



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxx.

An Act for incorporating “The *Lymington* Harbour and Docks Company,” and authorizing them to make and maintain the *Lymington* Harbour and Docks, and a Railway and other Works in connexion therewith ; and for other Purposes.

[23d June 1864.]

WHEREAS the Reclamation from the *Solent Sea* and the *Lymington River* of the Track of Land in that Behalf in this Act specified, and the making and maintaining in the Land so reclaimed of a Harbour and Docks and other Works, and the making and maintaining in connexion therewith of a Railway from the *Lymington* Railway, would be of local and public Advantage: And whereas the several Persons in that Behalf in this Act named, and others, are willing at their own Expense, on their being incorporated with adequate Powers in that Behalf, to carry the Undertaking into effect: And whereas by “The *Lymington* Railway Act, 1856,” the *Lymington* Railway Company (in this Act called “the Railway Company”) were incorporated, and were authorized to make and maintain the *Lymington* Railway, being a Railway from *Lymington* to the *Southampton and Dorchester* Branch of the *London and South-western*

19 & 20 Vict.
c. lxxi.

[Local.]

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Railway

Lymington Harbour and Docks Act, 1864.

Railway Company (in this Act called "the *South-western Company*"), with a Landing Place or Quay at *Lymington* in connexion with the *Lymington Railway*, for the embarking and landing of Passengers, Goods, and other Traffic: And whereas the Queen's most Excellent Majesty is or claims to be seised of the Lands which are now or formerly were below High-water Mark, and which will be affected by the Works authorized by this Act: And whereas it is expedient that Working and Traffic Arrangements between the Company and the Railway Company be authorized: And whereas the *Lymington Railway* is now worked by the *South-western Company* under a Contract with the Railway Company for a Term of Ten Years, whereof about Five Years are unexpired: And whereas Plans and Sections of the several Works by this Act authorized showing the Lines, Situation, and Levels thereof respectively, and the Lands proposed to be taken for the Purposes of this Act, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Southampton*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "*Lymington Harbour and Docks Act, 1864.*"

8 & 9 Vict.
cc. 16., 18.,
& 20.,
10 & 11 Vict.
c. 27.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part One (relating to Cancellation and Surrender of Shares) and Part Three (relating to Debenture Stock) of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part One (relating to the Construction of a Railway) and Part Three (relating to Working Agreements) of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," (save so far as any of the Sections and Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are respectively incorporated with this Act.

Meaning to
Words in in-
corporated
Acts as in
this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts"

or

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or "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have effect as if the Debt or Demand in respect of which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute; and the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders;" and the Expression "the Railway" in the Provisions "with respect to the temporary Occupation of Lands near the Railway during the Construction thereof," and "with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices," of "The Railways Clauses Consolidation Act, 1845," incorporated with this Act, includes for the Purpose of this Act the Harbour and Docks and other Works by this Act authorized; and the Word "Work" in Sections 13, 18, and 19 of Part One of "The Railways Clauses Act, 1863," includes for the Purposes of this Act the Harbour and Docks and other Works by this Act authorized.

4. Captain *Cospatrick Baillie Hamilton* R.N., *William Irving Hare*, *Charles Hotson Ebdon*, Captain *Richard Wilson Pelly* R.N., *William Edgecumbe Rendle*, the Honourable *Gerald Chetwynd Talbot*, *Mashfield Mason*, Captain *George William Towsey* R.N., *George Foster Saint Barbe*, *Francis Walsingham Saint Barbe*, *Richard Sharp*, *Alfred Mew*, *Richard King*, *Isaac Bentley Purchase*, *James Corbin*, *George Inman*, *John Heywood*, *John Clark*, *George Bennett*, *Richard Gibbs*, *John Mitchell*, *Humphrey Stevens*, and all other Persons who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining the *Lymington* Harbour and Docks, and for all other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "the *Lymington* Harbour and Docks Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

The *Lymington* Harbour and Docks Company incorporated.

5. The Capital of the Company shall be Two hundred thousand Pounds in Twenty thousand Shares of Ten Pounds each. Capital.

6. Three Pounds a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of the Share shall be the utmost aggregate Amount of the Calls payable in any One Year on any Share. Calls.

7. It

Lymington Harbour and Docks Act, 1864.

Shares not to be issued until One Fifth paid up.

7. It shall not be lawful for the Company to issue any Share to be created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to borrow on Mortgage.

8. The Company may at any Time and from Time to Time after the passing of this Act borrow on Mortgage any Sum or Sums not exceeding in the whole the Sum of Sixty-six thousand six hundred Pounds, but the Company shall not borrow any Part of that Sum until the whole of the said Capital shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all the said Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Five thousand Pounds.

Application of Monies.

10. All Money raised by the Company under this Act by Shares and by borrowing respectively shall be applied only for the Purposes of this Act.

First and other Meetings.

11. The First Meeting of the Company shall be held within Nine Months after the passing of this Act, and the Ordinary Meetings shall be held in the Months of *February* and *August* in every Year, or in such other Months as the Company from Time to Time in General Meeting resolve.

Quorum for General Meeting.

12. The Quorum of a General Meeting shall be Five Shareholders holding together Shares of the Capital to the nominal Amount of Five thousand Pounds at least.

Number of Directors and Quorum.

13. The Number of Directors shall be not less than Five nor more than Ten, and the Quorum of a Meeting of Directors shall be Three.

14. The

Lymington Harbour and Docks Act, 1864.

14. The Qualification of a Director shall be the Possession in his own Right of Thirty Shares. Qualification of Directors.

15. Captain *Cospatrick Baillie Hamilton* R.N., *William Irving Hare*, *Charles Hotson Ebdon*, Captain *Richard Wilson Pelly* R.N., and *William Edgecumbe Rendle* shall be the First Directors. First Directors.

16. The Directors, or such of them as shall not die or resign or become disqualified to act, shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may continue in Office such of the said Directors as they shall think fit, and may elect new Directors to supply the Places of those not continued in Office: Provided always, that the Directors above appointed shall be eligible as Members of such new Body. Election of Directors at First General Meeting.

17. At the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of those not continued in Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," 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 in manner provided by the said "Companies Clauses Consolidation Act, 1845." Subsequent Election of Directors.

18. The Newspaper for Advertisements relating to the Affairs of the Company shall be any Newspaper published in the County of *Southampton*. Newspaper for Advertisements.

19. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, including the *Lymington Bridge* and the Lands held in connexion therewith, as they think requisite for any of the Purposes of this Act. Power to Company to take Lands shown on deposited Plans.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years after the passing of this Act. Powers for compulsory Purchases limited.

21. For the Purposes of this Act the Company from Time to Time may purchase by Agreement, and in addition to the Lands which they are by this Act authorized to take compulsorily, any Quantity of Land not exceeding Twelve Acres which they deem it expedient for any of those Purposes to acquire and use. Purchase of Lands by Agreement.

[Local.]

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22. For

Lymington Harbour and Docks Act, 1864.

Purchase of Easements by Agreement.

22. For the Purposes of this Act the Company from Time to Time may purchase or otherwise acquire, but only by Agreement, any Easements, Rights, or Interests in, over, or affecting any Lands adjoining or near to any Lands which they are by this Act authorized to purchase, and which they deem it expedient for any of those Purposes to acquire and use.

Land vested in Company for Purposes of Act.

23. All Lands, Easements, Rights, and Privileges from Time to Time acquired by the Company under this Act, including all Lands reclaimed under this Act from the *Solent Sea* or the *Lymington River*, when purchased by the Company, but not before, shall for the Estates, Terms, or Interests therein so acquired by the Company be vested in them as their absolute Property for the Purposes but subject to the Provisions of this Act, and for all the Purposes of this Act the same shall be deemed to be Part of the Harbour and Docks.

Power to Company to appropriate Land for the Purposes of this Act.

24. The Company from Time to Time after the Purchase thereof by them, but not before, may appropriate for the several Purposes of this Act and other the Purposes of the Company the Lands which in the Execution of the several Works by this Act authorized are from Time to Time reclaimed from the *Solent Sea* and the *Lymington River* respectively, or which the Company otherwise acquire.

Power to Company to dispose of Lands.

25. The Company from Time to Time may lease, mortgage, charge, exchange, sell, or otherwise dispose of for their own Benefit such of the Lands from Time to Time acquired by them under this Act as they do not require for the Purposes of this Act, or any Parts thereof, at such Times, to such Persons, for such Purposes, and on such Terms and Conditions as the Company think fit.

Power for the Company to make and maintain Works authorized by Act.

26. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may make and maintain the several Works by this Act authorized in the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, and so far as the Lines, Situation, and Levels thereof are shown on the deposited Plans and Sections may make and maintain the same in accordance with the Lines and Situation shown on the deposited Plans, and the Levels shown on the deposited Sections.

Works authorized by Act.

27. The Works by this Act authorized comprise the following Works, and all proper and sufficient and incidental Works and Conveniences connected therewith ; (that is to say,)

(A.) The reclaiming from the *Solent Sea* and the *Lymington River* and the Bed and Shore of the same respectively, situate in and adjoining to the Parishes of *Lymington* and *Milford*, of
Land

Lymington Harbour and Docks Act, 1864.

Land bounded Eastwardly by the *Lymington River*, Southwardly by the *Solent Sea*, Westwardly by the Creek in the Northern Bank of the *Solent Sea* known as *Pennington Lake*, and Northwardly by Lands of *George Inman*, *Thomas Inman*, *William Dixon*, *Thomas Beckley*, or the Representative of *John Beckley* deceased, *John Granville Beaumont Pulteney*, *John Mitchell*, and *Samuel St. Barbe*, or some or One of them :

(B.) The making and maintaining in or upon the Land so to be reclaimed, or some Parts thereof, of a Harbour and One or more Dock or Docks and other Works :

(C.) The making and maintaining of a Railway wholly in the Parish of *Lymington*, commencing from and out of the *Lymington Railway* at or near to and on the Southern Side of the Road leading to *Lymington Bridge*, and terminating at the intended Docks :

(D.) The making and maintaining of all such Walls, Embankments, Tidal Basins, Floating Docks, Dry Docks, Timber Ponds, Graving Docks, Gridirons, Saucers, Locks, Gates, Bridges, Arches, Landing Places, Quays, Jetties, Piers, Railways, Tramways, Approaches, Cuts, Roads, Wharfs, Sheds, Depôts, Timber Yards, Warehouses, Reservoirs, Aqueducts, Sluices, Sewers, and other Works and Conveniences as the Company from Time to Time find convenient in the making and maintaining of the several Works by this Act authorized :

All which Works will be made and executed in *Lymington*, *Milford*, and *Boldre*, in the County of *Southampton*, or some of them ;

(E.) The diverting into and impounding in the Harbour and Docks and other Works by this Act authorized Waters of the *Solent Sea* and *Lymington River*.

28. Provided always, That nothing in this Act contained shall authorize the Company to enter upon, take, or use any Land of or to which *Sir George Burrard* Baronet is solely entitled for any Estate or Interest whatsoever without his previous Consent in Writing.

Saving Rights of *Sir George Burrard*.

29. The Communication between the Railway and the *Lymington Railway* which is now in the Occupation of, and worked exclusively by, the *South-western Company*, and all Openings in the Rails of that Railway, and all Works at and near the Junction hereby authorized with that Railway which may be made for the Reception, Accommodation, and Delivery of the Traffic of the Company, whether on the Land of the Company or on the Land of the Railway Company in the Occupation of the *South-western Company*, shall be made by the *South-western Company* so long as they shall continue to occupy and work the Railway, and afterwards by the *Lymington Railway Company*, at the sole Expense of the Company, and except only so far as the

Communication to be made by *South-western Railway Company*.

Lymington Harbour and Docks Act, 1864.

the Company and the *South-western* Company, or the Company and the Railway Company, as the Case may be, otherwise agree, or according to the Terms and Conditions from Time to Time agreed on between the Company and the *South-western* Company, or the Company and the Railway Company, as the Case may be, the same shall be maintained and kept in good Repair by the *South-western* Company or the Railway Company, as the Case may be, at the Expense of the Company; and all such Communications, Openings, and Works shall be made and maintained in such Manner and by such Means only as shall not in anywise injure or prejudice the *Lymington* Railway, or the Works or Property thereof, or the free and uninterrupted Use thereof by the *South-western* Company or the Railway Company, as the Case may be, or interfere with the Traffic thereon: Provided always, that unless the Company and the *South-western* Company, or the Company and the Railway Company, as the Case may be, otherwise agree, the Junction of the Railway with the *Lymington* Railway, instead of being made immediately with that Railway, shall be made directly with a proper and convenient Siding or Side Line to be from Time to Time formed and maintained for the Purpose by the *South-western* Company or the Railway Company, as the Case may be, on the Lands of the Company, or on the Lands of the Railway Company, and between which Side Line and the Main Line of the *Lymington* Railway there shall be a Junction affording a sufficient Communication between that Siding and that Main Line of Railway: Provided also, that if the *South-western* Company or the Railway Company, as the Case may be, shall, for carrying this Enactment into effect, require of the Company that the Works in this Section mentioned or referred to shall be executed in a Manner or according to a Plan not approved by the Company, the Company may require that the same shall be executed in such Manner and according to such Plan as consistently with the Terms and Conditions in this Section mentioned shall be approved by an Engineer to be appointed at the Instance either of the Company or of the *South-western* Company or of the Railway Company, as the Case may be, by the President of the Institution of Civil Engineers.

Lateral and Vertical Deviations.

30. The Company in the Execution of the Works by this Act authorized may deviate laterally from the Lines of the Works shown on the deposited Plans within the Limits of Deviation shown thereon, and may deviate vertically from the Levels of the Works shown on the deposited Sections to any Extent not exceeding with respect to the Railway the vertical Deviation allowed by "The Railways Clauses Act, 1863," and with respect to any other Works, Five Feet.

Harbour and Docks to be within Port of Lymington.

31. The Harbour and Docks shall be deemed to be situate within and to form Part of the Port of *Lymington*.

32. The

Lymington Harbour and Docks Act, 1864.

32. The Works by this Act authorized and shown on the deposited Plans shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for
Completion
of Works.

33. Notwithstanding the Expiration of the Periods by this Act limited for the Completion of Works, the Company from Time to Time may in the Lands from Time to Time vested in them make and maintain all such Alterations, Enlargements, or Improvements of existing Docks, Basins, Timber Ponds, Yards, Warehouses, Buildings, Works, and Conveniences as they might make before the Expiration of those Periods respectively.

Not to pre-
vent making
Additions to
Works.

34. If any Land to the Seaward of the Lands by this Act authorized to be embanked or reclaimed shall at any Time after the Execution of any Works under the Authority of this Act, whether gradually or imperceptibly or otherwise, become raised in Height or reclaimed so as to be above, instead of being as the same now is below, the Line of ordinary High-water Mark, the Company shall not, by virtue of the Ownership of any Lands which they are by this Act empowered to reclaim, have any Estate, Right, or Interest in or to the Lands so raised in Height or reclaimed by reason that such raising or Reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the Works by this Act authorized, but the Right and Title to the Soil and Freehold of such Land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other Corporation or Person or Persons as is or are at the Time of the passing of this Act entitled to the same, and as if the same had continued as the same now is subject to the Flow and Reflow of ordinary Tides.

Saving of
Rights as to
future Ac-
cretions.

35. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Three hundred and eighty-six Pounds, being Eight Pounds *per Centum* upon Four thousand eight hundred and fourteen Pounds, the Amount of the Estimate of Expense of the Railway by this Act authorized, (being Part of a total Sum of Eight thousand one hundred and ninety Pounds Sterling, the remaining Part of which Sum amounts to Seven thousand eight hundred and four Pounds Sterling, being Four *per Cent.* on the Estimate of Expense of the Docks by this Act authorized,) has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, that deposited Sum of Three hundred

Bond for
Completion
of Railway.

[*Local.*]

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and

Lymington Harbour and Docks Act, 1864.

and eighty-six Pounds, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, unless the Company before the Expiration of the Period limited for the Completion of the Railway either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up so much of the Capital by this Act authorized to be raised by Shares as is equal to One Half the Amount of that Estimate, and have expended for the Purposes of the Railway a Sum equal in Amount to that One Half; and if the Period expire before the Company either open the Railway for the public Conveyance of Passengers, or give the Proof to the Satisfaction of the Board of Trade, the deposited Sum and the Interest and Dividends thereof shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided that at any Time after the passing of this Act if a Bond in double the Amount of the deposited Sum be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Three hundred and eighty-six Pounds if the Company do not, within the Period limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of that Estimate, and have expended for the Purposes of the Railway a Sum equal in Amount to that One Half, and if the Bond be deposited with the Solicitor to the Treasury, then the deposited Sum, or the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited Sum, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

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- 36.** Nothing in this Act contained shall authorize the Company to erect any Lighthouse or exhibit any Light, or alter the Lighthouse or Light, without having from Time to Time first obtained the Sanction in Writing of the Corporation of *Trinity House of Deptford Strond* as to the Character of the Lighthouse, or the Description and Power of the Light, and the Mode of exhibiting it. Lights not to be exhibited or altered without Sanction of Trinity House.
- 37.** The Company shall not stop up or interfere with any existing Sewer or Drainage, Outfall, or other Sewerage or Drainage Work of the Town of *Lymington* until they provide, by way of Substitution for the same and to the Satisfaction of the Corporation, other proper and sufficient Works of Sewerage or Drainage. Sewers not to be stopped till others provided.
- 38.** If the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs license as Bonding Warehouses any of the Warehouses of the Company, or any Part thereof, the Company may hold, use, and manage the same as Bonding Warehouses, and may give the Bond or other Security under their Common Seal from Time to Time in that Behalf required by those Commissioners respectively. Bonding Warehouses.
- 39.** The Company from Time to Time may provide and maintain for the Purposes of the Harbour and Docks a sufficient Number of Cranes and Weighing Machines for the User, at reasonable Charges, of all Persons requiring the User thereof. Company to provide Cranes and Weighing Machines.
- 40.** It shall not be obligatory on the Company to provide any Life Boat or any Tide or Weather Gauge unless and until they are required by the Board of Trade so to do. Life Boats and Tide and Weather Gauge.
- 41.** The Company from Time to Time may provide and use such Vessels, to be worked by Steam or otherwise, and other Vessels, Machinery, and Apparatus, as they think fit, for dredging, scouring, cleansing, and deepening the *Lymington River*, and the Entrance to the same, and the Entrances to the Harbour and Docks respectively. Dredging Engines.
- 42.** The Company from Time to Time may appoint and remove such Harbour-masters, Dock-masters, Pier-masters, Meters, Weighers, Treasurers, Collectors, Constables, Officers, Workmen, and Servants, as the Company deem requisite for the Execution of this Act, and may determine their respective Remuneration, Duties, and Regulation: Provided that the Appointment of Harbour-masters, Dock-masters, or Pier-masters by the Company shall not interfere with the Appointment of Harbour-masters by the Corporation of *Lymington* as Conservators of the *Lymington River*, or with the Functions of any Harbour-master appointed by the Corporation as at present exercised. Power to Company to appoint Harbour-masters, &c.

43. The

Lymington Harbour and Docks Act, 1864.

Limits of Authority of Harbour-masters, &c.

43. The Limits within which the Powers of the Harbour-masters, Dock-masters, or Pier-masters of the Company may be exercised are the Harbour, Docks, Works, and Lands of the Company, and a Distance of Three hundred Yards into the *Solent Sea*, or One hundred Yards into the *Lymington River*, from any Entrance into the Harbour or into any of the Docks.

Power to Company and Railway Company to agree as to Lease or Sale of Lands.

44. The Company and the Railway Company from Time to Time may agree with respect to the granting by the Railway Company and the accepting by the Company of a Lease, either in perpetuity or for any Term of Years, and at such Rent or for such other Consideration and on such Terms and Conditions as the Two Companies think fit, of any Lands of the Railway Company which the Company from Time to Time require for any of the Purposes of this Act, and also with respect to the selling and conveying by the Railway Company, and the purchasing and taking of a Conveyance by the Company, for such Considerations and on such Terms and Conditions as the Two Companies think fit, of any Land of the Railway Company which the Company from Time to Time require for any of the Purposes of this Act.

Power to Company and Railway Company to make Working and Traffic Agreements.

45. The Company and the Railway Company, with the Sanction or Approval of at least Three Fifths of the Votes of the Shareholders present, in person or by proxy, at an Extraordinary Meeting of each of the Two Companies respectively specially convened for the Purpose, from Time to Time may make and carry into effect all such Agreements and Arrangements with respect to the several Purposes in that Behalf by this Act authorized, and all Matters incidental thereto, and as the Two Companies from Time to Time think fit, and every such Agreement and Arrangement may be on such Terms and Conditions whatsoever, both pecuniary and otherwise, as the Two Companies agree on, and all such Agreements shall be "Working Agreements" within the Meaning of Part Three (relating to Working Agreements) of "The Railways Clauses Act, 1863."

Purposes for which Contracts may be made.

46. The Purposes for which Agreements and Arrangements may be made and carried into effect between the Company and the Railway Company comprise the following Purposes; (that is to say,)

(A.) The Maintenance, Working, and User by the Railway Company of the Harbour, Docks, Railway, and Works by this Act authorized, or any of them, or any Part thereof:

(B.) The Interchange, Transfer, and Transmission of Traffic to and from the Harbour, Docks, Railway, and Works by this Act authorized, or any of them, or any Part thereof, and the Railway and Works of the Railway Company or any Part thereof:

(C.) The

Lymington Harbour and Docks Act, 1864.

(C.) The fixing by the Two Companies or either of them, or otherwise, and the Division and Apportionment, of Tolls and other Receipts, whether through or local, derived from the Traffic.

47. The Company from Time to Time may demand and take in respect of every Vessel entering the Harbour or any of the Docks any Sums not exceeding the Rates on Shipping specified in the First Schedule of this Act annexed. Rates on Shipping as in First Schedule.

48. All Officers of Customs being in the Execution of their Duty may have free Ingress and Egress to and from the Harbour and Docks, and through the Gates and Entrances of the same, and may freely pass with their Vessels and Boats to and from the same at all Times (provided the State of the Tide and Water Communications admit thereof) without Payment of any Rate or Sum for so doing. Officers of Customs to have free Access to Harbour and Docks without Payment of Rates.

49. The Company from Time to Time may demand and take in respect of all Goods specified in the Second Schedule to this Act annexed which are from Time to Time shipped or unshipped or transhipped within the Harbour and Docks, or any Part thereof, or at any of the Wharfs, Quays, Piers, Jetties, or Works of the Company, any Sums not exceeding the several respective Dues on Goods specified in that Schedule. Dues on Goods as in Second Schedule.

50. The Company from Time to Time may demand and take in respect of the warehousing, depositing, measuring, and weighing of Goods, and Services performed by the Company with respect to Goods, such reasonable Charges as they from Time to Time think fit, not exceeding the usual Charges from Time to Time made in respect of like Matters and Services at Docks in the Port of *London*. Charges for Warehousing, &c.

51. Except as is by this Act otherwise expressly provided, the Company from Time to Time when they shall themselves work the Railway may demand and take in respect of the Railway and the Traffic thereon the like Tolls, Fares, Rates, and Charges as by "The *Lymington Railway Act, 1856*," are authorized to be demanded and taken in respect of the *Lymington Railway* and the Traffic thereon, and the several Provisions of Section Thirty of "The *Lymington Railway Act, 1856*," extend and apply to the Railway, and in respect thereof to the Company and all Persons interested, in like Manner as if the same were repeated as applicable thereto and re-enacted in this Act. Tolls on Company's Railway same as on *Lymington Railway*.
Sec. 30. of 19 & 20 Vict. c. lxxi. applied to Railway.

52. Provided, that the maximum Charges to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the Maximum Tolls to be taken.

[Local.]

17 L

User

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User of the Railway or any Part thereof, and for Carriages, Waggon, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of their Traffic thereon, shall not exceed the Sums in that Behalf limited by "The *Lymington Railway Act, 1856*," and applicable in that Behalf, save only that for Persons, Animals, and Things conveyed on all or any Part of the Railway the Company may demand and take Tolls, Fares, Rates, or Charges as for One Mile, and for the Carriage of small Parcels on the Railway as follows: For any Parcel not exceeding Seven Pounds in Weight, Threepence; for any Parcel exceeding Seven and not exceeding Fourteen Pounds, Fourpence; and for any Parcel exceeding Fourteen and not exceeding Twenty-eight Pounds, Sixpence.

The Two Railways to be considered as One Railway during Continuance of Agreement.

53. During the Continuance of any Agreement or Arrangement which may be entered into with the Railway Company for the working of the Railway, the Railway and the *Lymington Railway* shall for the Purposes of Tolls and Charges be considered as One Railway, and as if both Railways had been authorized by "The *Lymington Railway Act, 1856*."

Interest not to be paid on Calls paid up.

54. The Company or the Railway Company shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by them by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of Shares held by him: Provided that the respective Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposit for future Bills not to be made out of Capital.

55. The Company or the Railway Company shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by them by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the respective Company to construct any Railway, or execute any other Work or Undertaking.

Saving Rights of Crown.

56. And whereas a Plan of the Company's proposed Works (on which Plan the Land which by this Act they are authorized to reclaim is coloured Red) has been deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and has been signed by the Honourable *Charles Alexander Gore*, One of such Commissioners: Be it enacted, That nothing in this Act contained shall authorize the Company to take, use, or in any Manner interfere

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interfere with any Part of the Bed or Shore of the *Solent Sea*, or of any River or Creek, or any other Land, Soil, Tenement, or Hereditament, or any Right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty (which Consent they or he may give), or take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

57. Nothing in this Act contained shall take away, lessen, prejudice, alter, extend, confirm, or affect any of the Estates, Rights, Powers, or Privileges of the *South-western* Company. Saving Rights of South-western Company.

58. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, extend, confirm, alter, or affect any of the Estates, Rights, Powers, or Privileges of the Corporation of *Lymington* or of the Railway Company. Saving Rights of Corporation and Railway Company.

59. This Act or anything therein contained shall not exempt any Railway to which this Act relates from the Provisions of any General Act now or hereafter in force relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act and the recited Acts respectively authorized, or the Rates for small Parcels thereby authorized. Railway not exempt from Provisions of present and future General Acts.

60. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company. Expenses of Act.

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SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

TONNAGE RATES ON SHIPPING.

First Class.

	s.	d.
Vessels with Cargoes from any Port in the United Kingdom, Isle of Man, Jersey, Guernsey, Alderney, &c., with Liberty to reload for any Port, under Seventy Tons Register or Measurement, as the Case may be, per Register Ton - - - - -	0	3
Seventy Tons and upwards, per Register Ton - - - - -	0	4
Rent after Three Weeks from Date of Entrance, per Ton per Week -	0	1
If with Part of Cargo, for every Ton of Goods delivered - - - - -	0	4
Rent after One Week from Date of Entrance, per Ton per Week -	0	1

Second Class.

Vessels with Cargoes from any Port in Europe between the North Cape and Ushant, with Liberty to reload for any Port, per Register Ton - - - - -	0	5
Rent after Three Weeks from Date of Entrance, per Ton per Week -	0	1
If with Part of a Cargo, for every Ton of Goods delivered - - - - -	0	5
Rent after One Week from Date of Entrance, per Ton per Week -	0	1

Third Class.

Vessels with Cargoes from any Port in Europe and the Mediterranean, with Liberty to reload for any Port, per Register Ton. - - - - -	0	7
Rent after Three Weeks from Date of Entrance, per Ton per Week -	0	1
If with Part of a Cargo, for every Ton of Goods delivered - - - - -	0	7
Rent after One Week from Date of Entrance, per Ton per Week -	0	1

Fourth Class.

Vessels with Cargoes from any Port or Place in Africa between the Straits of Gibraltar and the Cape of Good Hope, or from the Canaries, Cape de Verd Islands, or St. Helena, with Liberty to reload for any Port, per Register Ton - - - - -	0	10
Rent after Four Weeks from Date of Entrance, per Ton per Week -	0	1
If with Part of a Cargo, for every Ton of Goods delivered - - - - -	0	10
Rent after One Week from Date of Entrance, per Ton per Week -	0	1

Fifth Class.

Vessels with Cargoes from all other Foreign Ports or Places whatsoever, with Liberty to reload for any Port or Place, per Register Ton - - - - -	1	0
Rent after Five Weeks from Date of Entrance, per Ton per Week -	0	1
If with Part of a Cargo, for every Ton of Goods delivered - - - - -	1	0
Rent after One Week from Date of Entrance, per Ton per Week -	0	1

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Sixth Class.

Vessels entering the Basin or Dock, light or in Ballast, to lie up, per Register Ton	s. d.
- - - - -	0 6
Vessels entering the Basin or Dock, with Cargoes or Parts of Cargoes, to lie up, per Register Ton	0 10
Rent after Four Weeks from Date of Entrance, per Ton per Week	0 1
New Ships fitting out and Ships repairing, per Register Ton per Week	0 1
If afterwards loading out, to pay Rates according to their Ports of Destination.	

STEAM VESSELS:

Paddle Steam Vessels entering the Basin or Dock to be charged double the above Rates.

Screw Steam Vessels so entering to be charged an Increase of Fifty per Cent. upon the above Rates.

Vessels entering to load, not having discharged their Cargoes in the Dock, to pay the same Tonnage Rates and Rent as Vessels entering with Cargoes from the Ports or Places to which they are destined.

Vessels loading only Part of a Cargo to pay on the Tonnage taken on board according to the Rates per Register Ton to the Ports to which they are destined.

Vessels which shall enter laden, and depart without breaking Bulk, or which shall discharge and reload, and depart with the same Cargo, per Register Ton or Measurement, as the Case may be
 0 6 |

Rent after Twenty-one Days from Date of Entrance, per Ton per Week
 0 2 |

For every Ship, Barge, Keel, Boat, Craft, Lighter, or other Vessel which shall enter the Basin or Dock for the Purpose of unloading from or discharging Goods, Wares, or other Merchandise on board of any Ship, Barge, Keel, Boat, Craft, Lighter, or other Vessel, being within the said Dock or Basin, such and the like Rates and Duties upon the Goods so discharged or loaded as are taken for Wharfage Rates on Goods landed or loaded.

TIMBER.

When discharged into the Water, with Four Days Privilege, after which a Due per Load
 0 3 |

And Rent, per Load per Week
 0 2 |

LANDING CHARGES.

Timber landed for immediate Removal, including Craneage Dues and Labour, per Load
 1 0 |

„ and loaded into Waggons for ditto, per Load
 1 3 |

„ to remain on the Quays, per Load
 1 6 |

With Rent, at the Rate per Load per Week
 0 2 |

COALS.

Discharged from Ships, and deposited on the Company's Premises, Landing Rate, per Ton
 0 2 |

And Rent, per Ton per Week
 0 1 |

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SECOND SCHEDULE.

TABLE OF WHARFAGE RATES.

	s.	d.
Almonds, per Ton	3	9
Ashes, per Ton	1	0
Alum, per Ton	1	0
Apples, per Hogshead	1	0
Argol, per Ton	2	3
Brass Wire, per Ton	2	0
Bricks and Tiles, per 1,000	0	9
„ Paving or Malkiln, per 100	0	4
„ Fire, per 1,000	1	2
Barilla, per Ton	2	0
Brimstone, per Ton	1	6
Bristles, per Ton	1	6
Beer, per Butt	0	7
Bark, per Ton	3	0
Bones, per Ton	2	6
Butter, per Ton	2	0
Burr Stones, per 100	1	2
Carriages, each	6	0
Cotton, per Bag	0	6
Copper Ore, per Ton	2	6
Copper and Brass, per Ton	1	6
„ „ Nails, wrought Copper and Brass, per Ton	2	0
Coals, per Ton	0	2½
Coke, Cinders, Culm, per Ton	0	2½
Corn, per Quarter	0	5
Cheese, per Ton	3	0
Cork Wood, per Ton	4	0
Crates, large	0	9
„ small	0	6
Carboys, Drugs	0	6
Cement, per Ton	2	6
Cattle, each	2	0
Coffee, per Ton	4	0
Cordage, per Ton	3	6
Chicory, per Ton	2	6
Cranberries, per Keg	0	4
Flour, per 2½ Cwt. Sack	0	4
Flax, per Ton	3	0
Fustic, per Ton	1	6
Fish, cured, per Ton	3	6
Guano, per Ton	2	0
Glass, per Hhd.	1	6
„ per Crate	0	8
Grease, per Ton	2	0
Grindstones and Millstones, per Ton	4	0

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	s.	d.
Hemp, per Ton	1	9
Hops, per Cwt.	0	3
Horses, Asses, Mules, &c. each	8	0
Hides and Skins, per Ton	6	0
Hoofs and Horns, per Ton	4	0
Iron, Bar, Bolt, Pig, Shot, Cast, and Gun Carriages, per Ton	0	8
„ Broken, Ballast, or Bushel, per Ton	0	5
„ Ore, per Ton	0	3
„ Hoops, per Ton	2	0
„ manufactured; per Ton	1	6
Kelp, per Ton	1	0
Lead or Sheet Lead, per Ton	1	2
„ Ore, per Ton	0	6
„ White or Red, per Ton	2	0
Linseed, per Quarter	0	4
Limestone or Lime, per Ton	0	4
Leather, per Cwt.	0	4
Logwood, per Ton	1	6
Marble, per Ton	2	0
„ above 5 Tons (if in One Block), per Ton	5	0
Molasses, per Ton	1	0
Mats, per 120	0	5
Manganese, per Ton	2	0
Nitrate of Soda, per Ton	1	0
Oil, per Cask	0	8
Oil Cake, per Ton	2	6
Oranges and Lemons, per Chest	0	3
Onions, per 3 Bushels	1	0
Paint and Colours, per Ton	1	8
Pepper, per Ton	2	6
Pork or Beef, per Barrel	0	4
Potatoes, per Ton	3	6
Rags, per Ton	1	6
Rice, per Ton	1	9
Rope, old, per Ton	2	0
Rape Seed, per Quarter	0	4
Salt, per Ton	0	6
Saltpetre, per Ton	2	0
Seed Clover, per Ton	3	6
Slate, per Ton	0	8
Spirits and Wines, per Pipe	2	6
Soap, per Ton	2	0
Sugar, Raw, per Ton	2	0
„ refined, per Ton	2	0
Seal Skins, per 100	1	0
Sheep and Swine, each	1	3
Shumac, per Ton	3	0
Tallow, per Ton	2	6
Tea, per Chest	0	6

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	s.	d.
Tea, per Half Chest -	0	4
Tiles, draining, per 1,000 -	1	3
Tin, per Ton -	2	0
Tobacco, per Hogshead -	1	0
Turpentine, per Ton -	2	6
Tar and Pitch, per Barrel -	0	1½
Toys, per Vat -	1	3
Valonia, per Ton -	3	0
Whiting, per Ton -	1	0
Wood, Dyers, per Ton -	2	6
„ Furniture, per Ton -	1	3
„ Deals, per Load, 50 Feet -	1	0
„ Timber, Fir -	0	9
„ Oak -	1	6
„ Staves -	1	0
Waters, Mineral, per Hamper -	0	4
Wool, per Cwt. -	0	4½
Yarn, per Ton -	2	0
Yeast, per Puncheon -	0	9
Zinc, manufactured, per Cwt. -	0	1

And so on in proportion for any greater or less Quantities. And for every other Description of Article, Goods, Wares, or Merchandise not enumerated above, a reasonable Charge.

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