



### CHAPTER clxiv.

An Act for conferring further powers on the Southampton Harbour Board with reference to the construction of works the levying of rates and tolls and the raising of money and for other purposes. A.D. 1882.  
[24th July 1882.]

**W**HEREAS under and by virtue of the Southampton Harbour Acts 1863 and 1877 (herein-after respectively referred to as "the Act of 1863" and "the Act of 1877") the management of the port and harbour of the town and county of the town of Southampton and of the Southampton Pier is vested in the Southampton Harbour Board (herein-after referred to as "the Board"):

26 & 27 Vict.  
c. cxix.  
40 & 41 Vict.  
c. lxxxii.

And whereas the Board acting under the authority of the said Acts have from time to time improved the said port and harbour and extended the quays and other works connected therewith and have borrowed and expended for those purposes sums of money amounting in the whole to seventy-one thousand six hundred pounds:

And whereas it would be for the public advantage and it is expedient that the Board should be empowered to widen and improve the said pier and to extend and improve their quays and other works and to construct a jetty and erect warehouses and to lay down additional tramways and to dredge improve and light the entrance to the harbour and to exercise the other powers by this Act conferred upon them and to borrow further moneys to defray the cost of the said works and operations and for other purposes of the said port harbour and pier:

And whereas it is expedient that the Board should be empowered to levy and recover tolls rates and duties in respect of the improvements and works by this Act authorised and that the toll rates and duties now leviabie by them under the Act of 1863 should be in some respects altered and amended:

And whereas the tramways of the Board could be conveniently worked in connexion with the railways with which they are now or may hereafter be connected and it is expedient that agreements

[Ch. clxiv.] *Southampton Harbour Act, 1882.* [45 & 46 VICT.]

A.D. 1882. should be authorised between the Board and the company owning such railways with reference to such tramways :

And whereas plans and sections showing the lines and levels of the works by this Act authorised with a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the said works will pass have been deposited with the clerk of the peace for the county of Southampton and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited for all purposes as the Southampton Harbour Act 1882 and this Act and the Acts of 1863 and 1877 shall be construed together as one Act provided always that wherever the provisions of this Act are inconsistent with the provisions of the Acts of 1863 and 1877 the provisions of this Act shall prevail and the Acts of 1863 and 1877 and this Act may be cited together as the Southampton Harbour Acts 1863 1877 and 1882.

Incorporation of Acts.

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.  
10 & 11 Vict. c. 16.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and the provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which by the Acts incorporated with this Act or by the Act of 1863 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to construct works.

4. Subject to the provisions of this Act the Board may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the works herein-after described together with all subsidiary works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be necessary for that purpose.

Errors and omissions in plans and books of re-

5. If any omission misstatement or wrong description shall have been made of any land or of the owners lessees or occupiers of any land described in the deposited plans or mentioned in the deposited

books of reference the Board after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction may apply to any two justices for the correction thereof. If it appear to such justices that such omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission misstatement or wrong description and such certificate with the other documents to which it relates shall be deposited with the clerk of the peace for the county of Southampton and such certificate shall be kept by such clerk of the peace with the other documents to which it relates and thereupon such plans or books of reference shall be deemed to be corrected according to such certificate and the Board may take any land in accordance with such certificate as if such omission misstatement or wrong description had not been made.

A.D. 1882.

reference may be corrected by justices who shall certify the same.

6. The works herein-before referred to and authorised by this Act are :—

Description of works.

- (1.) A double line of Tramway (No. 1) 8 chains 37 links in length commencing on the foreshore at a point 20 yards or thereabouts west of the southern corner of the building used as baths at Cuckoo Lane and passing thence in a south-easterly direction to a point opposite the south end of French Street and for the purposes of the said tramway the Board may alter and widen the existing wharfs and premises on the foreshore to the north-west of the Royal Pier ;
- (2.) An additional line of Tramway (No. 2) 2 furlongs 9 chains in length commencing at the end of Tramway No. 1 and thence alongside the existing tramways of the Board on the Town Quay and the platform to and terminating at or near the western end of the Custom House at the eastern end of the platform ;
- (3.) A short branch double line of Tramway (No. 3) 2 chains 75 links in length commencing by a junction with the Board's existing tramway at a point thereon 100 yards or thereabouts in a south-westerly direction from the western corner of the boundary wall of the Southampton Docks and passing thence in an easterly direction to and terminating at the western boundary of the Southampton Dock Company's property ;
- (4.) The alteration and removal or the appropriation to or for the purposes of the said tramways or one of them of the existing tramways of the Board on the Town Quay between the Royal Pier and a point opposite the end of High Street ;
- (5.) The widening on the north-west side thereof of the Royal Pier and the laying down of a double line of tramway com-

A.D. 1882.

mencing at the point of commencement of Tramway No. 1 hereinbefore described and passing thence along the said pier as so widened to the seaward end thereof with all necessary buildings works pontoons and other conveniences at the said seaward end of the said pier ;

(6.) The widening and extension for a distance of 80 yards or thereabouts from its present sea front of the portion of the existing Town Quay lying between the Royal Pier and Watergate Quay opposite the end of High Street and the extension for a further distance of 120 yards or thereabouts in a south-easterly direction into the Southampton Water of that part of the Town Quay extension which is situate below low-water mark in the said water ;

(7.) A jetty with all proper works approaches and conveniences connected therewith for the purpose of berthing ships at or near the site of the present hard commencing at or near the eastern end of the Town Quay and extending thence for a distance of 135 yards or thereabouts in a south-westerly direction into the Southampton Water ;

All the works herein-before referred to will be situate in the parishes of Saint Michael Saint John Holy Rood All Saints and Saint Mary or some or one of them all in the town and county of the town of Southampton.

Power to deviate.

7. In the execution of the works other than the tramways by this Act authorised the Board may with the consent of the Board of Trade in writing but not otherwise deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans and they may deviate from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet.

Penalty for obstructing construction of works.

8. Every person who shall wilfully obstruct any person acting under the authority of the Board in setting out the line of the works by this Act authorised or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works or deface or destroy any works made for the same purpose shall be liable to a penalty not exceeding five pounds for every such offence.

Survey of works by Board of Trade.

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Board on in over through or across tidal lands or tidal water or of the intended site of any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and

be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Board.

A.D. 1882.

10. If a work constructed by the Board on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Board.

Abatement of work abandoned or decayed.

11. The Board shall on or near the works below high-water mark authorised by this Act during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves :

Lights on works.

If the Board fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

12. The powers of the Board 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.

Powers for compulsory purchase limited.

13. The works herein-before authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Board for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much of those works respectively as is then completed.

Period for completion of works.

14. In addition to the lands authorised by this Act to be taken by compulsion the Board may by agreement purchase any lands which shall be deemed proper or expedient for the purposes of the works by this Act authorised and for other purposes connected with the port and harbour and pier.

Additional lands may be taken by agreement.

15. The Board in addition to the powers conferred upon them by the Act of 1863 for keeping open the channels in the Southampton Water and for removing obstructions within the port and harbour may dredge deepen and improve the said channels and remove in

Power to dredge and to remove bar.

A.D. 1882. whole or in part the bar situate to the north-west of the entrance to the River Itchen and the bank known as the Knock both in the said water and dredge and deepen the said water adjoining the Royal Pier and Town Quay as by this Act authorised to be widened and extended and the said jetty and other works by this Act authorised to be constructed.

Power to provide lightship or other light.

16. Subject to the sanction of the general lighthouse authority the Board may at any convenient place provide and maintain a lightship or erect and maintain a lighthouse for marking the western entrance to the Southampton Water and may adopt such means for lighting any part of the harbour as they think fit.

Dues for lighthouses &c.

17. When such lightship or lighthouse shall have been provided or erected and completed and properly lighted the Board may levy demand and take for every vessel entering or leaving the Southampton Water according to the registered tonnage thereof the dues specified in Schedule A. to this Act.

Power to compound for light dues.

18. The Board from time to time shall if required by the captain master or owner of any vessel liable to the payment of dues under the last preceding section of this Act compound by the year or other longer or shorter period with such captain master or owner for the payment of the said dues and may accept or take such sum of money as may from time to time be agreed on or determined as herein provided in lieu of such dues Provided that every such composition shall be at the like rate to all persons under the like circumstances Provided also that if the Board and any such captain master or owner cannot agree as to the terms of such composition the same shall from time to time be settled by an arbitrator to be appointed by the Board of Trade on the application of either party; and the said arbitrator shall determine by which of the parties or in what proportion by each party the costs of the arbitration shall be paid.

Power to erect warehouses &c.

19. The Board may from time to time in and upon any lands belonging to them or to be acquired by agreement for the purpose construct or erect warehouses sheds and vaults and may provide hydraulic and other machinery cranes and other conveniences in connexion with such warehouses sheds and vaults Subject to the provisions of any Act for the time being in force and the regulations of the Commissioners of Customs or Inland Revenue with respect to the approval of or otherwise in relation to warehouses any such warehouse may be used as a bonded warehouse and any such warehouses sheds or vaults shall be part of the undertaking of the Board and the Board may charge in respect thereof the rates authorised by the Act of 1863 to be charged for goods warehoused by them.

**20.** The boorage dues payable under section 32 of the Act of 1863 shall if the Board so think fit be payable once only in any day (reckoned from 6 o'clock in the morning to 6 o'clock in the morning following) on which any ship or vessel shall come into or go out of the port.

A.D. 1882.

Boorage dues to be only payable once a day.

**21.** The pier tolls payable in respect of passengers under section 36 of the Act of 1863 shall be payable in respect of all passengers (except officers and sailors of or belonging to vessels lying in the harbour passing to and from such vessels) landing at or embarking from any pier quay wharf jetty pontoon landing place or other work from time to time belonging to the Board. Provided always that nothing herein contained shall authorise the Board to demand or take in respect of persons using landing or embarking as aforesaid and coming from or going to any place within the port any toll which they would not have been entitled to demand and take if this Act had not passed.

Passenger tolls to be payable in respect of quays &c.

**22.** The Board may demand and take for any passengers travelling upon their tramways or any part thereof including tolls for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding twopence.

Tolls for passengers on tramways.

**23.** Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

Passengers luggage.

**24.** The Board may demand and take in respect of any goods animals matters and things conveyed by them on their tramways or any part thereof including the tolls for the use of the tramways and for waggons or trucks and for motive power any tolls not exceeding the tolls specified in Schedule B. to this Act.

Tolls for goods &c. on tramways.

**25.** Subject to such requirements regulations and conditions as may have been or may from time to time be prescribed or imposed by the Board of Trade the Board may use or may permit to be used upon the tramways belonging to or constructed by them including the tramways laid across or upon the Canute Road and on the platform or any part thereof steam or other mechanical power in addition to or in substitution for animal power.

Mechanical power on tramways.

**26.** Subject to the provisions of Part III. of the Railways Clauses Act 1863 so far as those provisions are applicable the Board

Power to make agreements with

A.D. 1882.

Didcot, &c.  
Railway  
Company.

on the one hand and the Didcot Newbury and Southampton Junction Railway Company (in the event of the last-named company being authorised to make railways in connexion with the tramways of the Board) on the other hand may enter into and carry into effect contracts and agreements with respect to the use working maintenance and management of the tramways of the Board including the tramways authorised by this Act or part or parts thereof the procuring and supply during the continuance and for the purposes of any such contract or agreement for the use or working of the tramways of rolling and working stock necessary for the purposes of such agreement the appointment removal and payment of officers and servants the interchange transmission collection and delivery of traffic the fixing collection division apportionment and appropriation of rates tolls and charges and all incidental matters And for the purpose of giving effect to this section the Board shall be deemed to be a railway company and the tramways of the Board shall be deemed to be railways.

Power to  
make agree-  
ments with  
cooperation.

**27.** The Board may make agreements with the mayor aldermen and burgesses of the borough of Southampton and any other body company or persons having the control or management of or interested in the streets or roads along which the tramways are or may be laid with reference to the construction maintenance repair working or use thereof and otherwise in relation thereto.

Confirming  
agreement  
with Didcot  
&c. Railway  
Company.

**28.** The agreement set forth in Schedule C. to this Act is hereby confirmed and made binding on the Didcot Newbury and Southampton Junction Railway Company and the Board.

Power to  
borrow.

**29.** The Board may from time to time borrow on mortgage of their undertaking in addition to any sums which may at the passing of this Act be owing by them on mortgage or bond or which they may by the Acts of 1863 and 1877 be authorised to borrow any sum or sums not exceeding in the whole the sum of one hundred thousand pounds for the purpose of constructing the works and conveniences by this Act authorised and for carrying out the objects and purposes of this Act and for other purposes of their undertaking as authorised by the Acts of 1863 and 1877 And in addition to the said sum of one hundred thousand pounds the Board may raise money on mortgage of their undertaking or grant and issue new mortgages for such an amount as may be necessary for paying off or converting in accordance with section 11 of the Act of 1877 any mortgage granted or issued by the Board under the authority of that Act and the Board may pay off or convert such last-mentioned mortgages accordingly as if they had been mortgages granted or issued under the



authority of the Act of 1863 and had been expressly referred to in the said section 11 of the Act of 1877 : A.D. 1882.

Provided always that after having so paid off or converted any mortgage so granted or issued under the authority of the Act of 1877 the Board shall not issue any mortgages or other securities for the amount so paid off or converted and to the extent of such amount as aforesaid the powers of the Board to raise money for such purposes shall be extinguished.

**30.** All mortgages or bonds granted before the passing of this Act by the company shall during the continuance of such mortgages or bonds and subject to the provisions of the Act or Acts under which such mortgages and bonds were respectively granted have priority over all mortgages granted after the passing of this Act by the company. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the company. Mortgages already granted to have priority.

**31.** Section 7 of the Act of 1877 with respect to the appointment of a receiver for enforcing payment by the Board of arrears of principal money or interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section : For appointment of a receiver.

The mortgagees of the Board may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

**32.** All moneys borrowed under this Act may be borrowed for any term not exceeding sixty years, and such moneys shall be repaid by equal yearly or half-yearly instalments or by means of a sinking fund and for providing such sinking fund the Board shall set apart annually out of revenue such sum as shall in the judgment of the Board of Trade be necessary and such sum shall be deemed to be the prescribed sum referred to in section 84 of the Commissioners Clauses Act 1847 as applicable to the moneys to be borrowed under the powers of this Act. Moneys borrowed to be repaid within sixty years.

**33.** The clerk to the Board shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or 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 Annual return to Board of Trade with respect to sinking fund.

A.D. 1882.

prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalments or 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 or the interest thereof 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 which shall be paid to the Board of Trade, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary way may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Board of Trade by such return or otherwise that the Board have failed to pay any instalment or 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 or the interest thereof 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.

38 & 39 Vict.  
c. 55.

Application  
of moneys  
borrowed.

**34.** All moneys borrowed under this Act shall be applied to the general purposes of the Board as authorised by the Acts of 1863 and 1877 and this Act and to no other purpose.

As to loans  
by Public  
Works Loan  
Commissioners.

24 & 25 Vict.  
c. 47.

**35.** Nothing in this Act shall operate to empower the Board to borrow any loan from the Public Works Loan Commissioners. Provided that if the Public Works Loan Commissioners advance any loan to the Board under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

38 & 39 Vict.  
c. 89.

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

(2.) The amount which the Board 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. A.D. 1882.

**36.** Nothing contained in this Act shall authorise the Board 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 and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained 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 rights of the Crown in the foreshore.

**37.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors. Saving rights of the Crown under 29 & 30 Vict. c. 62.

**38.** Nothing in this Act contained shall exempt the Board or the harbour or pier from the provisions of any present or future general Act relating to harbours docks or piers or to dues on shipping or on goods carried in ships or to pilotage or to lights buoys and beacons or to the powers and privileges of the general lighthouse authorities or from the future revision and alteration by Parliament of the rates and duties authorised to be taken by the Board. Reservation of general Acts.

**39.** Nothing in this Act contained shall extend or be construed to extend to affect prejudice alter abridge or take away any rights estates powers immunities and advantages or privileges whatsoever belonging or appertaining to the mayor aldermen and burgesses of the borough of Southampton. Saving rights of the corporation of Southampton.

**40.** The Board out of any moneys for the time being in their hands shall pay and discharge all costs charges and expenses incurred in applying for obtaining and passing this Act. Expenses of Act.

A.D. 1882.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

LIGHT DUES.

For every vessel above 100 tons and not above 500 tons	-	1	0
For every vessel above 500 tons and not above 1000 tons	-	2	0
For every vessel above 1000 tons and under 2000 tons	-	3	0
For every vessel above 2000 tons	-	5	0

SCHEDULE B.

TOLLS FOR THE CONVEYANCE OF GOODS ANIMALS &c. ON THE TRAMWAYS.

Tolls for goods.

In respect of the tonnage of goods conveyed upon the tramways or any part thereof as follows :

Class 1.—For all coals coke culm charcoal and cinders compost dung and all sorts of manure lime and limestone and all undressed materials for the repair of roads or highways and all stones for building pitching and paving all bricks tiles slates clays copper copper ore tin tin ore lead lead ore iron iron ore antimony manganese and all other ores metals minerals and semi-metals and all descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise per ton not exceeding threepence ;

Class 2.—For all sugar grain corn flour hides dyewoods earthenware timber deals nails anvils vices and chains per ton not exceeding sixpence ;

Class 3.—For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton not exceeding eightpence ;

Class 4.—For every carriage of whatever description (not being a carriage adapted and used for travelling on a tramway and not weighing more than two tons) per ton not exceeding one shilling and the sum of threepence for every additional quarter of a ton or fractional part of a quarter of a ton above two tons which any such carriage may weigh ;

In respect of animals conveyed in carriages upon the tramways or any part thereof as follows :

A.D. 1882.  
For animals.

Class 5.—For every horse mule ass or other beast of draught or burden not exceeding eightpence ;

Class 6.—For every ox cow bull or neat cattle not exceeding sixpence ;

Class 7.—For every calf or pig sheep lamb or other small animal not exceeding fourpence.

The following provisions and regulations shall be applicable to the fixing of such tolls (to wit) :

Regulations  
as to the  
tolls.

For a fraction of a ton the Board may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight ;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any greater or smaller quantity.

With respect to small parcels and single articles of great weight notwithstanding the rates of tolls prescribed by this Act the Board may demand tolls not exceeding the following (to wit) :

Tolls for  
small parcels  
and articles  
of great  
weight.

For the carriage of small parcels on the tramways or any part thereof as follows :

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel not exceeding fourteen pounds in weight fivepence ;

For any parcel not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel not exceeding fifty-six pounds in weight ninepence ;

And for parcels exceeding fifty-six pounds in weight but not exceeding five hundredweight the Board may demand any sum which they think fit.

Articles sent in large aggregate quantities although made up of several parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single parcels in separate packages :

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single

A.D. 1882.

article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Board may demand any sum not exceeding two shillings per ton;

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber stone or other single article the weight of which with the carriage shall exceed eight tons the Board may demand such sum as they shall think fit.

---

### SCHEDULE C.

THIS AGREEMENT made the tenth day of May one thousand eight hundred and eighty-two between the DIDCOT NEWBURY AND SOUTHAMPTON JUNCTION RAILWAY COMPANY (herein-after called "the Company") of the one part and the SOUTHAMPTON HARBOUR BOARD (herein-after called "the Board") of the other part.

WHEREAS by the Didcot Newbury and Southampton Junction Railway Act 1873 the company were incorporated and were authorised to make and maintain certain railways and works in the counties of Berks and Southampton and by the Didcot Newbury and Southampton Junction Railway Act 1876 and the Didcot Newbury and Southampton Junction Railway Act 1880 further powers were conferred upon the company :

And whereas by the Southampton Harbour Act 1863 the Board was constituted and by the Southampton Harbour Act 1877 further powers were conferred on the same and under and by virtue of the said Acts the Board now own control and manage a certain pier in Southampton called or known as "the Royal Pier" and certain ways and approaches and also certain tramways in connexion therewith and levy tolls and dues in respect thereof :

And whereas by a Bill now pending in Parliament intituled the Didcot Newbury and Southampton Junction Railway Bill (herein-after called "the company's Bill") power is sought for the company to construct (inter alia) certain works described in clause 5 thereof and therein distinguished by the numbers 1 2 and 3 and herein-after called "the company's works :

And whereas by another Bill now pending in Parliament intituled the Southampton Harbour Bill (herein-after called "the Board's Bill") power is sought by the Board to construct (inter alia) certain works described in clause 5 thereof and therein distinguished by the numbers 1 2 3 4 and 5 and herein-after called "the Board's works :

And whereas part of the company's work No. 1 corresponds with and is intended to effect the same object as the Board's work No. 5 and the company's works Nos. 2 and 3 correspond with and are intended to effect the same object as the Board's works Nos. 1 2 3 and 4:

And whereas it is desirable in the interests of the company and of the Board that the agreement herein-after contained should be made by and between the company and the Board with reference to the construction of the said works respectively in the event of the company's Bill passing into law in the present session:—

Now this agreement witnesseth and it is hereby agreed by and between the parties hereto for the consideration herein-after appearing as follows (that is to say):

1. The company shall if they shall become duly authorised so to do at their own expense make and construct the part herein-before referred to of their work No. 1 which corresponds with the Board's work No. 5 and shall also at their own expense for ever maintain the same in fair and substantial working order and condition.

2. When and so soon as the said part of the company's work No. 1 shall have been constructed as aforesaid the same shall without any payment by the Board to the company in that behalf but subject to the rights to be exercised by the company as herein-after provided become and be vested in the Board and become and be the absolute property of the Board and for all purposes of tolls rates dues and charges and all other purposes be deemed to form part of the Board's Royal Pier and (subject to the provisions and limitations herein-after contained as to the use of the railways or tramways thereon) be under the jurisdiction control and authority of the Board as if the same had been constructed by the Board under the authority given by the Board's Bill in that behalf.

3. The execution of the said part of the company's work No. 1 by the Company as aforesaid shall be deemed to be in substitution for all purposes of the execution by the Board of the Board's work No. 5 and if and when this agreement shall have taken effect as aforesaid the Board shall not exercise any powers vested or to be vested in them for the execution of the last-mentioned work.

4. The company shall at all times hereafter have the absolute and exclusive right free from any payment therefor to work and use all the tramways and railways on their work No. 1 or forming part of the same and to regulate and control the management thereof and the traffic therewith connected in as ample and complete a manner as if the said tramways and railways formed a part of the company's undertaking but the company shall not have any exclusive right of

A.D. 1882. user of the water frontages adjoining the said work or of any pontoon or water conveniences connected therewith.

5. It shall be lawful for the company at any time at their own expense to make and construct such additional railways tramways sidings works and other conveniences on the said part of the company's work No. 1 and not interfering with the water frontages as they shall deem expedient for the purposes of their traffic.

6. The Board shall so far as they shall have power so to do make such provisions and regulations as shall insure good and uninterrupted access to and accommodation at any pontoon or pontoons connected with the company's work No. 1 for steamboats and other vessels to whomsoever such vessels may belong and whether or not used in connexion with the traffic of the company.

7. The Board shall if they shall become duly authorised so to do at their own expense make construct and maintain their works Nos. 1 2 3 and 4 and shall complete the same contemporaneously with the completion of the company's work No. 1 and on the completion thereof (in accordance with this agreement) the company's powers with reference to the company's works Nos. 2 and 3 shall cease and determine Provided always that the connexion between the Board's work No. 1 and the company's work No. 1 shall be effected to the reasonable satisfaction of the company's engineer.

8. The company shall have the use jointly with any other company and persons authorised by the Board of the Board's Royal Pier and the approaches thereto on terms and conditions not less favourable than such as are imposed upon such other company or persons and it shall be lawful for the company to make and maintain such connexions or sidings as may be necessary to enable them to exercise such user.

9. Upon and from completion of the company's work No. 1 and the Board's works Nos. 1 2 3 and 4 the company shall at all times be entitled in common with the Board and all other companies and persons authorised by them to run over and use with their engines and carriages waggons officers and servants and for the purposes of traffic of all kinds the existing tramways of the Board and the Board's works Nos. 1 2 3 and 4 upon and subject to such terms conditions and regulations not being more onerous than the terms conditions and regulations imposed on any other company in respect of similar traffic as shall from time to time be agreed upon between the company and the Board or as failing agreement shall be from time to time determined by arbitration Provided always that in respect of such user the company shall comply with all the requirements and provisions regulating or affecting the use of the said tramways imposed by or by virtue of any Act of Parliament relating



[45 & 46 Vict.] *Southampton Harbour Act, 1882.* [Ch. clxiv.]

thereto; and shall indemnify the Board from all liability claims and demands in respect thereof. A.D. 1882.

10. All costs charges and expenses of and incident to this agreement and the confirmation thereof by Parliament incurred by the Board shall be paid by the company to the Board.

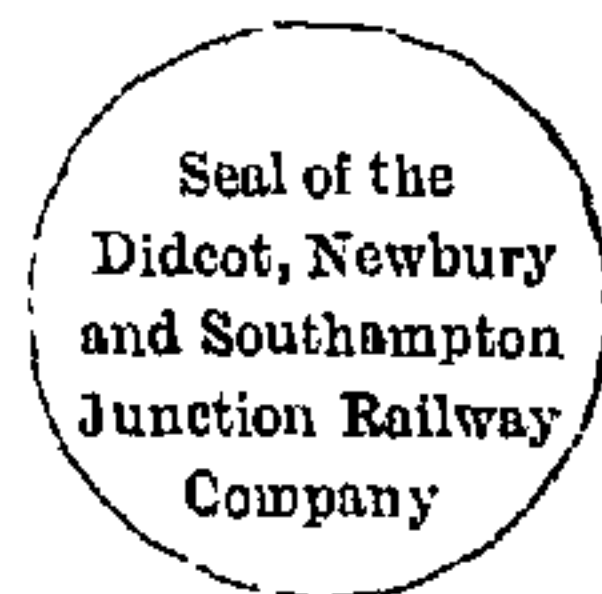
11. The parties hereto shall use their best endeavours to procure that this agreement shall be scheduled to the company's Bill and also to the Board's Bill subject to such alterations additions and modifications as Parliament shall approve or impose: Provided that if the same be added to modified or altered in any important respect it shall be lawful for either of the parties hereto to decline to be bound thereby and the same shall thereupon save as is provided by Article 10 as to the payment of costs by the company be wholly void.

12. Provided always and it is hereby expressly agreed and declared that if the company's Bill or so much thereof as authorises the extension of the railway of the company and the construction of the proposed works by the company shall not pass into law in the present session this agreement shall save as is provided by Article 10 as to the payment of costs by the company be wholly void.

13. If any dispute question difference or controversy shall at any time arise between the company and the Board touching the construction or performance or in anywise arising out of this agreement then and in every or any such case the matter in difference shall be referred to arbitration under and according to the provisions of the Railways Clauses Consolidation Act 1845 and as if the Board were a railway company.

R. LOYD LINDSAY,  
Chairman.

CHAS. H. BINGHAM,  
Secretary.



A. H. SKELTON,  
Clerk,  
Southampton Harbour Board.



---

LONDON: Printed by GEORGE E. B. EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1882.

