

CAMBER 1867

PORTSMOUTH CAMBER QUAYS. ACT 1868

ARRANGEMENT OF SECTIONS.

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ACT

For enabling the Corporation of the Borough of Portsmouth to construct a New Wharf or Quay in the Camber for extending their powers to levy rates and dues and for other purposes.

[ROYAL ASSENT, 13th July 1868.]

WHEREAS in the Third year of the reign of her present Majesty an Act (chapter 72, local) was passed intituled "An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that portion of the Harbour of Portsmouth called the Camber" whereby the Mayor Aldermen and Burgesses of the Borough of Portsmouth (hereinafter mentioned as "the Corporation") were empowered to remove the then existing Town Quay of the said Borough and in lieu thereof to make and maintain new Quays and other works:

Preamble.
2 & 3 Vict.
cap. 72.

10 And whereas under the powers of the said Act the Corporation made such new Quay but owing to the increase of population and trade in the said Borough the same is now insufficient for the wants thereof and it would be of local and public advantage if the

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Corporation were empowered to make and maintain an additional Quay in that part of the Harbour of Portsmouth called the Inner Camber :

And whereas by the said Act it was enacted (Section 62) to the effect that when the Corporation should have completed the 5 quays thereby authorized for the length therein mentioned it should be lawful for the Corporation to demand and take in respect of all ships boats or other vessels lading or unlading upon or from the said quays or in the said Camber within a line drawn from the north-east 10 angle of Lindegren's Store to the south-west angle of the New Gun Wharf the several tonnage dues or sums specified in the Second Schedule to that Act annexed :

And whereas by the said Act (Section 63) the Corporation were authorized to demand and take in respect of all goods wares and merchandise or other commodities or things (except the personal luggage 15 of passengers) which should be laden or unladen landed or shipped upon or from the wharfs and quays of the Corporation or upon or from any other works to be made by them as therein mentioned or upon or from any other wharfs or quays or elsewhere upon or from the banks or shores of the said Borough within the limits or boundaries of the 20 same as then settled by law the several rates or sums specified in the Third Schedule to that Act annexed Provided always (Section 65) that in respect of all goods wares and merchandise commodities or things which should be laden or unladen landed or shipped or im- 25 ported or exported at any place within the said Borough not comprised within the said line drawn from the north-east angle of Lindegren's Store to the south-west angle of the New Gun Wharf the Corporation should accept and take one-half only of the rates or sums specified in the Third Schedule to that Act annexed Provided also that 30 in respect of all coals and culm laden or unladen landed or shipped or imported or exported at any place not within the said line the Corporation should accept and take the sum of twopence per ton only in lieu of the sum of sixpence per ton in the said Third Schedule mentioned :

And whereas it is expedient that the Corporation should be 35 authorized to demand and take not only within the limits defined in the 62nd Section of the recited Act but also at the Wharf recently constructed at Flathouse and all other existing and future wharves

and quays in the Borough of Portsmouth belonging or which may belong to the Corporation without those limits in respect of vessels lading or unlading the tonnage dues or sums specified in the Second Schedule of that Act and in respect of goods wares and merchandize
5 laden or unladen landed or shipped the full amount of the rates or sums specified in the Third Schedule of the same Act and that the Corporation should also be authorized to demand and take rates and charges in respect of goods left upon and occupying any of the wharves and quays of the Corporation:

10 And whereas it is expedient to alter and amend certain other provisions contained in the recited Act as in this Act expressed:

And whereas it is expedient that the exclusive right to appoint meters and weighers within the Borough should be vested in the Corporation:

15 And whereas for the purpose of the Quay and works by this Act authorized it is expedient that the Corporation be empowered to borrow money to the extent in this Act expressed:

And whereas plans and sections of the intended Quay and works showing the situation lines and levels thereof and the lands on which
20 the same are intended to be made and Books of Reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the lands have been deposited with the Clerk of the Peace for the County of Southampton and those plans sections and Books of Reference are in this Act referred to as
25 the deposited plans sections and Books of Reference:

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

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and be it Enacted by the Queen's Most
30 Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament

assembled and by the authority of the same as follows (that is to say):—

- Short title. **1.** This Act may be cited for all purposes as “The Portsmouth
“Camber Quays Act 1868.”
- Incorporation of
General
Acts. **2.** “The Lands Clauses Consolidation Act 1845” and “The 5
“Lands Clauses Consolidation Acts Amendment Act 1860” are (except
where expressly varied by this Act) incorporated with and form
part of this Act.
- Interpreta-
tion. **3.** In this Act the several words and expressions to which
meanings are assigned by the Acts wholly or partially incorporated 10
herewith have the same respective meanings unless there be something
in the subject or context repugnant to such construction. The ex-
pression “the Act of 1839” means the recited Act of 2 & 3 Victoria
chapter 72; the word “Corporation” means the Mayor Aldermen and
Burgesses of the Borough of Portsmouth; the word “Borough” means 15
the Borough of Portsmouth; the word “Council” means the Council of
the Corporation; the word “vessel” means any ship lighter barge boat
raft keel or any other kind of vessel whatsoever whether navigated by
means of steam or otherwise; and the expression “Superior Courts”
or “Court of competent jurisdiction” or any other like expression in 20
this Act or any Act wholly or partially incorporated herewith shall be
read and have effect as if the debt or demand with respect to which
the expression is used were a common simple contract debt and not a
debt or demand created by statute.
- Council to
carry Act
into execu-
tion. **4.** The Corporation acting by the Council shall carry this Act 25
into execution.
- Errors &c.
in plans may
be corrected
by Justices
who shall
certify the
same. **5.** If any omission mis-statement or wrong description has been
made of any lands or buildings or of the owners lessees or occupiers
of any lands or buildings described on the deposited plans or men-
tioned in the deposited Books of Reference the Council after giving 30
Ten days notice to the owners lessees and occupiers of the lands
affected by such proposed correction may apply to any Two Justices
for the correction thereof and if it appear to such Justices that such
omission mis-statement or wrong description arose from mistake they
shall certify the same accordingly and they shall in such certificate 35
state the particulars of any such omission mis-statement or wrong

description and such certificate with the other documents to which it relates shall be deposited with the Clerk of the Peace for the County of Southampton and such certificate shall be kept by such Clerk of the Peace with the other documents to which it relates and thereupon such plans or Book of Reference shall be deemed to be corrected according to such certificate and the Corporation may take any lands in accordance with such certificate as if such omission mis-statement or wrong description had not been made.

Certificate to be deposited.

6. True copies of the said plans sections and Book of Reference or of any alteration or correction thereof or extract therefrom certified by the said Clerk of the Peace (which certificate such Clerk of the Peace shall give to all parties interested when required) shall be received in all Courts of justice or elsewhere as evidence of the contents thereof.

Copies of plans to be conclusive.

7. Subject to the provisions of this Act the Corporation may make and maintain in the line and according to the levels shown on the deposited plans and sections the Wharf or Quay and works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited Books of Reference as may be required for that purpose The Wharf or Quay and works hereinbefore referred to and authorized by this Act are:

Power to make works.

9+10 feet

A Wharf or Quay and Embankment Three hundred and forty-five feet or thereabouts in length to be situate in the Parish of Portsmouth in the Borough of Portsmouth in the County of Southampton commencing at or near the western end of the existing wharf on the north side of the Inner Camber and terminating at or near the north-western angle of the Inner Camber Together with all requisite and proper roads approaches walls piers platforms cranes warehouses buildings jetties landing-places stairs moorings buoys and other works and conveniences connected therewith.

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8. Subject to the provisions of this Act the Corporation may deviate laterally in the execution of the works by this Act authorized from the lines thereof delineated on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate from the levels of the said works shown on the deposited sections to any extent not exceeding Five feet.

Limits of deviation.

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Notice to be given of taking houses of labouring classes.

9. The Corporation shall not less than Eight weeks before they take in any parish Fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Corporation shall not take any such houses until they have obtained the certificate of a Justice that it has been proved to his satisfaction that the Corporation have made known their intention to take the same in manner hereinbefore required.

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Period for compulsory purchase of lands.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of Three years from the passing of this Act.

Period for completion of works.

11. The works by this Act authorized shall be completed within Seven years from the passing of this Act and if the said works shall not be completed within that period then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

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Power for Corporation to dredge.

12. The Corporation may from time to time dredge and cleanse the bed of the Camber in front of the Wharf by this Act authorized and all such parts of the bed and channels of the Camber as may be requisite to afford access for vessels to the Wharf or Quay and works by this Act authorized.

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Sections of former Act as to works made applicable to this Act.

13. Sections 4, 5, 9, 40, 84, 85 and 86 of the Act of 1839 shall extend and be applicable to the works by this Act authorized and to all other existing or future quays or wharfs which now or for the time being shall belong to or be under the control of the Corporation as if such works had been comprised in and authorized by the Act of 1839.

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Officers of Customs to have free access without payment of toll.

14. All officers of Customs being in the execution of their duty shall have free ingress and egress into upon and out of the Wharf or Quay by this Act authorized and through the gates and entrances of the same without payment of any toll or sum.

15. The Corporation may for the purposes of the works by this Act authorized from time to time borrow on the security of all or any of the rates and dues payable under the Act of 1839 and this Act respectively or on the security of the Borough fund and Borough rates
5 any sums of money not exceeding in the whole Five thousand pounds and in the event of any part of such money being paid off except by means of the sinking fund hereinafter mentioned may from time to time re-borrow the same and the sums of money which the Corporation are by this Act authorized to borrow shall be in addition to
10 the moneys which they are authorized to borrow under any other Act of Parliament.

Power for Corporation to borrow.

16. All mortgages and bonds granted by the Corporation in pursuance of the powers of any Act of Parliament before the passing of this Act and which shall be subsisting at the time of the passing
15 thereof shall during the continuance of such mortgages and bonds have priority over any mortgages bonds or other securities to be granted by virtue of this Act.

Existing mortgages to have priority.

17. The mortgagees of the Corporation may enforce payment of arrears of interest or principal or principal and interest due on their
20 mortgages by the appointment of a Receiver and in order to authorise the appointment of a Receiver in respect of principal or principal and interest the amount owing to the mortgagees by whom the application for a Receiver is made shall not be less than Five hundred pounds in the whole.

For appointment of a receiver.

25 18. There shall be a sinking fund for paying off the sums borrowed under this Act and the sums to be set apart and appropriated as such sinking fund out of the rates and dues shall in every year be not less than One-thirtieth part of the aggregate amount of the moneys from time to time so borrowed.

Sinking fund.

30 19. For the purposes of the mortgages by this Act authorized the clauses of "The Commissioners Clauses Act 1847" with respect to mortgages to be executed by the Commissioners shall subject to the provisions of this Act be incorporated therewith And in those clauses the word "Commissioners" shall for the purposes of this Act mean
35 the Corporation.

Certain sections of Commissioners Clauses Act incorporated.

20. From and immediately after the passing of this Act the Corporation may demand and take for or in respect of all vessels

Rates and dues under

Act of 1839
to be pay-
able at all
Corporation
wharves
within
Borough.

loading or unloading from or upon the new wharf recently constructed at that part of the Borough called Flathouse and now belonging to the Corporation and from or upon any existing or future wharf or quay now belonging to the Corporation or which may hereafter be constructed or acquired by them within the Borough the tonnage dues or sums specified in the Second Schedule to the Act of 1839 and they may also demand and take for or in respect of all goods wares merchandise commodities and things (except the personal luggage of passengers) which shall be laden or unladen landed or shipped upon or from any such wharf or quay as in this section before mentioned the full amount of the rates or sums specified in the Third Schedule to the Act of 1839 and the full amount of such rates or sums upon things not specified in the said Third Schedule as are payable under Section 64 of the same Act but nothing in this Act shall be deemed or construed to affect the exemption contained in Section 68 of the Act of 1839 of any person entitled to such exemption by virtue of any lease or leases and such exemption shall be deemed to extend to this Act in respect of the matters or things to which such exemption extends so long as the said lease or leases shall continue.

Charges in
respect of
goods
left on
quays.

21. The Corporation may from and immediately after the passing of this Act demand and take such rates and charges as shall be prescribed by any bye-law to be made by the Corporation in respect of goods wares merchandise commodities and things left upon and occupying any existing or future wharf or quay of the Corporation beyond a reasonable time to be fixed by such bye-law and until payment of such rates and charges the Corporation may detain and keep the same and Sections 61 and 102 of the Act of 1839 shall apply to any bye-law made pursuant to this provision.

Sections of
old Act as
to rates
made appli-
cable to this
Act.

22. Sections 68 to 83 (both included) of the Act of 1839 shall apply to the rates and dues by this Act made payable as if the same had been payable under the Act of 1839.

Exemption
from rates
of persons
&c. in Her
Majesty's
service.

23. Nothing in this Act contained shall extend or be construed to extend to charge with the payment of any of the rates or dues by this Act imposed or made payable any person or persons whilst on duty and actually employed in Her Majesty's service in respect of any of Her Majesty's ships vessels or boats or of any other ship vessel or boat whatsoever in the service or employ of Her Majesty's Customs or Excise or in the service or employ of the Board of Ordnance nor of

any vessel which may be seized by the officers of Her Majesty's revenues nor in respect of any goods or merchandize the property of the Crown, or under seizure, nor of any articles shipped or landed for the public service nor of any ship or transport or packet employed in Her Majesty's service in carrying the mails of letters or express under the authority of Her Majesty's Postmaster-General or in the conveyance by any of Her Majesty's ships vessels or boats of any officers or soldiers or any horses arms ammunition or baggage belonging to them or any of them.

10 **24.** All rates dues and sums of money received by the Corporation in respect of the Wharf or Quay and works by this Act authorized and also all rates dues and sums of money received by the Corporation under the Act of 1839 shall (subject to the rights of the existing mortgagees under those Acts respectively) be applied as follows that is
15 to say:

Application of rates.

First. In payment of interest due on principal moneys borrowed under the authority of this Act;

Second. In providing the sinking fund by this Act directed to be provided;

20 Third. In payment of the expenditure incident to the maintenance repair improvement and management of the works by this Act authorized;

And the surplus (if any) shall go in aid of the general Borough rates.

X 25 **25.** In case any vessel or part of a vessel shall be left within the Camber in such a position as to obstruct the trade and use thereof or in case the master or owner of the same cannot be ascertained or found it shall be lawful for the wharfinger or other person for that purpose appointed by the Corporation to remove or cause to be removed such vessel to any place either in or out of the Camber as he shall deem proper and in case it shall be found that any such vessel cannot be removed by floating away it shall be lawful for the Corporation to break up the same provided they shall have given to the master or owner thereof Fourteen days previous notice of their intention to exercise the power hereby given or if the master or owner cannot be found or ascertained provided the Corporation shall have affixed to such vessel Seven days before exercising the power hereby given notice of their intention so to do and the master or owner

For removal of vessels out of the Camber. X

thereof shall pay all the expenses attending such removal or breaking up such expenses to be recovered in manner directed by the Act of 1839 with respect to the recovery of penalties and forfeitures. And it shall not be lawful for any person (other than the person appointed by the Corporation in pursuance of the power herein contained) to break up any vessel within the Camber without having first obtained the license of the Corporation for that purpose signified in writing under the hand of the Town Clerk for the time being and if any person shall prevent or impede such removal or breaking up as aforesaid or shall break up or attempt to break up any vessel within the Camber without having obtained such license as aforesaid he shall for every such offence forfeit and pay any sum not exceeding Ten pounds.

Sections of Act of 1839 as to penalties made applicable. **26.** Sections 91 to 101 (both included) of the Act of 1839 (relating to penalties and forfeitures and proceedings for the recovery of the same) shall extend and apply to all penalties and forfeitures payable by virtue of this Act.

Corporation to appoint weighers and meters. **27.** The Corporation shall (except as hereinafter mentioned) have the exclusive appointment and regulation of meters and weighers within all parts of the Harbour and Borough of Portsmouth and for that purpose Sections 81 and 82 of "The Harbours Docks and Piers "Clauses Act 1847" shall be incorporated with this Act and for the purposes thereof the expressions "Limits of the Harbour Dock and "Pier" and "Harbour or Dock or Pier" in those sections shall mean and include all parts of the Harbour and Borough of Portsmouth Provided always that nothing in this section contained shall extend or be construed to extend to the weighing or meting of coals unladen or landed for the use and service of the Portsea Island Gas Company at their works or for the use and service of the Port of Portsmouth and Ryde Steam Packet Company at such Company's wharf unless either of the said Companies shall become sellers of coal nor shall anything in this section extend or be construed to extend to coals or other goods wares merchandise commodities and things landed on any parts of the shores of the said Harbour other than so much of the shores of the Island of Portsea as are within the Borough of Portsmouth.

Bye-laws. **28.** Sections 61 and 102 (relating to bye-laws) of the Act of 1839 shall extend and apply to the Wharf or Quay and works by this Act authorized and to all other existing or future quays or wharves which now or for the time being shall belong to or be under

the control of the Corporation as if the same had been comprised in and authorized by the Act of 1839 and also to meters and weighers to be appointed under this Act and their duties and the articles and goods to be weighed or measured by them and no proof or authentication of any bye-law made in pursuance of the Act of 1839 or of this Act shall be required further than or except such as is provided by Section 102 of the Act of 1839.

29. The Corporation shall not compulsorily take or in any manner interfere with the existing Custom House at Portsmouth or any premises thereto belonging until they shall have erected a new Custom House with suitable appurtenances in such situation and of such dimensions and description as shall be first approved of by the Commissioners of Her Majesty's Customs such approval to be signified in writing under the hand of their secretary for the time being.

For protection of Custom House at Portsmouth.

30. And whereas it is necessary that the fortifications and works belonging to Her Majesty and under the charge of Her Majesty's Principal Secretary of State for the War Department should be preserved intact and free from all obstruction: Be it therefore enacted that nothing in this Act contained shall authorize the Corporation to enter upon use or interfere with any land soil or water or any right in respect thereof or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Corporation.

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

31. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation in the first instance out of any moneys for the time being in their hands and the moneys so advanced and paid shall be repaid out of the first moneys raised by virtue of this Act.

Costs of Act.

PORTSMOUTH CAMBER QUAYS.

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ACT

FOR

Enabling the Corporation of the Borough of Portsmouth
to construct a new Wharf or Quay in the Camber
for extending their powers to levy rates and dues
and for other purposes.

[ROYAL ASSENT, 13th July 1868.]

31 & 32 VICT.—SESS. 1867-8.

J. HOWARD,

Town Clerk,

Portsmouth.