



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lx.

An Act for making a Dock with other Conveniences in the *Camber* at *Portsmouth*, and for other Purposes. [1st August 1859.]

WHEREAS by the Local and Personal Act, 2 and 3 *Victoria*, Chapter 72., (herein-after called "the Quay Act,") the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth* (herein-after called "the Corporation") were empowered to remove the Town Quay of the said Borough, and in lieu thereof to make a new Quay, together with other Wharves, Quays, Jetties, Landing Places, Docks, Basins, and other Works, and also to excavate and deepen the Portion of the Harbour of *Portsmouth* called the *Camber*, to levy Rates and Dues, and to borrow on Mortgage thereof any Sums not exceeding Ten thousand Pounds, and also such farther Sums as they should think necessary for the Purposes of that Act on Mortgage of any of the Corporate Property, and the Exercise of the Powers of that Act for the Completion of the Works was limited to Seven Years from the passing thereof: And whereas under the Powers of "the Quay Act" the Corporation duly removed the Town Quay existing at the passing thereof, and constructed another Quay, and also a Slipway for the Repair of Vessels, and other Conveniences, and borrowed certain Sums of Money on Security of the said Rates and Dues and Corporate Property, of which Nine thousand Pounds or thereabouts still remain due: And whereas the Construction of a Dock in or upon the *Camber* and Land adjoining

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adjoining thereto, in the Parish of *Portsmouth* in the County of *Southampton*, would be of great Benefit to the Town of *Portsmouth* and the Commerce and Trade of the same, and advantageous to the general Public: And whereas Plans and Sections of the proposed Dock, showing the Situation and Level thereof, with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Hereditaments which may be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Southampton*: And whereas the Corporation are willing to construct the said Dock, if authorized so to do; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.
c. 18. and
10 & 11 Vict.
c. 27. incor-
porated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," (except the Clauses of that Act with respect to Life Boats, and with respect to keeping a Tide or Weather Gauge,) shall be incorporated with and form Part of this Act.

Short Title.

II. This Act may be cited for any Purpose as "*Portsmouth Docks Act, 1859.*"

Same Mean-
ingsto Words
in this Act
and the in-
corporated
Acts.

III. The several Words and Expressions to which by the Acts wholly or partly incorporated with this Act Meanings are assigned shall in this Act and in the Acts or Parts of Acts so incorporated have the Meanings so assigned to them respectively, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Act to be
executed by
Council.

IV. This Act shall be carried into execution by the Corporation acting by their Council, with the Powers and Indemnities and according to the Provisions of the Act of the Sixth Year of the Reign of King *William* the Fourth, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, and the other Acts relating to Municipal Corporations now or hereafter to be in force, so far as those Powers, Indemnities, and Provisions can be applied to the Purposes of this Act, but without Prejudice nevertheless or Restraint of the Powers herein-after conferred of borrowing Money for the Purposes of this Act.

Fund for
Payment of
Wages, &c.

V. The Salaries, Wages, and Allowances of all Officers or Servants employed by the Corporation solely for the Purposes of this Act, and any additional Salaries, Wages, and Allowances allowed by the Corporation for Services under this Act to any Officers or Servants employed by them for other Purposes, shall be payable out of the Income arising under this Act.

VI. Subject

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VI. Subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Corporation may make and maintain the Dock in the Situation and upon the Lands and Hereditaments delineated upon the said Plans and described in the said Book of Reference, and within the Limits aforesaid may make and maintain all such Works and Conveniences connected with the Dock as they may think fit, and may enter upon, take, and use such of the said Lands and Hereditaments as they shall deem necessary for the Purposes of the said Dockworks and Conveniences.

Power to
construct
Dock Works.

VII. The Works by this Act authorized comprise the following Works ;
(to wit.)

Describing
the new
Works.

The Construction and Maintenance of a Dock, with Wharf, Walls, Cuts, Locks, Roads, Approaches, and other Works, upon Part of the *Camber* aforesaid and other Lands and Premises adjoining the same, situate in the Parish of *Portsmouth* aforesaid, with an Entrance into such Dock at the Westward End thereof from the *Camber* :

The Improvement, deepening, altering, straightening, walling, and Embankment of the *Camber*, and the Bed, Shore, and Soil thereof, at or near such intended Entrance as aforesaid, as shown on the said Plans :

The Construction and Maintenance of all requisite Wharves, Quays, Walls, Bridges, Gates, Caissons, Slips, Stairs, Piles, Coffor Dams, Cranes, Warehouses, Buildings, Approaches, Machines, Engines, Works, and Conveniences connected with or the Purposes of the said intended Dock and other Works :

The Diversion of Water from the *Camber* into the said Dock and Works.

VIII. It shall be lawful for the Corporation in constructing the Dock and other Works to deviate laterally to any Extent within the Limits of Deviation marked on the said Plans.

Limits of
Deviation

IX. Previously to commencing the Dock, or the Works connected therewith, or any Work below High-water Mark, the Corporation shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Dock and Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Dock and Works shall be constructed only in accordance with such Approval ; and when any such Dock or Works shall have been commenced or constructed, it shall not be lawful for the Corporation at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval ; and if any such Dock or Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions

Plan, &c. of
the Works to
be deposited
at the Admi-
rality.

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sions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty
may order
Local
Survey, at
Expense of
Corporation.

X. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Corporation by this Act authorized, in, over, or affecting any tidal Water, or of the intended Site thereof, the Corporation shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Corporation, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Corporation.

Works af-
fecting tidal
Waters
abandoned
may be re-
moved by
the Ad-
miralty, at
Expense of
Corporation.

XI. If any Work to be constructed by the Corporation in, under, over, through, or across any tidal Water, or if any Portion of any Work which affects or may affect any such Water or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of the Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly, with Costs of Suit.

Corporation
not to inter-
fere with
Crown Land
without
Consent of
the Secre-
tary of State
for War.

XII. And whereas it is necessary that the Fortifications and other Public Property belonging to Her Majesty, and under the Charge of Her Majesty's Principal Secretary of State for the War Department, should be preserved from Injury or Obstruction: Be it therefore enacted, That nothing in this Act contained shall authorize the said Corporation to enter upon or possess or occupy any Buildings or Land belonging to Her Majesty, and under the Control or Management of the said Principal Secretary of State for War, without the Consent of the said Principal Secretary of State for War in Writing first had and obtained for that Purpose, which Consent such Principal Secretary of State for War is hereby authorized to give.

No Works to
be executed
upon the
War Depart-
ment Pro-
perty except
upon a Plan
approved.

XIII. Notwithstanding anything in this Act contained, it shall not be lawful for the Corporation to construct any Erection or Work of any Kind whatsoever upon any Land belonging to Her Majesty until after a Plan and Specification thereof shall have been submitted to and approved by Her Majesty's Principal Secretary of State for War.

XIV. The

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XIV. The Powers of the Corporation for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years after the passing of this Act.

Powers for compulsory Purchases limited.

XV. On the Expiration of Five Years from the passing of this Act the Powers by this Act and the Acts incorporated herewith given to the Corporation with reference to the Dock and other Works shall cease to be exercised, except as to so much of the said Dock and Works as shall then be completed.

Period for Completion of Works.

XVI. The Corporation, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this Act, may contract with any Party willing to sell the same for the Purchase of any Lands, Houses, and Buildings, not containing or standing on more than One Statute Acre in the whole, for extraordinary Purposes, as defined in "The Harbours, Docks, and Piers Clauses Act, 1847."

Additional Land for extraordinary Purposes.

XVII. It shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress into and out of the said Dock and Premises connected therewith, and through the Gates and Entrances of the same, and also freely to pass, with their Vessels and Boats, through the Locks and Water Communications of the said Dock and Premises at all Times, provided the State of the Tide and Water Communications of the said Dock and Premises will admit of such passing.

Officers of the Customs to have free Access to Dock.

XVIII. It shall be lawful for the Corporation to demand and take, for the Use of their Warehouses, Cranes, Weighing and Measuring Machines, of and from the Owner or Person having the Charge of any Goods, Articles, or Things deposited in such Warehouses, or loaded or unloaded, weighed or measured, by means of such Cranes, Weighing and Measuring Machines, such reasonable Rates as the Corporation may from Time to Time appoint.

Rates to be charged for Use of Cranes, Weighing Machines, &c.

XIX. It shall be lawful for the Corporation to receive, for and in respect of every Vessel entering into the Dock for the Purpose of being repaired or for lying therein, or which shall be drawn or hauled up on any Inclined Plane or Slip belonging to the Corporation, any Rates or Sums not exceeding those specified in the Schedule to this Act annexed, in addition to the Charges for repairing, and also for and in respect of the Use of the Engines, Cranes, and Shears of the Corporation, or any of them, in respect of which the Corporation may take and receive such reasonable Rates or Sums as they shall from Time to Time, with the Approval of the Recorder of the Borough of *Portsmouth* for the Time being, appoint.

Rates to be taken for the Use of the Graving Dock, Slip, and Inclined Planes, Engines, Shears, &c.

XX. The Limits within which the Powers of the Dockmaster or the Regulation of the Dock and the Approaches thereto shall be exercised

Limits of the Powers of the Dockmaster.

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shall

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shall be the Dock, and the Works and Premises of the Corporation connected with such Dock, and all such Parts of the said *Camber* as are within a Line drawn from the North-east Angle of a certain Building heretofore known as *Lindegren's* Store to the South-west Angle of the new Gunwharf.

Power to
appoint
Meters and
Weighers.

XXI. It shall be lawful for the Corporation to appoint and license a sufficient Number of Persons to be Meters and Weighers within the Dock.

Power to
Corporation
to borrow on
Mortgage.

XXII. The Corporation may from Time to Time borrow, for all or any of the Purposes of this Act, on Mortgage of the Undertaking, Rates, and Duties by this Act authorized, the Borough Fund, the Borough Rate, and the Tolls, Rates, and Duties authorized to be levied under the Quay Act, or on Mortgage of any One or more of those Funds or Revenues, (but subject, as regards the said Borough Fund, Borough Rate, and the Tolls, Rates, and Duties payable under the said last-mentioned Act, to any prior Mortgages, Debts, and Engagements affecting the same respectively,) any Sums of Money not exceeding in the whole Thirty thousand Pounds.

Part of
10 & 11 Vict.
c. 16. incor-
porated.

XXIII. For the Purposes aforesaid, the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are incorporated with and form Part of this Act, and in those Clauses as incorporated with this Act the Expression "the Commissioners" means the Corporation, the Expression "the Clerk to the Commissioners" means the Town Clerk of the said Borough, and the Expression "the Office of the Commissioners" means the Town Clerk's Office, and the Form of such Mortgages and of any Transfer thereof may be similar to the Forms of Mortgage and Transfer respectively contained in Schedules (B.) and (C.) to "The Commissioners Clauses Act, 1847," or as near thereto as Circumstances will permit.

Sinking
Fund.

XXIV. Provided always, That the Sum to be appropriated and set apart out of the Rates as a Sinking Fund shall in every Year be not less than One Thirtieth Part of the aggregate Amount of the Sums so borrowed on Mortgage, until the whole of those Sums are paid off.

As to re-
borrowing of
Money.

XXV. In the event of any Part of the Moneys borrowed by the Corporation under this Act being repaid by any Means except the Sinking Fund by this Act provided for, they may re-borrow the same, and so *toties quoties*: Provided always, that to the Extent of any Portion of those Monies which from Time to Time is paid off by means of the Sinking Fund by this Act provided for, the Powers of the Corporation for borrowing and re-borrowing shall cease.

Appoint-
ment of
Receiver.

XXVI. The Mortgagees under this Act may enforce the Payment of any Arrears of Interest or the Arrears of Principal and Interest due
to

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to them by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver the Amount owing to the Mortgagee or Mortgagees by whom the Application for such Receiver shall be made shall be not less than Two thousand Pounds in the whole.

XXVII. The Corporation shall not be bound to see to the Execution of any Trust whatsoever, expressed, implied, or constructive, to which a Mortgage under this Act, or any Money thereby secured, may be subject; and the Receipt of a Party in whose Name a Mortgage stands in the Register of Mortgages, or if it stand in the Name of more Persons than One the Receipt of the Persons named in the Register, shall from Time to Time be a sufficient Discharge to the Corporation for any Interest or other Sum payable in respect of the Mortgage, notwithstanding any Trusts to which the Mortgage or any Money paid thereon is subject, and whether or not the Corporation have Notice of such Trusts, and the Corporation shall not be bound to see to the Application of the Money paid on any such Receipt.

Corporation not to be affected by Trusts of Mortgages.

XXVIII. The Corporation shall keep separate and distinct Accounts of their Receipts, Payments, Credits, and Liabilities for or with reference to the Purposes of this Act, to be called "The Dock Account," and an Abstract thereof shall be published yearly by the Borough Treasurer with the Account of the Borough Fund.

Dock Account to be kept.

XXIX. All Rates, Dues, Moneys borrowed, Damages, Penalties, and other Sums of Money and Income whatsoever from Time to Time received by or for the Use or Benefit of the Corporation in respect of the Execution of this Act, shall be carried to the Credit of the Dock Account.

Money to be carried to the Credit of the Dock Account.

XXX. All Moneys from Time to Time received by the Corporation under or by virtue of this Act (other than Moneys borrowed) shall be applied as follows; (that is to say.)

Application of Moneys.

First, in paying the Expenses of and preliminary and incidental to the obtaining and passing of this Act and any Moneys advanced for or towards those Expenses;

Secondly, in paying the Interest of all Principal Moneys borrowed under the Provisions of this Act and for the Time being remaining unpaid;

Thirdly, in setting apart the Sinking Fund required by this Act;

Fourthly, in the Construction, Maintenance, and Repairs of the Works by this Act authorized, and the Execution of this Act with reference thereto, or of any of the Works authorized to be made by the said Quay Act; and

Fifthly, in paying off all Principal Sums borrowed under the Powers of this Act, and for the Time being remaining due:

And

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And all Monies borrowed by the Corporation under the Powers of this Act shall be applied for the Purposes firstly, fourthly, and fifthly herein-before specified, other than Maintenance and Repair of Works.

Dock to be subject to Provisions of present and future General Acts.

XXXI. Nothing herein contained shall be deemed or construed to exempt the Dock and Works connected therewith by this Act authorized to be made from the Provisions of any General Act now in force or to be hereafter passed relating to Docks.

Provision as to the Rights of the Crown.

XXXII. Nothing whatsoever contained in this Act or in any of the Acts herein recited or referred to shall extend to authorize the said Corporation to purchase, take, use, or otherwise interfere with any Foreshore, or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Hers or Successors.

Saving Rights of Admiralty and Ordinance.

XXXIII. Nothing in this Act contained shall prejudice or derogate from any of the Rights, Privileges, Jurisdiction, or Authorities of the Lord High Admiral or the Lords Commissioners for executing the Office of Lord High Admiral, or of Her Majesty's Principal Secretary of State for the War Department for the Time being.

SCHEDULE.

Vessels under 100 Tons, One Pound per Day.

Vessels above 100 Tons, Two Shillings additional per Day for every Fifty Tons.

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