



CHAPTER ccxi.

An Act for enabling the Shoreham Harbour Trustees to improve their Harbour by constructing new works, and for amending the constitution of the Trust; and for other purposes. A.D. 1876.
[11th August 1876.]

WHEREAS by an Act of the fifty-sixth year of the reign of King George the Third, chapter eighty-one, intituled "An Act for the more effectual security and improvement of the harbour of New Shoreham in the county of Sussex," (hereinafter referred to as "the Act of 1816,") commissioners were appointed to improve and maintain the harbour of New Shoreham (hereinafter referred to as "the harbour"), and for that purpose to levy rates and raise money by subscription and otherwise, and it was thereby provided that after payment and satisfaction of the costs of the Act, and of making, improving, and maintaining the harbour and works connected therewith, and of the damages, costs, or other expenses thereby directed to be paid by the commissioners, and of the interest of moneys raised by the commissioners by mortgage as therein authorised, all moneys remaining in the commissioners hands, together with the rates and duties from time to time received by them by virtue of the Act, should be annually divided rateably amongst the subscribers in proportion to the amount of each person's subscription : 56 Geo. 3.
c. lxxxii.

And whereas under the Act of 1816 the commissioners raised by subscription in the first instance a sum of twenty-nine thousand three hundred pounds (hereinafter referred to as the "first subscription"), and subsequently a sum of ten thousand pounds (hereinafter referred to as "the second subscription"), but no moneys are due under the borrowing powers contained in that Act :

And whereas by an Act of the fifty-ninth year of the reign of King George the Third, chapter thirty-one, intituled "An Act to enable the commissioners for improving the harbour of New 59 Geo. 3.
c. xxxi.

A.D. 1876. “Shoreham in the county of Sussex to raise more money for completing the said harbour and the works thereto belonging,” (herein-after referred to as the Act of 1819,) further powers of raising money were given to the commissioners, but no moneys are due under that Act :

36 & 37 Vict.
c. ccxi.

And whereas by the New Shoreham Harbour Act, 1873, (herein-after referred to as the Act of 1873,) the Shoreham Harbour Trustees (herein-after referred to as “the Trustees”) were incorporated, and the property, powers, and duties of the commissioners were transferred to the Trustees :

And whereas by the Act of 1873 the Trustees were empowered to raise certain sums by mortgage, and directed to pay off within eighteen months from the passing of the Act the amount due to the holders for the time being of portions of the sums raised by subscription as aforesaid (which persons are herein-after referred to as “the subscribers”) in respect of those sums, but no moneys have been raised under that Act, and no part of the money due to the subscribers has been paid off :

And whereas the improvement of the harbour would be attended with great local and public advantage, and the Trustees are desirous of undertaking the execution of works for that purpose on being authorised to do so, and to borrow the requisite moneys, and it is expedient that they be so authorised :

And whereas it is expedient that the Acts of 1819 and 1873 be repealed, and that the Act of 1873 be re-enacted with the modifications in this Act contained, and that the other provisions in this Act contained be made :

And whereas the objects aforesaid cannot be obtained without the authority of Parliament :

And whereas plans and sections, describing the lines, situations, and levels of the proposed works, and a book of reference to the said plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands on the line of the proposed works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Sussex (which are in this Act referred to as the deposited plans, sections, and book of reference) :

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,)

1. The Act in this Act referred to as the Act of 1816 may be cited for all purposes by the short title of the New Shoreham Harbour Act, 1816, and this Act may be cited as the New Shoreham Harbour Act, 1876. A.D. 1876.
Short title
of Acts.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall form part of this Act; (that is to say,) Incorporation of
general
enactments.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts);

The Commissioners Clauses Act, 1847 (except the provisions with respect to the election and rotation of the commissioners, and section 92, with respect to the appointment of auditors);

The Harbours, Docks, and Piers Clauses Act, 1847;

Sections 13, 18, and 19 (under the heading Protection of Navigation) of the Railways Clauses Act, 1863:

Provided that,—

(1.) The words “if any within the limits of the special Act” in section 47 of the Commissioners Clauses Act, 1847, shall be deemed to be omitted:

(2.) Section 14 of the Harbours, Docks, and Piers Clauses Act, 1847, shall have effect as if the words “before they shall be entitled to take any rates in respect of the harbour, dock, or pier” were omitted therefrom:

(3.) It shall not be necessary for the Trustees, except when called upon by the Board of Trade in writing so to do, to provide any lifeboat, mortars, rockets, tide gauge, weather gauge, or barometer in accordance with the provisions of the Harbours, Docks, and Piers Clauses Act, 1847:

(4.) For the purpose of sections 13, 18, and 19 of the Railways Clauses Act, 1863, the words “company” and “work” shall be taken to mean respectively the Trustees and the works below high-water mark authorised by this Act.

3. In this Act and (for the purposes of this Act) in enactments incorporated with this Act the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term “superior courts” shall include any court of competent jurisdiction. Interpreta-
tion of terms.

4. Whereas the description of the limits of the harbour contained in the Act of 1816 has by reason of the change in the character of the ground become insufficient, and doubts have arisen as to the Limits of
the harbour.

A.D. 1876. limits of the harbour, and it is expedient to remove those doubts and to define the limits of the harbour : Be it therefore enacted, that the limits of the harbour are declared, and shall for the purposes of the Act of 1816 and of this Act be deemed to commence at the mark of high-water spring tides at the south side of Old Shoreham Bridge on the east side of the river, and thence to proceed, following the limits described in the Act of 1816, along the north side of the harbour and the dock and works of the Trustees, and along the north margin of high-water spring tides in the Wish and sluicing reservoir to the eastern extremity of the Wish sluicing reservoir, and thence to a point due south six hundred yards, and thence due west to a point due south of a point one hundred and sixty yards due west of the southern extremity of the most western pier at the entrance of the harbour, and thence due north to the mark of high-water spring tides on the south side of the harbour, and thence following that high-water mark to Old Shoreham Bridge, and thence across the river on the south side of the bridge to the mark of high-water spring tides at the eastern side of the river.

Repeal of
recited Acts
of 1819 and
1873.

5. Subject to the provisions of this Act, the Act of 1819 and the Act of 1873 are hereby repealed.

Trustees
continued.

6. Notwithstanding the repeal of the Act of 1873, the Trustees shall continue to be a body corporate by the name of the Shoreham Harbour Trustees, with perpetual succession and a common seal, and with power to purchase, hold, sell, and dispose of land for the purposes of the Act of 1816 and this Act.

Transfer of
property
and rights
continued.

7. Notwithstanding the repeal of the Act of 1873, but subject to the provisions of this Act, the Trustees shall continue to execute the Act of 1816, and to have all the rights, powers, and privileges, and to be subject to all the liabilities of the commissioners under the Act of 1816, and generally to occupy the place of the commissioners for all the purposes of the Act of 1816, and all property vested in the Trustees under the Act of 1873 shall continue to be vested in the Trustees, and all sums of money due to the commissioners shall be deemed to be due to the Trustees, and shall be recoverable accordingly.

Power to
make works
according to
deposited
plans.

8. Subject to the provisions of this Act, the Trustees may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the following works ; namely,

An extension of the breakwaters or piers on the east and west sides of the entrance to the harbour respectively :

An extension and deepening of the harbour, and of the existing channels thereof and entrance thereto :

A.D. 1876.

A lighthouse on a site near the existing Low Lighthouse in the parish of Kingston otherwise Kingston-by-Sea, and a pier-head light at or near the southern extremity of each of the said eastern and western breakwaters or piers :

A new lock with a channel thereto on the north side of and nearly parallel with the existing lock :

A jetty or wharfing on the north side of the existing dock or canal :

All necessary and proper entrances, cuts, locks, basins, gates, sluices, piers, jetties, staiths, quays, wharves, tramways, sheds, warehouses, cranes, tunnels, bridges, roads, embankments, approaches, and other works and conveniences connected with the works authorised by this Act, or any of them.

9. Whereas a battery has been erected for the protection of Shoreham Harbour, and is vested in Her Majesty's Principal Secretary of State for the War Department for the public service, the fire from the guns of which should be preserved free from all intrusion or obstruction : Be it therefore enacted, that nothing in this Act contained shall authorise the Trustees to build any structure of any kind other than the piers shown upon the deposited plans that will mask or interfere with the fire of the guns from the battery aforesaid towards the sea, or to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, vested in or exercised by the said Principal Secretary for the time being, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the said Trustees.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

10. Subject to the provisions of this Act, the Trustees may enter on and take and use such of the lands described in the deposited plans and book of reference as they require for the purposes of the works authorised by this Act, and may alter, stop up, and divert all roads, streams, watercourses, sewers, drains, gas and water and other pipes and works within the limits of deviation defined on the deposited plans which are shown thereon as intended to be altered, stopped up, or diverted, or are situate on lands acquired by the Trustees for the purposes of this Act, and may appropriate for purposes of this Act the sites of the roads so stopped up, so far as the same are bounded on both sides by lands of the Trustees : Provided always, that the Trustees shall not enter upon, take, or use any of the lands on the north side of the dock or canal shown upon the

Power to take lands and divert roads, &c.

A.D. 1876.

deposited plans or described in the deposited books of reference belonging or reputed to belong to the devisees in trust under the will of the late Hugh Ingram, deceased, herein-after referred to as Ingram's trustees, without the previous consent in writing of Ingram's trustees first had and obtained; and save and except with such consent the Trustees shall have no power to stop up or otherwise interfere with the road or any part of the road numbered upon the deposited plans 28 in the parish of Aldrington, whether as regards so much of that road as is situate within that parish or within the adjoining parish of Portslade-by-Sea: Provided also, that nothing in this Act or in the Act of 1816, or any of them, contained shall authorise or empower the Trustees to take, alter, or affect any of the land, buildings, wharf, or works of the Brighton and Hove General Gas Company, or the mains or pipes belonging to the said company, without the previous consent in writing of the said company.

Power to
Brighton
and Hove
Gas Com-
pany to lay
mains with
consent of
Trustees.

11. The said Company may, with the consent of the Trustees, have an easement, and the Trustees are hereby empowered to consent thereto, to lay down, use, and continue a pipe or pipes under the bed of the canal or eastern arm of the harbour in a northerly direction for the purpose of enabling the said company to form a communication with the works of the said company on the south side of the said canal or eastern arm, and with the main or mains of the said company now or hereafter to be made under the turnpike road leading from Brighton to Shoreham, and also with the like consent to extend the existing wharf belonging to the said company at either end thereof, but so as not to interfere with or lessen the navigation in the said canal or eastern arm, and such easements shall be deemed to be lands within the meaning of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and the provisions of the said Acts as to notice and otherwise shall be applicable thereto: Provided always, that in the event of the said company, with such consent, laying any pipe or pipes in or under the said canal or eastern arm, they shall in the first instance lay the same at a depth of at least six feet below the then present bottom level of the said canal or eastern arm, and if and so often as the said level shall be lowered by dredging or otherwise, the company shall on the expiration of one month from receipt of a notice in writing to be given by the said Trustees, or their clerk or harbour-master for the time being on their behalf, take up and relay at the cost of the company the said pipe or pipes at a like depth of at least six feet, the intent and meaning of this provision being that the said pipe or pipes shall at

A.D. 1876

all times be at a uniform depth of at least six feet below the said bottom level for the time being of the said canal or eastern arm of the said harbour: Provided further, that if the company for fourteen days next after the receipt by them of the notice to be given by the said Trustees, or their clerk or harbour-master for the time being on their behalf, fail to commence or at any time thereafter fail to proceed with reasonable despatch to relay the said pipes as occasion may require, the said Trustees may relay the same, and the reasonable costs incurred therein shall on demand be repaid by the company, and in default thereof the amount of such costs may be recovered by the said Trustees in any court of competent jurisdiction, and the company shall thereafter be subject to the same liability with reference to any subsequent relaying of the said pipes as if they had been relaid by the company.

12. Nothing in this Act shall extend the operation of the sixty-second section of the New Shoreham Harbour Act, 1816, to any land belonging to Ingram's trustees.

For protection of Ingram's trustees.

13. Nothing in this Act contained shall be deemed or construed to empower the Trustees to take or permanently stop up or divert the Brighton and Shoreham turnpike road, or to alter the level of the surface thereof.

For protection of the Brighton and Shoreham turnpike road.

14. If in the exercise of the powers of the Trustees it be found necessary temporarily to cut through, use, or interfere with any part of the said road so as to render it for a time impassable for or inconvenient to carriages or passengers or to the persons entitled to the use thereof, the Trustees shall, before the commencement of any such operations, unless otherwise agreed by the trustees of the said road, cause a sufficient road to be made instead of so much of the said road as it shall be found necessary so to interfere with, and shall, at their own expense, maintain such substituted road in a state as convenient for carriages, passengers, and others using the road as the said road so interfered with, or as nearly so as may be, and as soon as may be the said road shall be restored to as good a condition as the same was in at the time the same was first interfered with by the Trustees, or as near thereto as may be. If any question shall arise between the Trustees and the trustees of the road as to the due completion of any such new road, such questions shall from time to time be determined by two justices on the application of either of the parties in difference.

If temporarily cut through, substituted road to be first made.

15. If the Trustees do not in the event aforesaid cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit twenty pounds for every

If Trustees do not substitute a road, to forfeit 20*l.* per day.

A.D. 1876. day during which such substituted road shall not be made after the existing road shall have been interrupted, and such penalty shall be paid to the trustees of such road, and shall be applied for the purposes thereof; and every such penalty shall be recoverable with costs by action in any of the superior courts.

Protecting manorial rights of Lancing.

16. Nothing herein contained shall authorise the Trustees to interfere with, lessen, or abate, or in any manner affect or prejudice the right or title, if any, of the lord of the manor for the time being of North Lancing and Monks, South Lancing and Lyons, his heirs, successors, or assigns, to any rights, wrecks, royalties, or other things which are now and shall happen or come within the limits of the said manor or other benefits or advantages belonging or in anywise appertaining to the said manor, without the payment of compensation to be ascertained and settled in the manner provided by the Lands Clauses Consolidation Acts.

Limits of deviations.

17. In making any of the works shown on the deposited plans the Trustees may deviate from the lines thereof within the limits of deviation shown on the deposited plans, and may deviate from the levels shown on the deposited plans to any extent not exceeding six feet.

Power to remove certain existing works.

18. The Trustees may remove and relinquish portions of the existing breakwaters or piers on the east and west sides of the entrance channel to the harbour, and also the lighthouse called the Low Lighthouse, and the piles and pier connected therewith called the Middle Pier, and the intervening material.

Extending powers of 56 Geo. 3. c. lxxxix. s. 32.

19. The thirty-second section of the Act of 1816 shall apply to and be incorporated with this Act, excepting that any damage which may be done by the Trustees by virtue of this Act shall be ascertained in the manner prescribed by the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputed compensation.

Period for completion of works.

20. If the works shown on the deposited plans are not completed within six years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Trustees for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for compulsory purchase of lands.

21. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

22. The Trustees may from time to time by agreement purchase or take on lease any lands which they may deem requisite or convenient for dock or harbour purposes (including the deposit of ballast), and any easements, rights, and interests in, over, and affecting such lands, and may for the purposes of their Acts grant leases or underleases of any such lands: Provided always, that such power of purchase shall extend only to lands situate to the south of the eastern and western arms of the harbour, and to lands not exceeding thirty acres in the whole situate on the north of the said arms.

A.D. 1876.
Power to acquire lands by agreement for harbour purposes.

23. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Trustees any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

24. The Trustees may at any time, with the approval of the Commissioners of Her Majesty's Customs, erect on such part of their land as seems to them convenient, and may maintain, a building suitable for the use of those Commissioners as a custom house, and for other purposes, and may sell or let the same to those Commissioners at such price or at such rent and on such terms and conditions as the Trustees and the Commissioners from time to time agree upon.

Power to build and sell or let custom house.

25. In lieu of any light which they are by the Act of 1816 required to burn thereon, the Trustees shall at the outer extremities of the piers hereby authorised exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Corporation of Trinity House at Deptford Strond shall from time to time direct.

Trustees to exhibit lights.

26. The Trustees may from time to time build, purchase, contract for, or hire, and may maintain, use, and let, steam tugs or other power for the use and accommodation of vessels using or passing the harbour, and also steam or other dredging machines and hoppers, and may from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Power to provide steam tugs and dredgers.

A.D. 1876.

Charges for
steam tugs.

27. The Trustees may from time to time fix any reasonable rates or charges in respect of the use of the steam tugs or other power maintained, used, let, or licensed by them, and those rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of the tug or power to the Trustees or to their lessee, or to the person with whom they may contract, or to the owner of the tug or power if licensed by the Trustees, as the case may be, and shall, if the assistance of the tug or power has been required and in consequence of the requisition has been tendered by the master or other person in command thereof, be due and payable whether the tug or power has been actually employed or not.

Power to
appropriate or
dispose of
materials
dredged.

28. The Trustees may from time to time appropriate or dispose of any materials excavated or dredged by them in such manner as they think expedient.

Power to
make bye-
laws for
preventing
removal of
boulders and
shingle.

29. The Trustees may, in addition to the byelaws which they are empowered to make under the Act of 1816, and under the Harbours, Docks, and Piers Clauses Act, 1847, make byelaws for preventing or regulating the removal of boulders or shingle from the harbour, and the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, shall apply to such byelaws as if they had been made thereunder.

Power to ap-
point meters
and weighers.

30. The Trustees may appoint meters and weighers.

Rates on
passengers.

31. The Trustees may demand and take for every passenger embarking or disembarking within the limits of the harbour any sum not exceeding one shilling.

Ballast rates.

32. The Trustees may from time to time charge such reasonable rates as they think proper to be paid for the removal of ballast from and into vessels, and those rates shall be payable by the master or owner of every vessel which discharges or loads any ballast within the limits of the harbour in respect of that vessel, and shall be recoverable by the Trustees as other rates in respect of vessels are under their Acts recoverable.

Variations
of rates.

33. The Trustees may by a majority of three fourths of the Trustees present at a meeting convened by special notice, but not otherwise, from time to time vary the rates authorised to be taken by them, but so that the maximum authorised rates be in no case exceeded.

Power to make
increased
charges by
agreement.

34. Nothing in the Act of 1816 or in this Act shall prevent the Trustees from taking by agreement increased charges over and above the charges limited by their Acts.

35. Subject to the provisions of this Act, the Trustees shall be seventeen in number, and shall be appointed and elected as follows :

A.D. 1876.

Constitution
of trust.

Two shall be appointed by the Shoreham Local Board (that is to say, the local board of health for the district of Shoreham) ;

One shall be appointed by the Worthing Local Board (that is to say, the local board of health for the district of Worthing) ;

Two shall be appointed by the Brighton Town Council (that is to say, the town council for the borough of Brighton) ;

Two shall be appointed by the Steyning justices (that is to say, the justices of the peace for the county of Sussex acting for the petty sessional division of Steyning in petty sessions assembled) ;

Three shall be elected by traders (that is to say, persons, partnerships, or bodies corporate residing or carrying on business in England and landing or shipping goods at the harbour) ;

Three shall be elected by shipowners (that is to say, persons or bodies corporate registered in the books of the custom house of the port of Shoreham as owners or part owners of any ship registered as belonging to that port, of which not less than thirty-two sixty-fourths are held by persons or bodies corporate residing or carrying on business in the county of Sussex) ;
and

Four shall be elected by subscribers.

The appointments and elections shall be made and held in the present year, and in every subsequent third year, and each of those years is in this Act referred to as the year of election.

36. No person shall be qualified to be a Trustee unless he is in his own right or in right of his wife in the actual possession of real or personal property of the value of one thousand pounds, or in receipt and enjoyment of the rent of land assessed to the rates made for the relief of the poor to the amount of at least thirty pounds per annum.

Qualification
of Trustees.

37. Every trader who in the year ending with a given day in the year of election has landed or shipped at the harbour goods of the value of at least one thousand pounds shall be entitled to one vote, and to one additional vote for every thousand pounds in value of goods so landed or shipped above the first thousand pounds, but no trader shall be entitled to more than six votes. The given day shall in the present year be the first day of August, and in every subsequent year of election the first day of April.

Scale of
votes for
traders.

A.D. 1876.

Scale of
votes for
shipowners.

38. Every shipowner who on a given day in the year of election is registered as a shipowner to the value or aggregate value of five hundred pounds shall be entitled to one vote, and to one additional vote for every thousand pounds in value above the first five hundred pounds, but no shipowner shall be entitled to more than six votes. In determining the value of a ship or share in a ship regard shall be had to the declared value in any bonâ fide subsisting policy of insurance on the ship. The given day shall in the present year be the first day of August, and in every subsequent year of election the first day of April.

List of
traders
entitled to
vote.

39. The collector of tonnage rates under the Act of 1816 shall, on or before the tenth day of October in the present year, and on or before the fifth day of May in every subsequent year of election, make and deliver to the Trustees a list of the traders entitled to vote, with the amount in value of the goods landed or shipped by them during the respective year, and shall at the foot of the list sign a certificate of its accuracy.

List of
shipowners
entitled to
vote.

40. The collector of tonnage rates under the Act of 1816 shall, on or before the tenth day of October in the present year, and on or before the fifth day of May in every subsequent year of election, make out a list of the shipowners entitled to vote, with the estimated value of the ships or shares in respect of which they are respectively so entitled, and shall at the foot of the list sign a certificate of its accuracy.

Lists to be
printed and
published.

41. The Trustees shall print the certified lists of traders and of shipowners respectively, with a statement of the number of votes to which each trader and shipowner is entitled, and on every day during the seven days ending with the twentieth day of October in the present year, and on every day during the seven days ending with the fifteenth day of May in every subsequent year of election, a printed copy of the certified lists then last made shall be posted by them on the outer door of their principal office, and printed copies thereof shall be kept at that office for public inspection; and on payment of such sum as the Trustees think reasonable, not exceeding sixpence, the Trustees shall deliver a copy of each printed list to any person requiring it.

Votes of
partners,
joint owners,
and bodies
corporate.

42. In every case of several persons being traders in partnership, and in every case of several persons being registered as joint owners of any ship or share of a ship, they respectively shall with respect to the scale of votes be deemed one person, and in the case of partnerships the member whose name stands first in the firm, or one of the number

authorised in writing by the other members of the firm, or by a majority of them, and in the case of joint owners, the person whose name stands first in the certified list, and in the case of a body corporate, any member of the company duly authorised under the seal of that body, shall alone be entitled to exercise the right of voting on behalf of the firm, joint owners, or body corporate, as the case may be, at the election of Trustees by traders or shipowners.

A.D. 1876.

43. On or before the twentieth day of October in the present year, and on or before the fifteenth day of May in every subsequent year of election, the Trustees shall appoint two of their number (not being traders or shipowners) to be two of the revisors of the lists of the traders and of the shipowners, and the two persons so appointed shall in the present year on or before the twenty-fifth day of October, and in every subsequent year of election on or before the twentieth day of May, appoint a third person (not being a trader or a shipowner) to be the third of those revisors, and to be their chairman.

Revisors of lists to be appointed.

44. The revisors shall in the present year during the seven days next after the twenty-fifth day of October, and in every subsequent year of election during the seven days next after the twentieth day of May, revise at the office of the Trustees the lists of the traders and of the shipowners respectively, giving not less than three nor more than seven days public notice of every such revision, but in case of the death or failure to act of any of the revisors, the others or other of them may make or complete the revision.

Revision of lists.

45. On every such revision any person (including in that expression partnerships and bodies corporate) whose name is omitted from any list may, in person or by his agent, claim to have his name inserted therein, and any person whose name is inserted in any list may, in person or by his agent, claim to have the number of votes attributed to him therein corrected, and may object to any person as not being entitled to have his name retained therein, or as not being entitled to the number of votes attributed to him therein.

Claims and objections before revisors.

46. The revisors shall retain any name or number of votes objected to if the objection is not established to their satisfaction, and shall insert the name of any person (including in that expression partnerships and bodies corporate) shown to their satisfaction to be entitled to have his name inserted and the number of votes to which he is entitled, and shall retain the name of every person to whom and every number of votes to which an objection is not made, and shall strike out the name of every person shown to their satisfaction to be dead or not to be entitled to have his name inserted,

Revisors to correct the lists.

A.D. 1876. and shall correct the number of votes inaccurately attributed to any person on such inaccuracy being shown to their satisfaction.

Revisors to sign lists.

47. The decision of the revisors, or the majority of them, with respect to the lists shall be final and conclusive, and the revisors, or a majority of them, shall forthwith after every revision sign their names at the foot of the list revised.

Production to revisors of books, &c.

48. For the revision of the lists the Trustees shall produce at their office to the revisors and their assistants such of the books and accounts of the Trustees as are proper and sufficient to enable the revisors to revise the lists, and shall afford to them all reasonable and proper facilities in that behalf.

Evidence of revised lists.

49. Every list purporting to be a list revised and signed as by this Act provided shall be *primâ facie* evidence of the same being a list duly made and revised.

Continuance of revised lists.

50. Every revised list shall be in force until the revision of the then next list, and the traders and shipowners whose names appear on the revised list from time to time in force shall be the traders and shipowners entitled to vote at elections of Trustees, and shall at every such election be respectively entitled to such a number of votes as appears by the revised lists.

Revised lists to be printed and published.

51. Every revised list shall forthwith after the revision thereof be printed and published by the Trustees, and all persons shall be entitled to a copy thereof, paying for every copy such a sum not exceeding sixpence as the Trustees think reasonable.

Appointment of appointed Trustees.

52. On the ninth day of November in the present year, and on the first day of July (or if that be a Sunday, on the following day) in every subsequent year of election, the Shoreham Local Board, the Worthing Local Board, the Brighton Town Council, and the Steyning justices shall respectively appoint the Trustees to be appointed by them.

Notice of appointment.

53. The clerk to the Shoreham Local Board, the clerk to the Worthing Local Board, the town clerk of the borough of Brighton, and the clerk to the Steyning justices respectively, shall within three clear days after any appointment of Trustees by the Shoreham Local Board, the Worthing Local Board, the Brighton Town Council, and the Steyning justices respectively, deliver in writing signed by him at the principal office of the Trustees the name, residence, and description of each Trustee so appointed, and such writing shall be *primâ facie* evidence of the appointment.

Meetings for election of elected Trustees.

54. On the ninth day of November in the present year, and on the first day of July (or if that be a Sunday, on the following day)

in every subsequent year of election, meetings of traders, shipowners, and subscribers respectively shall be held separately for the election of Trustees.

A.D. 1876.

55. Every meeting for the election of Trustees shall be held at such convenient place in New Shoreham or Brighton, or the neighbourhood thereof, as the Trustees from time to time appoint, between the hours of eleven in the forenoon and four in the afternoon, and the Trustees shall give not less than four nor more than ten days public notice, specifying the time and place and object of the meeting.

Place, time, and notice of meeting.

56. At every meeting of traders or shipowners a person appointed by the meeting shall preside as chairman, and the person so presiding shall receive the votes and shall act in all other respects as the chairman of the meeting, and the only business to be transacted or discussed at any such meeting shall be the election of Trustees.

Procedure at meetings of traders and shipowners.

57. The persons to be from time to time elected by the traders, and by the shipowners, and by the subscribers respectively shall be elected by a majority of the votes of the persons present personally or by proxy, and entitled to vote at the meeting for the election, and the votes shall be given in writing under the hands of the respective voters or their proxies, but in every case of an equality of votes the chairman of the meeting shall, when requisite to decide the election, have an additional or casting vote. The appointment of a proxy shall be made by an instrument in writing signed by the appointor, or if the appointor is a body corporate, sealed with the common seal of that body and signed by its secretary. No person shall be entitled to vote as a proxy unless the instrument appointing the proxy has been delivered to the clerk of the Trustees not less than forty-eight hours before the time appointed for the meeting.

Election to be by majority of votes.

58. On the ninth day of November in the present year, and on the first day of July (or if that be a Sunday, on the following day) in every subsequent year of election, all the Trustees for the time being shall retire from office, but retiring Trustees shall be capable of being re-appointed or re-elected:

Triennial retirement of Trustees.

59. An extraordinary vacancy in the office of a Trustee shall arise in the event of his death, resignation, bankruptcy, or lunacy, and in every case of an extraordinary vacancy the body or class of electors by whom the person causing the vacancy was appointed or elected shall within one month of the occurrence of the vacancy appoint or, as the case may be, hold a meeting for the election of and elect a Trustee or Trustees to fill the vacancy.

Provision for extraordinary vacancies.

A.D. 1876.

Provision
for double
election.

60. If any person is appointed or elected a Trustee by more than one body or class of electors he shall within three days after notice thereof choose, or in default the Trustees shall at their next meeting declare, which body or class he shall represent, and thereupon the vacancy caused by the double appointment or election shall be filled as an extraordinary vacancy is filled.

Regulations
as to meet-
ings of sub-
scribers.

61. With respect to the meetings of subscribers, whether for the election of Trustees or for other purposes, the following provisions shall have effect :

- (1.) Any three or more of the subscribers registered as holders in the aggregate of not less than two thousand pounds of the amount due to the subscribers may from time to time, as and when they think fit, by writing under their hands require the clerk of the Trustees to give public notice of a meeting of subscribers; at a time and place specified in that writing, and the clerk shall give notice thereof accordingly.
- (2.) The clerk of the Trustees shall give not less than fourteen days public notice of every meeting (other than a meeting for the election of Trustees), specifying the objects thereof, and shall on the first day of publication of that notice send a copy thereof by post to each subscriber at his last known address in the United Kingdom.
- (3.) No business shall be transacted or discussed at any meeting other than the business specified in the notice of meeting.
- (4.) In order to constitute a meeting there shall be present either personally or by proxy not less than three subscribers.
- (5.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting shall, except in the case of a meeting for the election of Trustees, be held to be adjourned sine die.
- (6.) In the case of a meeting for the election of Trustees, if a quorum is not present within one hour from the time appointed for the meeting no election shall be made, but the meeting shall be adjourned till the following day at the same time and place, and if at the adjourned meeting a quorum is not present within an hour from the time aforesaid, the retiring Trustees whose places are to be filled by the meeting shall continue as if they were re-elected.
- (7.) A subscriber chosen by the majority of subscribers present shall be chairman.
- (8.) Every subscriber shall be entitled to one vote for every complete sum of fifty pounds in respect of which he is registered as subscriber up to five hundred pounds inclusive,

and to an additional vote for every complete sum of one hundred pounds beyond five hundred pounds. A.D. 1876.

(9.) Subscribers jointly entitled to a share shall for the purpose of voting be deemed one person, and the person whose name stands first on the register of subscribers shall be the person entitled to vote in respect of the share.

(10.) Votes may be given personally or by proxy, and in case of an equality of votes the chairman shall have an additional or casting vote.

(11.) A room shall be provided for the meeting at the expense of the Trustees.

(12.) The clerk of the Trustees or his deputy shall attend the meeting with the register of subscribers and the minute book of the Trustees, and the same shall be open to the subscribers at the meeting.

62. The annual meeting of the Trustees shall be held on the third Tuesday in July, and all meetings of Trustees shall be held at the principal office of the Trustees, or such other place as they may appoint within the county of Sussex. Time and place of annual meeting of Trustees.

63. The quorum at a meeting of the Trustees shall be five. Quorum of Trustees.

64. All powers, rights, duties, and obligations by the Act of 1816 conferred or imposed on a quorum or committee of the commissioners may be exercised and shall be performed by a quorum or committee of the Trustees, as the case may be. Powers and duties of quorum and committee of Trustees.

65. The Trustees shall at their annual meeting in every year appoint an auditor or auditors of the accounts of the Trustees for the then ensuing year, and shall fix the remuneration of the auditor or auditors, and may at any meeting appoint an auditor to supply for the current year any vacancy in the office of auditor. Auditors.

66. The Trustees may from time to time borrow on mortgage of their harbour tolls and revenue any sums not exceeding in the aggregate one hundred thousand pounds, and when those sums have been raised and expended, may in addition and subject thereto borrow on mortgage of their harbour tolls and revenue any further sums not exceeding fifty thousand pounds. Power to borrow on mortgage.

67. Nothing in this Act shall operate to empower the Trustees to borrow any loan from the Public Works Loan Commissioners. Provision as to loan by Public Works Loan Commissioners.

Provided that if the Public Works Loan Commissioners advance any loan to the Trustees under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same,—

1. That loan and the security therefor shall not have priority over any loan previously borrowed under this Act (or any other

A.D. 1876.

special Act) or the security therefor, except so far as the creditors consent to such priority under the Public Works Loans Act, 1875, or otherwise, but shall have priority over any loan subsequently borrowed in pursuance of this Act (or any other special Act) and the security therefor; and,

2. The amount which the Trustees are authorised by this Act (or any other special Act) to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same.

Power to
re-borrow.

68. If the Trustees pay off any moneys borrowed under this Act otherwise than by means of a sinking fund, or by the sale of surplus lands, they may re-borrow the same, and so on as often as the case occurs.

Coupons for
interest on
mortgages.

69. The Trustees may from time to time, if they think fit, issue to holders of mortgages of the Trustees under this Act coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Trustees from time to time think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signature of two persons thereunto expressly authorised by the Trustees (which authorisation shall be presumed until the contrary is shown), and on presentation to the treasurer of the Trustees of any such coupon he shall pay to the person presenting it the amount of interest thereon expressed and appearing by the coupon to be then due and payable, and on the audit of the treasurer's account the coupon shall be accepted as a warrant for the payment of the amount for which the coupon was issued, but he shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Trustees then in his hands and applicable in that behalf.

Priority of
mortgages.

70. Moneys borrowed under this Act shall be subject to the rights of the subscribers of the second subscription, but shall have priority over the rights of the subscribers of the first subscription, and over all other claims on account of any debts or liabilities incurred by the Trustees after the passing of this Act; provided that this priority shall not affect any claim against the Trustees or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts, or any claim for land taken, used, or occupied by the Trustees for the purposes of their works, or injuriously affected by the construction thereof, or the exercise of any powers conferred on the Trustees.

71. The mortgagees under this Act may enforce payment of arrears of interest or of principal, or of interest and principal, and the subscribers may enforce payment of arrears of interest, by the appointment of a receiver. The amount of principal to authorise the appointment of a receiver shall be ten thousand pounds.

A.D. 1876.
 Appointment
 of receivers.

72. The prescribed sum to be set apart out of the rates as a sinking fund to be applied in payment of the principal moneys borrowed under this Act shall be any amount not less than one-fiftieth part of the largest amount at any time so borrowed.

Provision as
 to sinking
 fund.

73. The clerk of the Trustees shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Trustees have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Board of Trade out of the Queen's Bench Division of the High Court of Justice.

Annual
 return to
 Board of
 Trade with
 respect to
 sinking fund.

74. The Trustees shall not exercise any of the powers by the Act of 1816 granted to the commissioners of raising money by subscriptions, or by creation of shares, or by borrowing, or by the grant of annuities.

Powers of
 raising
 money under
 Act of 1816
 extinguished.

75. The Trustees shall within six months after the passing of this Act pay the amount due to the subscribers of the second subscription at the rate of one hundred and five pounds for every hundred pounds nominal amount subscribed, and those subscribers shall accept payment at that rate.

Payment off
 of sub-
 scribers of
 10,000l.

A.D. 1876.

Payment off
of non-
assenting
subscribers
of first sub-
scription.

76. If any subscriber of the first subscription does not before the passing of this Act signify his assent thereto, the Trustees shall on his signifying in writing to the clerk of the Trustees at any time within one month from the passing of this Act his election to be paid off, pay him off at a rate not less than par to be settled by agreement, or failing agreement by arbitration under the Lands Clauses Acts in the manner provided by those Acts for questions of disputed compensation, and he shall accept payment at that rate.

Application
of moneys.

77. All moneys borrowed under this Act shall be applied in the first place in payment of such of the subscribers of the first subscription as may signify in manner provided by this Act their election to be paid off, in the second place in payment of the amount due to the subscribers of the second subscription, and in the third place in the construction of the works authorised by this Act. All moneys coming to the Trustees under this Act by way of revenue shall be applied in the manner and order following, and not otherwise; namely,

First, in payment of the costs, charges, and expenses of and preliminary and incident to the passing of this Act;

Secondly, in payment of the costs, charges, and expenses of and incident to the management and maintenance of the harbour;

Thirdly, in payment to the subscribers of the second subscription of interest on the sums raised by that subscription at the rate of five per cent. per annum until the amount due to those subscribers is paid off;

Fourthly, in payment of the interest on moneys borrowed under this Act;

Fifthly, in payment of the sum directed to be set apart as a sinking fund;

Sixthly, in payment of a dividend to the subscribers of the first subscription who have assented to this Act at the same rate as that to which they would have been entitled if the Act of 1873 had not been passed.

Account
books to be
open to
inspection.

78. The books of account of the Trustees shall be open at all reasonable times to the inspection of the subscribers, with liberty to take extracts therefrom, without fee or reward.

Production
of books.

79. Every person having in his custody, power, or possession any books, papers, or writings relating exclusively to the property, rights, powers, and privileges transferred from the commissioners to the Trustees shall deliver the same to the Trustees or to such person as they may appoint, and in case of refusal or neglect so to do shall be liable to a penalty not exceeding twenty pounds.

80. The sections of the Act of 1816 numbered respectively 2 to 12, both inclusive, 17, 90, and 91, are repealed, and the following amendments shall be made in that Act; that is to say, A.D. 1876.

(1.) Section 25 shall have effect as if the words "nor unless there shall be at least eleven commissioners present at such alteration or repeal and consenting thereto" had been omitted: Repeal and amendment of certain provisions of Act of 1816.

(2.) In lieu of the notices required by sections 24 and 25, the clerk of the Trustees shall give public notice of the meeting in those sections referred to.

81. Where any public notice is required by this Act to be given, it shall, unless the contrary is provided, be given by advertisement in a newspaper published in the borough of Brighton, and by means of a placard posted on a board placed near the outer door of the principal office of the Trustees. Publication of notices.

82. Nothing in this Act, or in the repeal hereby effected, shall affect— General saving of rights and claims.

(a.) Anything duly done or suffered under any enactment hereby repealed;

(b.) Any right or liability acquired, exercised, or incurred under any enactment hereby repealed;

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(d.) Any legal proceeding or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid, and any such legal proceeding or remedy may be carried on and shall be available as if this Act had not passed.

83. The Trustees may from time to time enter into and carry into effect contracts and arrangements with the London, Brighton, and South Coast Railway Company for or with respect to the building and maintenance and use of warehouses and wharfs, and the accommodation, interchange, and conveyance of traffic (as defined by the Railway and Canal Traffic Act, 1854) coming from or destined for the railway of the said company, and resorting to or using the harbour. Providing for working agreements with Brighton Railway Company.

84. Nothing in this Act shall authorise the Trustees to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, or under the management of the Board of Trade, without the previous consent in writing of the Board of Saving of rights of Crown.

A.D. 1876. Trade on behalf of Her Majesty (which consent the Board of Trade may give), nor shall extend to take away, prejudice, diminish, 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.

Saving, &c.
Merchant
Shipping
Acts, &c.

85. Nothing in this Act contained shall exempt the harbour from the provisions of the Merchant Shipping Acts, or any general Act relating to harbours or dues on shipping or goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the harbour rates by the Act of 1816 or this Act authorised.

Expenses
of Act.

86. The expenses of and preliminary and incident to the preparing, obtaining, and passing of this Act shall be paid by the Trustees.