on, or are in any wise chargeable with or towards the repairing or amending such Roads now in being, shall still remain liable and chargeable, and do their respective Work on, and repair and amend the said Roads now in being, in such Manner and as fully and amply to all Intents and Purposes whatsoever as such Persons ought to have done before the passing of this Act, and would have continued liable to do; any Thing herein contained to the contrary notwithstanding.

Persons liable to the Repair of Roads to continue so.

LI. And be it further enacted, That if the Person or Persons having the Care of any Float, Raft, Boat, Barge or Vessel, which shall be navigated in or upon the said Bursledon River, shall wilfully, carelessly, or negligently cause, permit, or suffer any Damage or Injury to be done to the said Bridge, or to the said Wharfs, Quays, or Landing Places, or to either of them, or to any Part or Parts of either of them, by any such Float, Raft, Boat, Barge, or Vessel, then and in every such Case the Owner or Owners of every such Float, Raft, Boat, Barge, or Vessel shall be answerable and liable to make full and complete Satisfaction to the said Company of Proprietors for such Damage or Injury, and such Satisfaction shall and may be recovered from the Owner or Owners of such Float, Raft, Boat, Barge, or Vessel, in like Manner as if such Damage or Injury had been occasioned by or through their own Negligence or Carelessness: Provided nevertheless, That no Person or Persons who is or are Owner or Owners of any such Float, Raft, Boat, Barge or Vessel shall be liable to any Action or Prosecution at Law, for any Damage that may accidentally be done by such Float, Raft, Boat, Barge, or Vessel to the said Bridge, or to the said Wharfs, Quays, or Landing Places; any Thing in this Act contained to the contrary notwithstanding.

Damage done to Bridge by Masters of Vessels &c. to be paid for by the Owners.

LII. And be it further enacted, That if the Person or Persons having the Care of any Float, Raft, Boat, Barge or other Vessel which shall be navigated in and upon the said River, or any other Person or Persons shall pass a Line over the said Bridge

Penalty of obstructing Passage of the Bridge or Roads.

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A.D. 1930: — to the Annoyance of Passengers, Carriages, or Cattle going over the same, or if any Person or Persons whomsoever shall place or suffer any Carriage whatsoever to stand or remain on the said Bridge, or in either of the Roads leading to the same, except for the taking up or putting down any Person or Persons, or for the immediate taking up or Delivery of any Goods or Merchandise, or for the Removal of any Filth, Dung, Ashes, or Rubbish, (sufficient Time being allowed to do the same respectively,) or shall moor or fasten any Boat, Barge, Vessel, Float or other Thing to the said Bridge, or any Part or Parts thereof, or shall in any other Manner, or by any Ways, Means, Contrivance, or Device whatever, wilfully obstruct the Passage over or under the said Bridge, or over any Road leading to the same; or if any Person or Persons shall wilfully hurt, damage, injure, or deface the said Bridge, or any of the Works belonging thereto, or the said Toll Houses, Toll Gates, and Toll Bars, or the said Wharfs, Quays, or Landing Places, or any or either of them, or any Part or Parts of any or either of them, or shall at any Time hereafter run, drive, carry, or place on any Footway or Foot Path of the aforesaid Bridge or Roads, or either of them, any Wheel, Wheelbarrow, Handbarrow, or Carriage, or roll any Cask, or lay or place any Timber, Stone, Bricks, Soil, Manure, Rubbish, Dirt, Dust, Ashes, or other Thing thereon, or on the said Wharfs, Quays, or Landing Places, or either of them, or ride, drive, or lead any Horse or other Beast or Cattle on such Footways or Foot Paths, or either of them, or throw, lay, place, or cause any Nuisance or Annoyance whatsoever upon, or cause any Damage to be done to the aforesaid Footways, or any of them; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads or over the said Bridge, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages to drag upon any Part of the said Roads or Bridge to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads or Bridge to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be made or lie upon any Part of the said Roads, with an Iron Cow Rake, or other Instrument with sharp Points, whereby the said Roads, or any Part thereof, shall be damaged; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Sides of any Part of the said Roads or Bridge, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever in any Part of the said Roads, or on the Side or Sides thereof, or on the said Bridge, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon or thereover, and be convicted of any of the

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Offences aforesaid, by the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of Southampton, (which Oath the said Justice or Justices is and are hereby required, upon Application made to him or them for that Purpose, to administer,) every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence, over and above the Value of the Damage or Injury proved on Oath to be done to the said Bridge, or the Works belonging thereto, or any of the said Toll Houses, Gates, or Bars, Wharfs, Quays, or Landing Places, or other the Premises, to be levied by Distress and Sale of the Goods and Chattels of such Offender, [and to] be applied to the purposes of this Act;

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 —

LIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or for their Surveyor or Surveyors, or for such Person or Persons as the said Company shall appoint for that Purpose, to remove and prevent all Annoyances on any Part of the said Bridge and Roads, Wharfs, Quays, and Landing Places, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads to the Prejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, and to take and carry away the same in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances, for the space of Five Days next after Notice in Writing given for that Purpose by the said Company of Proprietors or their Surveyor or Surveyors for the Time being, the Charges thereof (to be settled by any Two Justices of the Peace of the said County of Southampton, and which Charges the said Justices are hereby authorized and required to settle accordingly) shall be reimbursed to the said Company of Proprietors by such Owners or Occupiers, the same to be recovered [in a summary manner] and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds. . . .

Power to
 remove
 Annoyances.

LX.
 Be it therefore enacted, That on Payment to the said Thomas Warner and Isaac Galpine, or the Survivor of them, his Heirs, Executors or Administrators, of the said Price or Sum in the said Articles of Agreement mentioned, the Estate, Right and Interest of the said Thomas Warner and Isaac Galpine, and their Heirs,

For the
 Purchase of
 Bursledon
 Ferry.

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and of all Persons claiming under the said William Galpine deceased, of and in the said Ferry [at Bursledon] and its Appurtenances, shall cease and be for ever determined; and that thereupon the said Estate, Right and Interest of and in the said Ferry at Bursledon; and its Appurtenances, shall immediately vest in and belong to the said Company of Proprietors and their Successors, and shall and may be exercised by them as fully, amply and effectually, to all Intents and Purposes, as the same could or might have been exercised by the said Thomas Warner and Isaac Galpine, or their Heirs, or any Person or Persons whomsoever claiming or to claim under the said William Galpine deceased, if this Act had not been made.

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