





and from *France*, particularly by Steam Boats or Vessels, it would tend much to the Convenience and Safety of Passengers embarking and landing at the said Port, and to the Accommodation of Trading Vessels, if a separate and more convenient Landing Place were made for Passengers and their Baggage, to prevent any Necessity for Passengers being conveyed by Boats to and from such Steam Boats or Vessels from and to the Shore, and being detained on board the Vessels, as they now are, by reason of the Obstruction of the Mud, and otherwise would be of great public Utility: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Persons who, by virtue of the said first-recited Act as amended by the secondly herein-before in part recited Act, shall for the Time being be Commissioners for putting the said Two herein-before in part recited Acts into execution, and their Successors, shall be, and the same Persons and their Successors are hereby appointed Commissioners for the Purpose of putting this Act into execution.

Commissioners for executing this Act.

Disqualification of Commissioners by Office or Contract.

II. And be it further enacted, That no Person holding any Office or Employment, or engaged in any Contract, under or with the said Commissioners in pursuance of this Act, or being Partner of any Person holding any such Office or Employment, or engaged in any such Contract, or being otherwise interested in or concerned, either directly or indirectly, in the furnishing any Article, Matter, or Thing to be purchased by the said Commissioners in pursuance of this Act, shall be capable to act as a Commissioner under this Act during the Time of his Continuance in such Place, Office, or Employment, or of his being engaged in any such Contract, or of his being Partner with any other Person holding any such Place, Office, or Employment, or engaged in any such Contract, or of his being so otherwise interested or concerned; nor shall any Person be capable of accepting any Office or taking any Contract under the said Commissioners while he shall be such Commissioner; and if any Person hereby or by the said lastly herein-before recited Act declared incapable or disqualified to act as a Commissioner shall presume so to do, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no *Essoign*, *Protection*, or *Wager of Law*, or more than One *Imparlance*, shall be allowed; and the Person so sued shall prove that he was so qualified at the Time he acted, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person acted as a Commissioner in the Execution of this Act: Provided always, that no Person shall act as a Commissioner in the Execution of this Act in any Case where he is or shall be personally interested.

Meetings of Commissioners.

III. And be it further enacted, That the said Commissioners shall meet together at the Audit House, or at some other convenient House in *Southampton*, upon the Second *Wednesday* after the passing of



of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon of the same Day, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves and meet at the Place aforesaid, by Leave of the Mayor for the Time being first obtained for that Purpose, or at any other convenient Place within the Town of *Southampton* as they or the major Part of them at such Meeting shall appoint; and in case at any intended Meeting of the said Commissioners Three Commissioners shall not appear within One Hour after the Time appointed for such Meeting, the Commissioner or Commissioners present, or in case of no Commissioner being present, then their Clerk or Clerks, shall and may adjourn the Meeting to any other Day, at the same Place, within Fourteen Days after such intended Meeting; and in case no Adjournment shall happen to be made, then it shall and may be lawful to and for the Clerk or Clerks to the said Commissioners at any Time thereafter to call a Meeting of the said Commissioners, having first received from the said Commissioners, or any Three or more of them, an Order in Writing for that Purpose, at the Place where the last Meeting was appointed to be held, and at such Time as the said Commissioners signing such Order shall appoint, of which Meeting to be held pursuant to such Order Three Days Notice shall be given in Writing by affixing the same upon the Audit House and Custom House within the said Town; but no Act of the said Commissioners, other than that of Adjournment as aforesaid (except where it is hereby otherwise particularly directed), shall be valid unless made or done at some public Meeting to be held by virtue of this Act; and the said Commissioners shall at all their Meetings bear and pay their own Charges and Expences; and at every Meeting of the said Commissioners to be held by virtue of this Act, the Mayor for the Time being, if present, shall be Chairman, and in case the said Mayor shall be absent, then the late Mayor for the Time being, if present, shall be Chairman, and in case the said late Mayor shall be absent, then such one of the said Commissioners as shall be chosen by the Commissioners present at such Meeting, or the major Part of them, shall preside and be called Chairman; and such Chairman shall not only have a Vote as a Commissioner, but in case of Equality of Votes shall have the decisive or casting Vote.

IV. And be it further enacted, That the said Commissioners shall cause Books to be provided and kept separate and apart from the Books to be kept in pursuance of the recited Acts or either of them, and shall cause fair and regular Entries to be made in such Books of the several Meetings, and Names of the Commissioners attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman for the Time being, and the Clerk or Clerks attending such Meeting, shall subscribe their Names to the Proceedings of every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits, and Actions touching any thing to be done in pursuance and by virtue of this

Commissioners to cause Books to be provided, and proper Entries to be made of their Proceedings.

[*Local.*]

*B*

Act;



1° & 2° GULIELMI IV. *Cap. i.*

Act; and such Book shall be kept by the Clerk or Clerks to the said Commissioners, as the said Commissioners shall from Time to Time direct, and shall at every such Meeting, and at all other reasonable Times, be open and liable to the Inspection of the said Commissioners, and of all Mortgagees and other Persons having any Lien upon the Tolls and other Sums to be collected by virtue of this Act, and of all Persons in anywise interested therein.

Books of  
Accounts to  
be kept.

V. And be it further enacted, That the said Commissioners shall enter or cause to be entered, in a Book or Books to be provided for that Purpose and kept by their Clerk for the Time being, a full and true Account of all Monies disbursed and Payments made, and of all and every Sum and Sums of Money which shall be received, on behalf or in respect of the said Pier and Works, by or from any Person or Persons whomsoever; and every such Book shall at all seasonable Times be open to the Inspection of any of the said Commissioners, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Commissioners or any Creditor as aforesaid shall and may take Copies of or Extracts from the said Book or of any Part thereof without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners or any such Creditor to inspect any such Book, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Annual  
Meetings of  
Commission-  
ers.

VI. And be it further enacted, That an Annual General Meeting of the said Commissioners shall be held on the Second *Wednesday* in the Month of *July* in every Year, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at such Place or Places as the said Commissioners may direct or appoint; and Notice of such Annual General Meeting shall be given by public Advertisement in Two or more Newspapers printed in the said Town and County of *Southampton* or in the County of *Hants*, at least Fourteen Days before the Time to be appointed for holding the same Meeting respectively; at which Meeting a full and detailed Statement of the Accounts of the said Commissioners for the last Year shall be made up and presented, and shall be signed by the Chairman of such Meeting; and true and correct Copies of such Account shall be published in Two or more Newspapers printed in the said Town and County of *Southampton* or in the said County of *Hants*; and also a true Copy thereof shall be registered with the Clerk of the Peace for the said Town and County of *Southampton*.

Power to  
appoint  
Officers.

VII. And be it further enacted, That it shall and may be lawful to and for any Ten or more of the said Commissioners from Time to Time and as often as they shall think fit, by Writing under their Hands, to appoint any Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Clerk or Clerks, Officer or Overseer, Tollkeeper or Tollkeepers, Barrow-men, Porters, Scavengers, Rakers, Cleansers, Workmen, or Labourers, that hereafter shall be necessary in any Work or Employment in and about the Pier and other Buildings and Things to be erected in pursuance of this Act, and to  
remove



remove them or any of them at their Will and Pleasure, and to appoint others in the Room or Stead of such of them as shall die or decline to act or be so removed; and it shall and may be lawful for the said Commissioners from Time to Time to order and direct Payment of such Sum or Sums of Money arising by this Act for Materials, Salaries, Workmen's Wages, or otherwise for maintaining, preserving, improving, repairing, watching, and lighting the said Pier and other Buildings and Conveniences to be erected in pursuance of this Act, and collecting the Tolls and Dues herein-after authorized to be taken, and otherwise for carrying this Act into execution; and also to inspect and take Accounts of the Collections, Receipts, and Disbursements of all such Monies as shall be collected and levied by virtue of this Act; and from Time to Time to call before them the Collector or Collectors, Receiver or Receivers, Tollkeepers, and Servants, and other Persons who shall be or shall have been at any Time or Times entrusted with the Collection, Receipt, or any Employment of the Monies to be collected and received by virtue of this Act, who are required to render to them, or to such Person as they shall direct to inspect or to take such Accounts, a true Account thereof, and also to deliver and give up all Books, Papers, Documents, and Writings in his, her, or their Custody or Power relating to the Trusts and Powers hereby granted to the said Commissioners; and in case he, she, or they, or any of them, shall be found in arrear, or refuse to account, that then it shall and may be lawful to and for the Mayor and Justices of the Peace of the said Town and County of *Southampton*, or any Two of them, on Complaint made by the said Commissioners, or by their Treasurer or Treasurers, Clerk or Clerks, by Warrant under their Hands and Seals to levy, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing, and who shall be charged with the Monies in his, her, or their Hands, or in arrear as aforesaid, such Sum and Sums of Money as he, she, or they shall be so charged with, together with the Costs and Charges of levying the same, rendering the Overplus, if any, to the Parties on whom the Distress shall be made; and for Want of such Distress, or on Refusal to deliver up such Books, Papers, Accounts, Documents, and Writings in his, her, or their Custody or Power as aforesaid, by like Warrant to commit such Person or Persons to the Common Gaol of the said Town and County until such Time as he, she, or they shall deliver up such Books, Papers, Accounts, Documents, and Writings as aforesaid, or until he, she, or they shall account for and pay, or cause to be secured and accounted for and paid, such Sum or Sums of Money as he, she, or they shall be respectively charged with, unto the said Commissioners or to their Order, or until he, she, or they shall give such Satisfaction to or shall have compounded or agreed with the said Commissioners, as they shall think reasonable, which Composition the said Commissioners are hereby empowered to make: Provided always, that no Person shall be committed for Want of sufficient Distress for any longer Space of Time than for Six Calendar Months.

Officers to  
account.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to take such Security from the Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers,  
Col-

Security to  
be given by  
Officers.



Collector or Collectors, Tollkeeper or Tollkeepers, and other Officers to be appointed by virtue of this Act, for the faithful Execution of their respective Offices, as the said Commissioners shall think proper.

Clerk not to act as Treasurer, and vice versâ.

IX. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, a Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, a Clerk to the said Commissioners; and that no Person who shall be appointed a Clerk to the said Commissioners, nor the Partner of any such Clerk, nor any Clerk or other Person in the Employ of any such Clerk or of his Partner, shall be employed or act as Attorney or Solicitor in any Action or Suit to be commenced by or against the said Commissioners respecting any Tolls or Dues hereby authorized to be taken, or any other Matter or Thing arising under this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or shall be employed or act as Attorney or Solicitor in any Action or Suit to be had or brought by or against the said Commissioners as aforesaid, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Commissioners to sue and be sued in the Name of the Treasurer.

X. And be it further enacted, That the Commissioners for the Time being under and by virtue of this Act may sue and be sued, for or concerning any thing relating to the Execution of this Act, in the Name of their Treasurer or Treasurers or Clerk or Clerks, or in the Name of any One of the said Commissioners; and no Action or Suit which shall be so brought, commenced or prosecuted, carried on or defended, by or against the said Commissioners or any of them, in the Name of the said Treasurer or Treasurers, Clerk or Clerks, or of any One of the said Commissioners, shall abate or be discontinued by the Death, Suspension, Disqualification, or Removal of such Treasurer or Treasurers, Clerk or Clerks, or by the Death, Resignation, Disqualification, or Removal of such Commissioner, or by any Act or  
Default



Default of such Treasurer or Treasurers, Clerk or Clerks, or Commissioner, done or suffered without the Consent or Direction of the said Commissioners; but the Treasurer or Treasurers, Clerk or Clerks, or Commissioner, in whose Name or against whom such Action, Suit, or Proceeding shall have been commenced, shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be.

XI. Provided always, and be it further enacted, That all and every the said Commissioners, and their respective Successors, and the respective Treasurers and Clerks of the said Commissioners, shall from Time to Time and at all Times hereafter be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them shall or may sustain or be put unto for or by reason of any Action, Suit, or other Proceedings which may be had, done, commenced, or prosecuted by or against them, or any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act, or of the Trusts reposed in them under the same.

Indemnification of Commissioners and Officers against Actions.

XII. And be it further enacted, That no Commissioner, Treasurer, or Clerk acting in the Execution of this Act shall be deemed to be personally liable or responsible for any Act, Deed, Matter, or Thing whatsoever made or done in the Execution thereof, except for his own personal Acts, Conduct, or Default; nor shall any Action, Bill, or Suit, at Law or in Equity, be brought, commenced, or prosecuted against any such Commissioner, Clerk, or Treasurer personally, or in his individual Character, for or by reason of any such Act, Deed, Matter, or Thing whatsoever, except as aforesaid: Provided always, that nothing herein contained shall extend to exonerate or discharge any of the said Commissioners, their Goods, Chattels, or Effects, from the Payment of the Tolls or Dues by this Act authorized to be demanded and taken.

Commissioners and Officers not to be personally liable.

XIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other Proceedings, in Law or in Equity, the Service upon the Clerk or any One of the Clerks of the said Commissioners, or at the Office of such Clerk, or left at his usual or last known Place of Abode, or at the Office of the said Commissioners, or in case the same respectively shall not be found or known, then Service upon any Agent of the said Commissioners, or left at his usual or last known Place of Abode, or on any One of the said Commissioners, or at his usual or last known Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Commissioners.

What shall be deemed good Notice on Commissioners.

XIV. And be it further enacted, That as soon as conveniently may be after the passing of this Act it shall be lawful for the said Commissioners, and they are hereby authorized and required, to erect and build, or cause to be erected and built, a new Pier or Landing

Commissioners empowered to build a Pier, &c.

[*Local.*]

C

Place



Place at the present Breakwater of the said Town of *Southampton*, so that Vessels may be able to float alongside such Pier at Low Water, such Pier to communicate with the West End of the present Water-gate Quay at or near the Bottom of *Bugle Street* in the said Town and County of *Southampton*, and to be built of Stone, Iron, Wood, or such other Materials as the said Commissioners shall think best, and to excavate the Soil or Mud at any Parts near thereto, and to make proper Approaches thereto, and also to erect thereon and put up Cranes, Crane Houses, Steps, Toll Gates, Toll Houses, Railings, and such other Erections and Conveniences as the said Commissioners shall think proper for the facilitating the landing or shipping of Horses, Carriages, Luggage, and other Goods, and for the taking the Tolls herein-after allowed to be taken, and to remove or alter all such Cranes, Crane Houses, Steps, Railings, and other Conveniences as to the said Commissioners shall seem most beneficial, and to alter the Situation of the said Toll Gates and Toll Houses as to the said Commissioners shall seem expedient, and to keep in repair, replace, or renew the said Pier, Cranes, Crane Houses, Steps, Toll Gates, Toll Houses, Railings, and other Erections and Conveniences as to the said Commissioners shall seem requisite, and to sell and dispose of any Toll House or Toll Houses, Gate or Gates, Cranes, Crane Houses, Railings, and Conveniences to be erected by virtue of this Act, when they shall be by the said Commissioners considered unnecessary for the Purposes of this Act, the Monies to be produced by any such Sale to be applied as is herein directed respecting the Monies to be raised by virtue of this Act: Provided always, that no Erection (excepting Cranes and other Engines, and a Building for the Shelter of Passengers and their Luggage,) exceeding in Height Twelve Feet from the Level of High-water Mark, shall be made, authorized, or permitted upon the said Pier or any Part thereof, beyond the Entrance Gate or Gates from the Street: Provided also, that the Northern Part or Side of the said Pier, above or beyond Twenty Feet of the Low-water Mark, shall not at any Time be made or become a common Mooring Place or Harbourage for Vessels frequenting the said Pier, nor for the Deposit of Soil or Ballast.

Plan deposited with the Clerk of the Peace to be open to Inspection.

Restricting Deviation from Plan.

XV. And whereas a Map or Plan, describing the Situation of the said Pier and other Works intended to be made by virtue of this Act, has been deposited in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said Map or Plan so deposited shall remain with and be kept by the said Clerk, and all Persons interested therein shall have Liberty to inspect and make Extracts therefrom and Copies thereof, at reasonable Times, on Payment to the said Clerk of One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour; and the said Map or Plan, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere; and the said Commissioners, in making and completing the said Pier and other Works hereby authorized, shall not deviate more than One hundred Yards from the Course of Line and Track or Direction described in the said Map or Plan.

XVI. And



XVI. And be it further enacted, That no Inn, Hotel, or other Buildings of public Resort shall be allowed to be kept or carried on upon the said Pier or any Part thereof.

No Inn or Hotel to be kept on Pier.

XVII. And be it further enacted, That the said Commissioners shall be and are hereby empowered to take upon Lease or to agree for the Use and Occupation of proper Places, within a convenient Distance from the Scite of the said intended Pier, for the Purpose of depositing Stone, Iron, Timber, and other Materials for building the said Pier.

Commissioners may deposit Materials, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time to cause such and so many Lamp Irons or Lamp Posts to be put up or affixed in, upon, or along the Sides of the said Pier, and also, if they shall think it expedient, on the Approaches thereto, and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed or put up together with such Lamp Irons and Lamp Posts, as they shall think necessary for lighting the said Pier and every or any Part thereof, and the Approaches thereto, and to cause the said Lamps to be lighted as and when they shall think proper.

Commissioners to light the Pier.

XIX. And be it further enacted, That all and every the Timber, Stones, Bricks, Iron, Lead, and other Materials which shall be purchased or procured by Order of the said Commissioners for erecting and building the said Pier, and the Cranes, Crane Houses, Steps, Toll Gates, Toll Houses, Railings, Lamps, Lamp Irons, and other Conveniences, shall belong to and be the Property of, and the same and each and every of them, and every Part and Parcel thereof, are and is hereby vested in, the said Commissioners.

Property to vest in Commissioners.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to bring or cause to be brought any Action or Actions, or to direct the preferring of any Bill or Bills of Indictments (as the Case may require), against any Person or Persons who shall spoil, injure, or destroy the said Pier, Cranes, Crane Houses, Toll Gates, Toll Houses, Railings, Lamps, Lamp Irons, Steps, and other Conveniences, or any of their Appurtenances, or any Part thereof, or who shall steal, take, remove, or carry away the Stones, Bricks, Timber, Iron, Lead, Railings, and other Materials and Things vested in the said Commissioners by virtue of this Act, or any of them, or any Parts thereof; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state that the said Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners of *Southampton* Pier, without stating or specifying the Names or Name of all or any of the said Commissioners.

Remedy for Commissioners in respect of Property stolen, &c.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized to contract and agree with any Person or Persons for the erecting and building the said Pier, Cranes, Crane Houses, Toll Gates, Toll Houses, Steps,

Commissioners may contract for Works.



Steps, Railings, and other Conveniences, and the Approaches thereto, and for providing Materials for building, erecting, finishing, completing, repairing, and renewing the same, and also to contract with any Company of Proprietors, or with any other Person or Persons, to light the said Pier with Gas, Oil, or otherwise, and generally to make and do all such Orders, Matters, and Things as they shall think necessary and proper fully and effectually to carry this Act into execution; and all such Contracts and Agreements, when made and entered into by or between the said Commissioners and any other Person or Persons, shall be reduced into Writing by or by the Order of the said Commissioners, and signed by the Parties thereto, and shall be good, valid, and binding as well upon the said Commissioners as upon all other Parties thereto, his, her, and their Successors, Executors, Administrators, and Assigns respectively; and the said Commissioners shall and may pay or order Payment to be made of the Monies due upon any such Contracts and Agreements, to the Person or Persons entitled to receive the same, out of the Monies to be raised by virtue of this Act.

Goods now  
liable to Pay-  
ment of Dues  
to continue  
so.

XXII. And be it further enacted, That all Goods, Wares, and Merchandize landed and shipped at the said intended Pier, and which, if landed or shipped at the Quay now existing at the Port of *Southampton*, would now be liable to the Dues payable under the said Two recited Acts, shall be still liable to those Dues, over and above the Tolls or Dues payable under and authorized to be levied under or by virtue of this Act.

Commission-  
ers may make  
Bye Laws.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or any Nine or more of them, present from Time to Time at any Meeting or Meetings to be held in pursuance of this Act, to make, frame, ordain, revoke, repeal, annul, or alter such Bye Laws, Rules, Orders, and Regulations as they shall think fit, for the good Government of the Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Officers, Assistants, Servants, and others employed under or by virtue of this Act, and for the better regulating the said Pier, and the stationing of Ships, Vessels, and Boats resorting thereto, and for the well-governing, ordering, and managing of the Officers and Crews of such Ships, Vessels, and Boats, and the Boatmen, Servants, and others employed therein or belonging thereto, and for the more safe and convenient landing and shipping of Passengers, and shipping, lading, discharging, carrying, conveying, laying, and depositing of Goods, Wares, and Merchandize upon, to, or from the said Pier, and for the better governing and regulating Flymen, Porters, Barrow-men, Carters, Carmen, and others carrying Goods, or using or driving Horses, Waggon, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize, to or from the said Pier, and other Persons plying or seeking Employment on the said Pier, and also to dismiss or discharge, or prohibit from plying or seeking Employment on the said Pier, for any Period or Periods not exceeding Six Calendar Months at any One Time, any Boatmen, Porters, Barrow-men, Carters, Carmen, or other Persons whom they shall consider guilty of Misbehaviour, and to renew from Time to Time any such



Prohibition, and also to fix the Rates, Fares, or Remuneration to be taken by any such Boatmen, Flymen, Porters, Barrow-men, Carters, Carmen, or other Persons, and for removing and preventing Nuisances on the said Pier, or the Approaches thereof, and for the managing the general Concerns of the said intended Pier, as to them shall seem expedient; which Bye Laws, Rules, Orders, and Regulations shall be and remain in full Force until and unless the same shall be repealed, amended, or altered from Time to Time by Nine or more of the said Commissioners present at any Meeting or Meetings to be held in pursuance of this Act; and to annex, impose, and appoint reasonable pecuniary Penalties or Forfeitures, not exceeding Ten Pounds for any Offence, to be recovered and levied as herein-after is provided respecting Fines, Penalties, and Forfeitures by this Act imposed, concerning which no particular Direction is hereby given; and that all such Bye Laws, Rules, Orders, and Regulations, and the Fines and Penalties for the Breach or Nonperformance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be painted on Boards, and affixed up and continued in the Custom House of the said Port of *Southampton*, and also in the said Toll House or Toll Houses, and in such other Place or Places as the said Commissioners may appoint, and at all Times remain and be in the said Places, and the same shall be renewed whenever they may become obliterated or defaced; and upon Application thereof a Copy thereof shall be delivered to any Person requiring the same, on Payment to the Clerk of the said Commissioners of One Shilling for the same: Provided always, that such Bye Laws, Rules, Orders, and Regulations be not repugnant to the Laws of *England*, or to any of the Provisions in this Act contained, and shall be subject to Appeal in such Manner as Appeals are authorized in and by this Act.

XXIV. And be it further enacted, That the several Tolls or Dues mentioned and enumerated in the Schedule to this Act, or such Tolls or Dues, not exceeding the said several Tolls or Dues, as the said Commissioners or any Nine or more of them, assembled at any Meeting or Meetings to be held in pursuance of this Act, shall from Time to Time appoint, shall be demanded and taken at the Toll Gate or Toll Gates of the said Pier, by such Person or Persons as the said Commissioners shall from Time to Time appoint, before any Person, Beast, Pig, Sheep, Calf, Carriage, Goods, Wares, or other Merchandize in the said Schedule mentioned or comprised shall be allowed to go or be landed on, or to go or be removed from, the said Pier, as the Case may require.

What Tolls shall be taken.

XXV. And be it further enacted, That no Rate or Duty hereby imposed shall be charged or chargeable for or in respect of any Soldier or Sailor or other Person employed in His Majesty's Service, or in the Service of the Admiralty, Navy Board, or Ordnance, or of the Customs, Excise, or Post Office, nor for the Horses, Arms, or Ammunition of them or any of them, nor for or in respect of any Goods, Wares, or Merchandize the Property of the Crown, or which may have been seized under any of the Laws of Customs or Excise, nor any Articles landed or embarked for the public Service; and if any

Exemptions from Tolls.

[*Local.*]

D

Person



Person or Persons shall claim or take the Benefit of any such Exemption, without being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, over and above the Rates and Duties imposed by this Act.

Power to compound for Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree, by the Year or otherwise, with any Proprietors or Masters of Steam Boats or other Vessels engaged in transporting Passengers, for the Tolls or Dues payable by or in respect of such Passengers or their Luggage, or with any other Persons frequenting the said Pier, either for Purposes of Business or Pleasure, for the Tolls or Dues payable by such Persons, and to accept and take such Sum or Sums of Money, in lieu of such Tolls or Dues so compounded for as aforesaid, as they the said Commissioners shall from Time to Time think proper, every such Sum of Money nevertheless to be paid in advance; and also to agree with any Persons whom they shall authorize to frequent or ply or seek Employment at the said Pier as Porters, Barrow-men, or otherwise, for the Payments to be made by such Persons for the Use of the said Pier, which last-mentioned Payments may be made by the Week, Month, Year, or other Period, as the said Commissioners and such Persons may agree on.

Power to let Tolls.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, after having given not less than Twenty-one Days Notice in Writing, such Notice to be stuck on some conspicuous Part of the said intended Pier or Landing Place, and to be twice at least advertised in some Newspaper published in the said Town and County of *Southampton* or in the County of *Hants*, to lease or demise, either by Auction or by sealed Tender, all or any of the said Tolls or Dues for any Term of Years, in Possession and not in Reversion, not exceeding Three Years at any one Time, for such Rent, payable at such Times and under such Covenants, as they shall think fit, they the said Commissioners taking such sufficient Security from the Person or Persons to whom such Tolls or Dues shall be so leased or demised, for Payment of such Rent and Performance of such Covenants, as they shall think fit, which Rents shall be applied for the Purposes of this Act.

List of Tolls to be put up on Boards.

XXVIII. And be it further enacted, That previously to the opening to the Public of the said Pier, the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards from Time to Time to keep up, in some conspicuous Place on the Toll Gate or Toll House, Toll Gates or Toll Houses, to be erected on the said Pier, a Board on which shall be painted, in distinct Black Letters on a White Ground or White Letters on a Black Ground, a List of all the Tolls and Dues payable by virtue of this Act: Provided always, that it shall not be lawful for the said Commissioners to demand or take, or cause to be demanded or taken, any Toll or Duty for any Passenger, Beast, Luggage, or Merchandize whatsoever, except during such Time as such Board painted as aforesaid shall remain so affixed.



XXIX. And be it further enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Dues shall be painted, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on  
Persons  
defacing  
Boards.

XXX. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian Name and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Length, and of a Breadth in proportion, and to be painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and every such Collector shall, on Demand by any Person or Persons from whom any Toll or Due shall be demanded, produce to such Person or Persons a printed Copy of this Act; and if any Collector of the same Tolls or Dues shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll or Due from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Commissioners made in pursuance of this Act, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian Name or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll having been paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Person or Persons, Carriage or Carriages, Live Stock, Goods, Wares, or Merchandize from passing or being placed on or passing or being removed from the said Pier, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, Passenger or Passengers, Person or Persons, or shall, on any such Demand as aforesaid, refuse or neglect to produce a printed Copy of this Act, then and in every such Case every such Toll Collector shall forfeit and pay to the said Commissioners for every such Offence any Sum not exceeding Five Pounds.

Name of  
Collector to  
be put up.

XXXI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls or Dues hereby authorized to be taken shall, after Demand thereof made by any Collector or Collectors or other Person or Persons appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, Person or Persons, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons so neglecting or refusing, or of the Beast, Carriage, or Live Stock, Merchandize or Thing, for or in respect of which such Tolls or Dues ought to be paid, until full Payment thereof, or to seize and distrain such Beast, Carriage, or Live Stock, Merchandize or Thing, for or in respect of which such Tolls or Dues ought to be paid; and if such Tolls and

Collectors  
may stop Per-  
sons refusing  
to pay Tolls.

Dues,



Dues, and the reasonable Charges of such Seizure and Distress, shall not be paid within Seven Days next after such Seizure and Distress made, the Collector or Collectors, Person or Persons, seizing and distraining, shall and may sell the Beast, Carriage, Merchandize, or Thing so seized and distrained, or any Part or Parts thereof, returning the Overplus (if any) and what shall remain unsold, upon Demand, unto the Owner thereof, after such Tolls and Dues, and all reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

For prevent-  
ing Evasion  
of Tolls.

XXXII. And be it further enacted, That if any Owner, Master, or Owners, or other Person or Persons having the Rule or Command of any Ship or other Vessel, or the Owner or Owners of any Live Stock, Goods, Wares, or Merchandize, or any other Person or Persons whomsoever liable to pay any of the Tolls or Dues by this Act authorized to be taken, shall by any Method whatsoever, at any Time or Times, elude or avoid the Payment of the Tolls or Dues hereby made payable, or any Part thereof, each and every such Master or Owner or other Person so eluding or avoiding Payment as aforesaid shall stand charged with and be liable to the Payment of the same, and shall also be liable to pay for every such Evasion any Sum not exceeding Double the Amount of the Tolls or Dues the Payment of which shall be so avoided, and the same shall and may be recovered from such Owner, Master, or other Person respectively, at any Time or Times, either by the Means herein-before prescribed concerning the levying of the Tolls and Dues hereby made payable, or by the same Method and in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act.

Disputes as  
to Tolls to be  
settled by  
Justices.

XXXIII. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Tolls or Dues, or the Amount of Tolls or Dues, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the said Town and County of *Southampton*, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath, or, being a Quaker, solemn Affirmation of the Parties or other Witness or Witnesses, (which Oath and Affirmation every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of Tolls or Dues due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem reasonable; all which Tolls or Dues, if any then determined to be due, and all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant every such Justice or Justices is or are hereby empowered to issue); and the Overplus (if any) shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

XXXIV. And



XXXIV. And be it further enacted, That when and so often as any Collector or Receiver of the said Tolls or Dues shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for the said Commissioners, or any Three of them, (although not assembled at a Meeting to be held pursuant to this Act,) to discharge such Collector or Receiver so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding or absenting himself, and to appoint some other Person to be a Collector or Receiver of the said Tolls or Dues, until the next Meeting of the said Commissioners, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so to be appointed shall have such and the like Power and Authority, and be answerable and accountable in the like Manner, in all respects, as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and if any Collector or Receiver of the said Tolls or Dues who shall be discharged from his Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who may have the Possession of any Toll House or Building, or any Appurtenances thereto, to be erected, set up, or raised by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Twenty-four Hours next after Demand thereof made by Notice in Writing signed by the Clerk or Clerks of the said Commissioners for that Purpose, and given to such Collector or Receiver or other Person or Persons, or left at such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said Town and County of the Town of *Southampton*, by Warrant under his or their Hand and Seal or Hands and Seals, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the said Commissioners or their new-appointed Collector into the Possession thereof.

Power to appoint temporary Collectors.

XXXV. And be it further enacted, That while any Mortgage or Mortgages authorized by this Act to be created shall be unpaid, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, assembled at any Meetings to be held in pursuance of this Act, and they are hereby authorized and empowered, to lessen and reduce, and again to raise and advance, all and every the Tolls and Dues authorized by this Act to be taken, and to order the same to be raised, levied, and taken in such Manner as they shall appoint: Provided nevertheless, that such Tolls or Dues respectively shall not be lessened or reduced without the Consent of Five Sixths in Value of the Mortgagees under this Act in Writing first had and obtained, and shall not be increased so as to exceed the respective Rates by this Act established; and such Tolls and Dues so lessened and reduced shall be paid and payable and recoverable in such and the like Manner as the Tolls and Dues hereby authorized to be taken; it being the Intention of this Act that no such Alteration shall be made without such Consent as aforesaid while

Power to vary Tolls.

[*Local.*]

*E*

any



any Mortgage or Mortgages authorized by this Act to be granted shall be unpaid, but that the Tolls and Dues payable when any such Mortgage was granted shall continue, unless altered with such Consent as aforesaid, until such Mortgage shall be paid off.

Commissioners after Payment of the Expences and Mortgages may reduce the Tolls, and again raise them, if necessary.

XXXVI. Provided always, and be it further enacted, That at the next Annual General Meeting of the said Commissioners which shall be held after the Expences of erecting and building the said Pier and other Works and Conveniences shall be fully paid, and also after the several Sums of Money hereby authorized to be borrowed on Mortgage, together with all Interest thereon, shall be fully paid and satisfied to the several Parties advancing the same, the said Commissioners shall, upon an Estimate and Report to be drawn up and signed by the Surveyor for the Time being of the said Commissioners of the average annual Amount of the Expence necessary to be incurred in the lighting and maintaining and keeping of the said Pier and other Works in repair, and also an Estimate and Report of the average annual Expence to be incurred in collecting the Tolls and Dues of the said Pier, and the general Management thereof, such last-mentioned Estimate and Report to be prepared by or by the Direction of the said Commissioners, and to be signed by the Chairman of such Commissioners, and also upon the Examination of the general Accounts of the said Pier, to be presented to such Meeting by the Treasurer for the Time being, determine and settle what Rate of Tolls and Dues will be sufficient to defray all such Expences, and also whether such Rates and Dues so to be fixed shall be collected for the whole Year, or for One or more Month or Months during the Year, exclusively of the others; and the Commissioners present at the said Meeting shall thereupon reduce the Tolls or Dues authorized to be taken by this Act to such Amount as shall appear to them to be sufficient to defray all such Expences, either by reducing the Rate thereof, or by limiting the Time of Collection, or in such Manner as shall seem to them most beneficial; and if it shall at any Time or Times be found necessary to increase the said Tolls and Dues, or to direct them to be collected during a longer Period of or during the Year, or again to lower the same, or to shorten the Period of Collection, it shall in any such Case be lawful for the said Commissioners to make such Alterations in those Respects, or either of them, as shall from Time to Time appear to them to be necessary, so that the Rate of Tolls and Dues shall not in any Case exceed the Sums made payable by this Act.

Power to raise Money on Mortgage of Tolls.

XXXVII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall be and are hereby empowered to borrow and take up at Interest at any Rate or Rates not exceeding Five Pounds *per Centum per Annum*, for the Erection of any Pier, with its Appurtenances, that shall be built principally of Wood or Timber, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, and for the Erection of any Pier, with its Appurtenances, that shall be built principally of Stone, Iron, or other Materials (except Wood or Timber), any Sum or Sums not exceeding in the whole the Sum of Twenty thousand Pounds, on the Credit of the Tolls or Dues hereby authorized to be taken, and by



Writing under their Hands to convey and assure the Tolls or Dues hereby authorized to be taken (the Charges of such Conveyance and Assurance to be paid out of the said Tolls or Dues), as a Security for any Sum or Sums of Money by them to be borrowed for the Purposes of this Act, to any Person or Persons, and his, her, or their Executors, Administrators, and Assigns, who shall or will advance the same, together with Interest thereon; and every such Assignment shall be distinguished by a Number, and shall be in the Words or to the Effect following; (that is to say,)

‘ **BY** virtue of an Act made in the Second Year of the Reign of  
 ‘ His Majesty King *William* the Fourth, intituled [*here set forth* Form of  
 ‘ *the Title of this Act*], we, the Commissioners acting in the Execu- Mortgage.  
 ‘ tion of the said Act, in consideration of the Sum of  
 ‘ advanced and paid by to  
 ‘ the Treasurer or Treasurers appointed in pursuance of the said  
 ‘ Act, do grant and assign to Executors,  
 ‘ Administrators, and Assigns, such Proportion of the Tolls or  
 ‘ Dues authorized by the said Act to be taken as the said Sum of  
 ‘ doth or shall bear to the whole Sum which is or shall  
 ‘ be borrowed upon the Credit of the said Act, to be had and holden  
 ‘ from this Day of until the Sum of  
 ‘ with Interest after the Rate of *per Centum per Annum*  
 ‘ for the same, to be paid half-yearly, shall be repaid and satisfied.  
 ‘ Given under our Hands this Day of  
 ‘ Number .’

And every such Assignment shall be good, valid, and effectual in the Law.

XXXVIII. And be it further enacted, That it shall be lawful for the Person or Persons entitled to any of the said Securities, either by Writing under his, her, or their Hand or Hands indorsed thereon, or by any separate Instrument, to transfer or assign the same to any Person or Persons; and that such Transfers or Assignments may be in the Words or to the Effect following; *videlicet*, Power to transfer Mortgages.

‘ **I** *A. B.*, being entitled to the Sum of secured Form of  
 ‘ to Executors, Administrators, and Assigns, Transfer.  
 ‘ by virtue of an Assignment numbered bearing Date the  
 ‘ Day of under the Hands of  
 ‘ of the Commissioners acting in the Execution of an Act passed  
 ‘ in the Second Year of the Reign of His Majesty King *William*  
 ‘ the Fourth, intituled [*here insert the Title of this Act*], upon the  
 ‘ Credit of the Tolls or Dues authorized by the said Act to be taken,  
 ‘ do hereby transfer all my Right and Title in and to the said Sum,  
 ‘ and all Interest and other Money now due and owing thereon,  
 ‘ unto *E. F.*, his Executors, Administrators, and Assigns. Dated  
 ‘ the Day of in the Year of our  
 ‘ Lord .’

And Entries or Memorials of all Mortgages or Assignments which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Names, Additions, and Places of Abode, and other proper Descriptions of all such Persons as shall from Time to Time be entitled to the Principal and Interest thereby respectively Mortgages and Transfers to be entered by the Clerk.



respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks to be appointed in pursuance of this Act, to which Book all Persons interested shall at all seasonable Times have access, and shall have Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Assignment the said Clerk or Clerks shall be paid Two Shillings and Sixpence, and no more; and every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security to be thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Tolls or Dues *pari passu* one with another, without any Preference in respect of the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments; all which Money so to be borrowed shall be employed for or towards the Purposes of this Act.

Principal not to be paid off without Six Months Notice.

XXXIX. And be it further enacted, That in case the said Commissioners shall be at any Time desirous of discharging any Sum or Sums of Money borrowed as aforesaid, they shall and are hereby required and directed to cause Six Calendar Months Notice in Writing, signed by their Clerk, of such their Intention, to be given to the Person or Persons entitled to receive the same, or left at his, her, or their usual or last known Place or Places of Abode, unless such Person or Persons shall consent to receive the same without such Notice; and every such Mortgagee or Assignee, his, her, or their Executors or Administrators, who shall require Payment of the Principal Sum or Sums of Money due to him, her, or them, shall give unto the Treasurer of the said Commissioners, at any Annual or Special Meeting, Six Calendar Months Notice of the Day on which the same shall be required to be paid.

Mortgages to be paid off by Ballot.

XL. And in order that no Preference may be given to any of the Persons who shall have advanced or lent upon Mortgage upon Credit of the said Tolls or Dues, be it further enacted, That the said Commissioners (if there shall be more Creditors than One, and any One or more of such Creditors shall give Notice in Writing to the said Commissioners, in manner herein-after provided respecting Notices, of his, her, or their Wish that the Mortgages to be paid off shall be chosen by Ballot,) shall cause the respective Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced or charged upon the Credit of the said Tolls or Dues, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be possible, and be put into a Box or Wheel, and the Numbers of such Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice signed by their Clerk to be given or left at the usual or last known Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and every such Notice shall express the Sum to be paid off, together with the Interest due



due thereon, and that the same will be paid on a Day and at a Place specified in such Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving the said Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

XLI. And be it further enacted, That all and every the Sum or Sums of Money to be received, borrowed, or raised by virtue of this Act shall be applied, in the first place, in discharging the Costs and Expences of applying for and obtaining this Act, and the Surveys, Plans, and Estimates, and other incidental Expences relating thereto; and then in or towards the building, making, and completing the said intended new Pier or Landing Place, and the Approaches thereto, and other Works by this Act directed or authorized to be made, and otherwise for the Purposes of this Act, and carrying the same into full and complete Execution.

Application of Monies to be borrowed.

XLII. Provided always, and be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money, for the Purposes of this Act, at a lower Rate of Interest than any Security or Securities which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge or mortgage the Whole or any Part of the said Tolls or Dues, or other Funds or Property of the said intended Pier, in such Manner and with such Restrictions as herein-before is mentioned, with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such lower Rate as aforesaid, in order to pay off and discharge any Security or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein-before prescribed for paying off Securities.

Money may be borrowed to pay off Securities bearing higher Interest.

XLIII. And be it further enacted, That the Tolls and Dues and other Revenue which shall be received and collected under and by virtue of this Act shall be and the same are hereby vested in the said Commissioners, and shall be applied, first, in Payment of all Salaries, Wages, and other Expences attending the collecting of the said Tolls and Dues; and next, in or towards the Expences of lighting and keeping in repair the said Pier, and other Erections and Conveniences hereby authorized to be erected and made; and then, in Payment of the Interest of such Money as shall be borrowed as aforesaid, such Payment to be made half-yearly to the several Persons entitled thereto; and in case the Surplus Amount of such Tolls, Dues, and other Revenue, after Payment of the Expences payable previously to the Interest on Mortgages, shall be insufficient to pay the whole of the Interest of the Money to be borrowed, then such Surplus shall be applied by the said Commissioners in Payment of the said several Mortgages *pari passu*, and in proportion to their re-

Application of Tolls.

[*Local.*]

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spective



spective Claims, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and if at any future Time such Tolls and Dues and Revenue shall be more than sufficient (after deducting such Expences as aforesaid) for Payment of the whole Amount of the Interest due on such Sums of Money so to be borrowed as aforesaid, then such Surplus shall be applied, so far as the same will extend, in Payment of the Interest so to be left in arrear and unpaid as aforesaid, and in the Proportions before mentioned, so that the whole of the Interest which may have become due and payable in respect of the several Sums of Money so borrowed as aforesaid, and after the Rate of Interest agreed to be paid for the same, may be fully paid and satisfied.

Application  
of Surplus of  
Tolls.

XLIV. And be it further enacted, That in case there shall, after Payment of the Expences of Collection of the said Tolls and Dues, and also of the Interest of the Sums of Money to be borrowed under and by virtue of this Act, and other the Expences of repairing and maintaining the said Pier and other Erections and Conveniences, be any Surplus Revenue left in the Hands of the said Commissioners, then and in such Case such Surplus shall be applied by the said Commissioners for the Repayment of the several Principal Monies so to be borrowed by the said Commissioners as aforesaid.

Mortgagees  
may take  
possession if  
Interest is in  
arrear.

XLV. Provided always, and be it further enacted, That in case the Interest to become due and payable to all or any or either of the several Parties who shall become Mortgagees of the Tolls and Dues hereby made payable under the Powers for that Purpose herein-before contained, or any Part of such Interest, shall at any Time be in arrear and unpaid for the Space of Six Calendar Months after the Day whereon the same ought respectively to have been paid, then and in any such Case, and at any Time thereafter while such Interest shall so be in arrear, it shall be lawful for all or any One or more of the Mortgagees to whom such Interest shall so be in arrear, and he, she, or they is and are hereby authorized and empowered, to take possession of the Toll Houses, Toll Gates, and other Conveniences which shall be erected by the said Commissioners in pursuance of this Act, the Possession whereof shall be necessary for the Purpose of enabling such Mortgagee or Mortgagees so taking possession to collect and receive, and which they, he, or she are or is hereby authorized and empowered to do, all and every the Tolls and Dues by this Act made payable, in as full, ample, and beneficial a Manner as the said Commissioners are hereby authorized and empowered to receive the same, subject nevertheless and without Prejudice to any Lease or Demise of the said Tolls and Dues which may have been made to any Person or Persons whomsoever under and by virtue of the Power to the said Commissioners for that Purpose herein-before granted; but in case of any such Lease or Demise, then the Lessee or Lessees are hereby required and directed to pay the Rent or Rents which shall be thereby respectively reserved, at the several Days and Times whereon the same shall be made payable, unto the Mortgagee or Mortgagees who shall have so taken possession as aforesaid, the Receipt or Receipts of such Mortgagee or Mortgagees being hereby declared a sufficient Discharge and sufficient Discharges for the Amount of Rent to be therein



therein expressed to have been received, and also for the Amount of any Compositions for Tolls or Dues ; and that it shall not be necessary for the Lessee or Lessees paying such Rent, or Persons having compounded paying such Compositions, to inquire whether any such Default shall have been made in Payment of the Interest as aforesaid, or whether such Mortgagee or Mortgagees shall have legally taken possession of the said Tolls and Dues.

XLVI. And be it further enacted, That such Mortgagee or Mortgagees so taking possession as aforesaid shall be at liberty, and he, she, or they is and are hereby empowered, if he, she, or they think fit, to continue the Collectors, Tollkeepers, and all other the Servants who may be necessary for the Collection and Management of the said Tolls and Dues, and may have been appointed by the said Commissioners, or to discharge such Collectors and other Servants, and appoint such others as he, she, or they shall think proper ; and that all Clauses and Provisions herein contained for the Purpose of enabling the said Commissioners to collect and enforce Payment of the said Tolls and Dues shall apply equally to the Mortgagee or Mortgagees who shall take possession of the same as aforesaid, so as to enable such Mortgagee or Mortgagees in every respect to collect, receive, and enforce Payment of such Tolls and Dues in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Commissioners are by this Act enabled to do.

Mortgagees  
may appoint  
Collectors,  
&c.

XLVII. And be it further enacted, That the Tolls and Dues and other Revenue which shall or may at any Time be collected or received by such Mortgagee or Mortgagees taking possession of and entering into the Receipt of the same, under the Power for that Purpose hereby given, shall be paid and applied by such Mortgagee or Mortgagees, first, in Payment of all the Expences attending the Collection of the same, and also of all Salaries and Servants Wages, and if he, she, or they shall see fit, all other the Expences which shall be necessarily incurred in the lighting and maintaining and keeping of the said Pier and other Erections and Conveniences in a State of Repair, in the same Manner as the same Tolls and Dues are herein-before directed to be first applied by the said Commissioners ; and subject to the Payment of such Expences of Collection, and Salaries, and such other Expences of lighting and keeping in repair the said Pier, if the Mortgagee or Mortgagees in Possession shall see fit to light and keep in repair the said Pier, the Surplus (if any) of such Tolls, Dues, and Revenue shall be paid and applied unto and amongst all and every the Mortgagee or Mortgagees of the same, in Payment of the Interest then due and which shall become due and owing to them respectively, in proportion to their several and respective Claims, *pari passu*, without any Preference or Priority being given to any One or more of such Mortgagees in consequence of their having availed themselves of the Power herein-before given, and entered into the Receipt of such Tolls and Dues, and in all respects in the same Manner as the same Tolls and Dues, after Payment of such Expences as aforesaid, are hereby directed to be paid and applied by the said Commissioners.

Application  
of Tolls by  
Mortgagees.

XLVIII. And



Mortgagees  
in Possession  
to render  
Accounts.

XLVIII. And be it enacted, That all and every Mortgagees and Mortgagee who shall at any Time or Times after the Completion of the said Pier take or be in Possession of such Toll Gate or Toll Gates, Toll House or Toll Houses, or be in the Receipt of the said Tolls and Dues, Rents, Compositions, and other Revenue, shall, within Twenty-one Days after Notice in Writing from the said Commissioners, or their Treasurer or Treasurers or Clerk or Clerks, shall have been left at any such Toll House or Toll Houses, render an exact Account in Writing to such Commissioners, or to any Person or Persons appointed by them to be named in such Notice, of all Monies received by such Mortgagees or Mortgagee, or by any other Person or Persons for their, his, or her Use and Benefit, or by their, his, or her Authority, under or by reason of such Possession or Receipt, and of the Application thereof respectively; and in case they, he, or she shall refuse or neglect to render such Account when required in the manner herein-before directed, they, he, or she so refusing or neglecting shall forfeit and pay to the said Commissioners, for every Day in which he, she, or they shall persist in such Refusal or Neglect, any Sum not exceeding Ten Pounds, to be recovered in such Manner as herein-after is provided respecting Fines, Penalties, and Forfeitures by this Act imposed, concerning which no particular Directions are hereby given.

Penalty for  
Neglect to  
render Ac-  
count, and  
for retaining  
Possession  
after Debt  
satisfied.

XLIX. And be it further enacted, That if any such Mortgagee or Mortgagees shall keep possession of any such Toll House or Toll Gate, by himself, herself, or themselves, or by any other Person or Persons on his, her, or their Behalf, or continue in the Receipt of any such Rent or Composition, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on his, her, or their respective Mortgage or Mortgages, and the Interest thereof, with his, her, or their Costs and Expences, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty to the said Commissioners, any Sum not exceeding Double the Sum or Sums of Money which he, she, or they shall have received over and above the Sum or Sums of Money due as aforesaid, to be recovered as lastly herein is directed.

Power to  
pull down  
Wooden Pier,  
and erect a  
Stone or Iron  
Pier.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, in case the said intended Pier shall in the first instance be erected and built of Wood, at such Time or Times as to the said Commissioners shall seem most expedient, to cause and procure such Wooden Pier, together with all the Cranes, Crane Houses, Steps, Railings, and other Conveniences as may be thereon erected, to be taken down, removed, and carried away, and to cause and procure another Pier to be erected and built principally of Stone, Iron, or such other Materials (except Wood) as to the said Commissioners shall seem best, in the Room, Place, and Stead of such Wooden Pier so to be removed and taken down, and also erect and build, or cause to be erected and built, such Cranes, Crane Houses, Toll Gates, Toll Houses, Steps, Railings, and other Conveniences upon the said new Pier, as to the said Commissioners shall seem necessary and proper; and all the Powers, Provisions, Penalties, Forfeitures, Matters, and Things in this Act contained shall apply as well to any Pier to be erected



erected in lieu of the Wooden Pier (if any) first erected, as to the Pier first erected.

LI. And be it further enacted, That it shall not be lawful for the said Commissioners to erect and build, or cause to be erected and built, any fresh, different, or other Pier or Landing Place for Passengers, in the said Port of *Southampton*, other than those which they are hereby authorized and directed to erect and build, until all Sum or Sums of Money which shall at any Time be borrowed by the said Commissioners by virtue of this Act, together with Interest thereon, shall be fully paid and satisfied by the said Commissioners to the several Parties from whom such Sums of Money shall be respectively borrowed: Provided always, that nothing herein contained shall be construed to prevent the said Commissioners from keeping in repair or renewing any existing Hards, Steps, or Landing Places.

Commissioners shall not erect another Pier until the Debts are satisfied.

LII. Provided always, and be it enacted, That the total Amount of the Principal Monies to be borrowed by virtue of this Act shall not exceed the Sum of Thirty thousand Pounds; and that such Monies shall not amount to the said Sum of Thirty thousand Pounds unless in the Event of a Pier consisting principally of Wood or Timber being first built, and afterwards being taken down and replaced, and a Pier built principally of Stone, Iron, or other Materials, excepting Wood.

Limitation of Amount of Money to be borrowed.

LIII. And be it further enacted, That the Master or Owner of or the Person or Persons having the Charge or Command of every Boat, Cargo, Ship, or Vessel lying or being within the said Port of *Southampton*, shall be, and he, she, and they is and are hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by such Boat, Cargo, Ship, or other Vessel, or by any of the Boatmen, Bargemen, Watermen, or Seamen, or other Person or Persons belonging to or employed in or about the same respectively, to the said intended Pier or any of the Works which shall be constructed in pursuance of this Act, either by the loading or unloading of any Boat, Barge, Ship, or other Vessel, or by any other Means whatsoever; and the Master or Owner of every such Boat, Barge, Ship, or other Vessel shall, for any such Trespass, Damage, Spoil, or Mischief, upon Conviction of any such his, her, or their Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons, before any Justice or Justices of the Peace for the said Town and County of *Southampton*, on the Oath (or, being a Quaker, solemn Affirmation) of any credible Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, or on the Confession of the Party or Parties offending, forfeit and pay to the said Commissioners such Damages, Satisfaction, and Compensation, together with such reasonable Costs, as shall be ascertained, fixed, and determined by such Justice or Justices, who, on Nonpayment thereof, are hereby authorized and required to levy the same in the same Manner as is herein-after directed for the Recovery of Penalties or Forfeitures, provided that no such Damage, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds; but in case such Damages shall

Masters of Vessels to account for Damages done by their Vessels.

[*Local.*]

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exceed



exceed the Sum of Twenty Pounds, then and in such Case the said Master or Owner of such Boat, Barge, Ship, or other Vessel may be sued and prosecuted for such Damages, Satisfaction, and Compensation in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be granted or allowed; and if a Verdict or Judgment shall be given against him, her, or them, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs of Suit.

Masters may recover from their Servants.

LIV. Provided always, and be it further enacted, That such Boatmen, Bargemen, Watermen, Seamen, and other Person or Persons, and each and every of them, shall be liable to repay such Damages, Satisfaction, and Compensation, Costs, Charges, and Expences, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof, upon Demand, and Oath, or, being a Quaker, solemn Affirmation, made by such Master or Masters, Owner or Owners, of the Payment made by him or them of such Damages, Satisfaction, and Compensation, and that the same, and the Costs thereof, have or hath not been repaid to him, her, or them by such Bargemen, Boatmen, Watermen, or Seamen, or other Person or Persons, or any of them, although demanded, such Oath or Affirmation to be made before any One or more of His Majesty's Justices of the Peace for the said Town and County of *Southampton*, who is or are hereby authorized to administer the same, the Amount thereof shall be recovered as herein-after is provided respecting the Recovery of Fines, Penalties, and Forfeitures by this Act imposed, respecting which no particular Directions are hereby given; and in case such Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons shall have no Property whereon such Damages, Sums or Sum of Money, may be levied, then on Oath or Affirmation made as aforesaid before Two such Justices, that such Money was not paid on such Demand having been so made, and no such Property to be found, such Justices are hereby authorized and required, by Warrant under their Hands and Seals, to commit or cause such Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons to be committed to the Common Gaol or House of Correction for the said Town and County of *Southampton* for a Time not exceeding Thirty Days, if such Demand shall not in the meantime be paid; and that it shall be lawful for the Person or Persons authorized by such Warrant to cause such Boatmen, Bargemen, Watermen, Seamen, or other Person or Persons to be apprehended within any other County or Counties, City, or Place where he, she, or they may be found, and brought before the Justices granting such Warrant, on such Warrant first being indorsed by a Justice of the Peace acting in and for the County, City, or Place where such Offender or Offenders shall be found, to be dealt with as before mentioned.

No Vessel to be fastened to Pier (except for landing or shipping thereat)

LV. Provided always, and be it further enacted, That if the Master or Owner or other the Person or Persons having the Command of any Ship, Vessel, or Boat, of whatsoever Denomination or Description, shall fasten, or cause or permit to be fastened, any such Ship, Vessel, or Boat, of whatsoever Description, to the said intended



tended Pier, unless for the Purpose of landing or shipping Passengers, Baggage, or Goods, or other Merchandize, thereat or therefrom, or shall, for the Purpose of so landing or shipping, fasten the same to any Part of the said intended Pier not appropriated for that Purpose, without the Consent of the Harbour Master for the Time being for the said Port of *Southampton*, then the Master or Owner of every such Ship, Vessel, or Boat shall forfeit or pay to the said Commissioners for every such Offence any Sum not exceeding Five Pounds.

without Consent of Harbour Master.

LVI. And be it further enacted, That all Captains, Masters, or Persons in command of Steam Boats carrying Passengers, shall, immediately on their Arrival in the said Port of *Southampton*, if required so to do by any Five Passengers, and provided there be sufficient Accommodation for such Steam Boat or other Vessel, and the Wind and Weather will permit, come alongside the said intended Pier for a sufficient Time to enable Passengers and their Luggage to land thereat, and also shall (if carrying, or being ready or willing to carry, Passengers) immediately before their Departure from the said Port of *Southampton*, provided there be sufficient Accommodation for such Steam Boat or other Vessel, and if Wind and Weather will permit, come alongside the said intended new Pier, for the Purpose of enabling Passengers, together with their Luggage, to embark from the said intended Pier; and in case of any Captain, Master, or Person in command of any Steam Boat or other Vessel carrying Passengers, or being ready or willing to carry Passengers, refusing or neglecting to obey and follow this Enactment, he or they for every such Refusal or Neglect shall forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds.

Vessels to call at Pier to land and embark Passengers.

LVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Commissioners in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt within the Limits of this Act, shall, at their own Expence, immediately after receiving Notice by Parol or in Writing, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, from any Person or Persons, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Town and County of *Southampton*,

For stopping the Escape of Gas.



*ampton*, and shall and may be recovered, with all reasonable Charges; by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, by the Warrant of any Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

Penalty for conveying Washings into any River, &c.

LVIII. And be it further enacted, That if any Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt within the Limits of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or recovered, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt within the Limits of this Act, and such Body or Bodies Politic or Corporate, or other Person or Persons, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance,  
Nuisance,



Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, or other Person or Persons, so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury, or Damage, Act or Thing, shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer or Informers, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

LIX. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, or other Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of this Act, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes, the said Contractor or Contractors or other Person or Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Five Pounds.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

LX. And be it further enacted, That whenever the Water of any Company of Proprietors for supplying the Inhabitants of any Houses within the Limits of this Act with Water shall be contaminated by any Gas used or burnt within the Limits of this Act, the Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum

To prevent Escape of Gas and Contamination of Water.

[Local.]

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of



of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person making use of such Water, left at the usual Office or Place of transacting Business of the said Body or Bodies Politic or Corporate, or other Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company as aforesaid; and in case the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company as aforesaid, or by and in the Name of any One or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, before any Justice of the Peace for the said Town and County of *Southampton*, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties when so levied shall be paid to the Treasurer or other Officer for the Time being of such Water Company, for the Use of such Water Company.

For ascertaining if the Water be contaminated.

LXI. And be it further enacted, That in any Case in which it shall be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt within the



the Limits of this Act, it shall be lawful for the Company of Proprietors or other the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expences of the said digging, Search, and Examination, and of the Repair of the Pavement of the Roads, Street or Streets, which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences of digging, Search, and Examination shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors or other the Owners or Proprietors of such Waterworks shall bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Justice or Justices of the Peace as aforesaid.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding, by Indictment or otherwise, against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt within the Limits of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Persons  
supplying  
Gas liable to  
be indicted  
for a Nui-  
sance.

LXIII. And be it further enacted, That all and every Person or Persons whomsoever who shall at any Time or Times hereafter wilfully or designedly demolish, break down, or destroy any of the Works which shall be constructed under this Act, or any Part thereof, shall

Persons  
injuring  
Works to be  
guilty of  
Felony.



shall be deemed guilty of Felony, and suffer the like Pains and Penalties as in Cases of Simple Larceny.

Punishment  
for Perjury.

LXIV. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath (or, if Quakers, on solemn Affirmation,) by virtue of this Act, shall wilfully and corruptly give false Evidence or forswear themselves before any Jury, or before any Justice or Justices of the Peace acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to such and the same Fines and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject or liable to.

Recovery and  
Application  
of Penalties.

LXV. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for the Town and County of *Southampton*, on Complaint to him or them for that Purpose made upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath or Affirmation such Justice or Justices is or are hereby authorized to administer,) to be paid within such Time as the said Justices shall direct; and in default of Payment of such Penalties or Forfeitures according to such Order and Judgment, and if the Party or Parties offending shall not in the meantime have compounded with the said Commissioners, which Composition the said Commissioners are hereby authorized to enter into, provided the Penalties or any Part thereof are payable to the said Commissioners, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Commissioners, for the Use and Benefit of the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid one Moiety to the Informer, and the other Moiety to be applied by such Justice or Justices as to him or them shall seem fit; and in case such Penalties and Forfeitures shall not be paid as aforesaid, it shall be lawful for such Justice or Justices, and he or they is or are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until the Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them, or before some other Justice or Justices of the Peace for the said Town and County, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day not to be more than Seven Days from the taking of any such Security,) and which Security the said Justice or Justices is or are hereby empowered to  
take



take by way of Recognizance or otherwise ; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the said Justice or Justices, upon the Confession of the Offender or otherwise, that he or she has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is or are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Town and County, there to remain for any Time not exceeding Six Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

LXVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice ; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXVII. And be it further enacted, That it shall be lawful for any Commissioner, Collector, Surveyor, or other Officer of the said Commissioners, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Commissioner, Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the said Town and County of *Southampton*, without any other Warrant or Authority than this Act for so doing ; and such Justice is hereby empowered and required to proceed immediately on the Conviction or Acquittal of such Offender or Offenders.

For securing transient Offenders.

LXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall think fit, to cause Part of any Penalty, Forfeiture, or Fine to be paid to or for the Use of any Informer or Informers, or any Person or Persons, not being a Witness or Witnesses, taking or seizing, or assisting in taking or seizing, the Person or Persons convicted, or any of them.

Power to reward Informers.

[*Local.*]

*I*

LXIX. And







in any Action upon the Case, the Venue whereof shall be laid in the said Town and County of *Southampton*, or the next adjoining County, but not elsewhere; but no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceedings, in case proper Tender of Amends is made for the same; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action or Actions, by Leave of the Court where any such Action or Actions shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions wherein the Defendant is allowed to pay Money into Court.

LXXIII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

No Proceedings shall be removed.

LXXIV. And be it further enacted, That no Action at Law shall be commenced against any Person or Persons for any thing done or to be done by virtue of this Act until after Fourteen Days Notice thereof shall have been given or left at the usual or last known Place of Abode of the Person or Persons against whom such Action is intended to be brought, thereby setting forth the particular Cause of such Action, nor after Tender of sufficient Amends hath been made to the Party or Parties aggrieved, or to his, her, or their Attorney, nor after Three Calendar Months next after the Fact committed or Cause of such Action shall have arisen; and in every such Action the Venue shall be laid in the Town and County of *Southampton*, or in the next adjoining County, and not elsewhere, and shall not be changed; and the Defendant or Defendants in every such Action shall or may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue and under the Authority of this Act; and if upon the Trial of such Action it shall appear to have been so done, and that such Action shall be brought before the Expiration of Fourteen Days next after such Notice shall have been given or left as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, or to his, her, or their Attorney, or after the End of Three Calendar Months next after the Fact committed or Cause of such Action shall have arisen, or if the Venue in such Action shall have been laid otherwise than as aforesaid, then and in every or any of the said Cases the Jury on the Trial of such Action or Actions shall find a Verdict for the Defendant or Defendants therein; and in all Cases wherein a Verdict shall be found for any Defendant or Defendants in any such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs therein, then and in every such Case the Defendant

Notice and Limitations of Actions.



Defendant or Defendants in such Action shall have his, her, or their Costs, and shall have the like Remedy for recovering the same as Defendants have for recovering his, her, or their Costs in any other Case by Law.

Power of  
Appeal.

LXXV. Provided always, and be it further enacted, That if the said Commissioners, or any other Person or Persons, shall think themselves, himself, or herself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices in pursuance of this Act, or relating to any Matter or Thing herein contained, such Commissioners, or other Person or Persons, may, within Four Calendar Months after the Cause of such Complaint shall have arisen, appeal to the Justices of the Peace at the General or Quarter Sessions to be holden in and for the Town and County of *Southampton*, the Commissioners or other Person or Persons appealing having in every Instance given at least Ten clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before One or more Justices of the Peace of the said Town and County of *Southampton*, with Two sufficient Sureties, conditioned to try such Appeal, and to pay all Costs of such Appeal in case such Appeal shall be determined against the Party or Parties so appealing, and in all other respects to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall be at liberty, in a summary Way, to hear and determine such Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held in and for the said Town and County of *Southampton*, and if they see Cause may mitigate any Forfeiture and Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may order such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Public Act.

LXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

The



The SCHEDULE to which the foregoing Act refers.

	£	s.	d.
For every Passenger and other Person who shall land on the new Pier or Landing Place, or embark or go on board any Vessel, Boat, Wherry, or other Machine from the said Pier or Landing Place, or any Part thereof, for each and every Time	0	0	2
For every Person not landing on or embarking from the said Pier, who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or otherwise, for each and every Time	0	0	2
For every Person who shall ride on Horseback for Pleasure, Exercise, or otherwise, on the said Pier or Landing Place, such Person and Horse not landing on or embarking from the said Pier, for each and every Time	0	0	6
For every Four-wheeled Carriage, except a Fly, which shall be drawn on the said Pier or Landing Place, not being landed or embarked therefrom, for each and every Time	0	1	0
For every Two-wheeled Carriage and every Fly which shall be drawn on the said Pier or Landing Place, not being landed or embarked therefrom, for each and every Time	0	0	6
For every Horse that shall be landed on or embarked from the said Pier or Landing Place, or any Part thereof, for each and every Time	0	1	6
If craned, for each and every Time the additional Sum of	0	0	6
For every Bull, Cow, or Ox which shall be landed on or embarked therefrom, for each and every Time	0	0	6
For every Score of Hogs or Pigs which shall be landed on or embarked therefrom, for each and every Time	0	1	8
And for every Number less than a Score, per Head	0	0	1½
For every Score of Sheep which shall be landed on or embarked therefrom, for each and every Time	0	1	2
And for every Number less than a Score, per Head	0	0	1
For every Score of Lambs which shall be landed on or embarked therefrom, for each and every Time	0	1	0
And for every Number less than a Score, per Head	0	0	1
For every Calf which shall be landed on or embarked therefrom, for each and every Time	0	0	2
For every Four-wheel Carriage which shall be landed on or embarked therefrom, for each and every Time	0	4	0
If craned, for each and every Time the additional Sum of	0	1	0
For every Two-wheel Carriage which shall be landed on or embarked therefrom, for each and every Time	0	2	6
If craned, for each and every Time the additional Sum of	0	1	0
For all and every Trunk, Portmanteau, Box, Parcel, or other Package, falling within the Description of Luggage, that shall be landed or otherwise taken from or placed on the said Pier or Landing Place, not exceeding the Weight of Twenty-eight Pounds, each	0	0	2
If exceeding Twenty-eight Pounds and not exceeding Eighty-four Pounds, each	0	0	4
If exceeding Eighty-four Pounds and not exceeding One hundred and twelve Pounds, each	0	0	5
If exceeding One hundred and twelve Pounds and not exceeding One hundred and forty Pounds, each	0	0	6

[Local.]

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	£	s.	d.
If exceeding One hundred and forty Pounds and not exceeding One hundred and ninety-six Pounds, each -	0	0	7
If exceeding One hundred and ninety-six Pounds and not exceeding Two Hundred Weight, each - - -	0	0	8
If amounting to or exceeding Two Hundred Weight, for every Hundred Weight - - - -	0	0	4
And for every Twenty-eight Pounds in addition - -	0	0	1
(In which Case no Toll is to be paid in respect of less than One Quarter of a Hundred Weight.)			
But if the same shall be placed on a Barrow, then for any Quantity of Luggage belonging to One Person and contained in any One Barrow, and not exceeding the Weight of One hundred and forty Pounds - -	0	1	0
(The Person chargeable to have the Option of paying by Tale or by the Barrow.)			
Small Parcel, under Seven Pounds, belonging to any Passenger landing or embarking, to be exempt.			
For all Goods, Wares, or Merchandize of whatever Description, not falling under the Denomination of Luggage, that shall be landed upon or embarked from the said Pier, the Rates and Duties following :			
For every Hundred Weight or less - - - -	0	0	1
If the Measure of such Goods, Wares, or Merchandize, after the Rate of Forty Cubic Feet in Measure for every Ton in Weight, shall exceed the Weight, then the same shall not be charged by Weight, but shall be charged for every Ton Measure - - - -	0	1	8
And so in proportion for any greater or less Quantity.			

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