ANNO SEXTO & SEPTIMO

# GULIELMI IV. REGIS.

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## *Cap.* cxii.

**An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at *Herne Bay* in the Parish of *Herne* in the County of *Kent;* and for giving additional Powers to the *Herne Bay* Pier Company.**

[4th *July* 1836.]

WHEREAS an Act of Parliament was passed in the First Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for making and* 1 W. 4. c. 25.
*maintaining a Pier or Jetty and other Works at* Herne Bay *in the Parish of* Herne *in the County of* Kent, and by the said Act several Persons were incorporated by the Name of the "*Herne Bay* Pier Company," for carrying into execution the said Undertaking; and it was by the said Act enacted, that in case the Undertaking and the several Works therein described and intended to be carried into Effect under the Authority of that Act should not have been completed within Five Years from the passing of that Act, then and from thenceforth all the Powers and Authorities given by that Act should cease and determine, save only as to so much and such Part of such Works as should have been completed within such Time: And whereas the said Company have erected the said Pier or Jetty, and proceeded in constructing a Parade and other Works authorized

by the said Act to be constructed, but have been unable to complete the whole thereof as contemplated within the Time thereby limited: And whereas it would tend greatly to the Convenience of the said Town and Neighbourhood, and of the Residents and Visitors thereof, and to the public Utility if increased Accommodation were provided for the landing of Passengers, and Protection of Steam and other Vessels, and for the loading and unloading the same: And whereas it is requisite that the said Company should be empowered to raise a further Sum of Money to enable them as well to complete the Works authorized by the said Act to be constructed as to construct and maintain such additional Works as are authorized by this Act: And whereas it is expedient that some of the Provisions contained in the said Act should be altered or amended and enlarged, and that further Powers should be granted to the said Company; but the several Purposes aforesaid cannot be carried into execution without the Authority of Parliament: 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 said recited Act of the First Year of the Reign of His present Majesty King *William* the Fourth, and all the Powers, Privileges, Authorities, Exemptions, Advantages, Directions, Provisions, Rates, Tolls, Duties, Penalties, Forfeitures, Regulations, and other Matters and Things in and by the said Act contained and authorized, (except such of them or such Parts thereof respectively as are hereby repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the Pier or Jetty, Parade, and other Works as the same are already constructed and erected, and to the several Works and Things hereby authorized or required to be made or done, and shall operate and be in force with respect to the Objects and Purposes of this Act and of the said recited Act as altered and amended by this Act, as fully and effectually to all Intents and Purposes as if the same had respectively been repeated and re-enacted in this Act.

Provisions of recited Act extended to this Act, save as hereby altered.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and all Works, Matters, and Transactions which by the said Act or this Act are directed or authorized to be done by the said Company shall and may be legally done by the Directors of the said Company, except only with respect to such Transactions as by the said Act or this Act are directed to be done by the Proprietors of Shares in the said

Meaning of certain Words in this Act.

said Undertaking generally in contradistinction to the Directors in their Capacity of Directors only.

Company may complete the Pier and other Works.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to complete and finish the said Pier or Jetty at *Herne Bay* aforesaid, and also to extend the T Head of the said Pier as they shall deem necessary or expedient, and to proceed to complete the said Parade, and to make and maintain and from Time to Time support and keep in repair such other Landing Places and Jetties, Quays, Wharfs, Warehouses, Buildings, and other Works, Conveniences, Matters, and Things, as they shall deem necessary or expedient for the Security of and giving Facility to the landing of Passengers from Steam and other Vessels, and the Officers and Crews thereof, and for the more convenient loading and unloading of Cargoes, Goods, Luggage, and Merchandize from the same, and for the other necessary Purposes of the said Company, and in such Manner as the said Company shall deem expedient, so that such Parade, Sea Wall, Landing Places, Jetties, Quays, Wharfs, Warehouse, Buildings, and several other Works so to be completed, constructed, and built shall not extend or be made on the West Side of the said Pier or Jetty beyond the Station House and Premises now occupied by Lieutenant *Lastan*, nor on the East Side of the said Pier or Jetty beyond the East Side of a certain Road or Street called or known by the Name of *William Street*, notwithstanding any Power, Provision, or Authority contained in the said recited Act to the contrary, and so that in such Parade, Sea Wall, Landing Places, Jetties, Quays, Wharfs, Warehouses, Buildings, and Works so to be completed, constructed, or built as aforesaid there shall be made and left Two proper and sufficient Gaps or Openings, One at or within One hundred and fifty Yards to the East of the present Culvert or Drain, and One to the West of the said Pier at or near to a certain Lane or Street called *Sea Street*, so as to leave a free Passage for the private Use of the said Company, and of *John Collard* and *William Tassell* and their Successors, with Horses, Waggons, Carts, and Carriages, to pass and repass at all Times to and from the Shores of the said Bay, for the Purpose of the said *John Collard* and *William Tassell* and their Successors loading and unloading the Cargoes of all their Hoys or other Vessels.

Parade and Sea Wall not to extend beyond certain Limits.

Two Gaps to be left open for the Company and for unloading Hoys.

Power to raise further Sums of Money.

IV. And be it further enacted, That it shall be lawful for the said Company to raise in addition to the Capital Sum of Fifty thousand Pounds authorized to be raised by the said recited Act, and whether the same shall or shall not have been all raised, any further Sum or Sums of Money not exceeding altogether Twenty thousand Pounds; and the said Company are hereby authorized and empowered to raise the same Money by Contribution amongst themselves or by the Admission of other Persons as Subscribers to the Undertaking, and by issuing new Shares of Fifty Pounds each to such Contributors or Subscribers; and all Corporations and Persons who shall contribute and pay upon or in respect of such new Shares or who may become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby declared to

to be Owners or Proprietors of Shares in the said Undertaking, and shall become united to and incorporated with the said Company.

Company may borrow Money of Exchequer Loan Commissioners.

V. And be it further enacted, That it shall be lawful for the said Company at any Time and from Time to Time to borrow of and from the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act;* and also another Act of Parliament passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act to amend several Acts passed for the authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purpose of the said Act;* and also another Act of Parliament passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act;* and the said Commissioners are hereby authorized to lend to the said Company, at Interest not exceeding Five Pounds *per Centum per Annum*, such Sum or Sums of Money not exceeding in the whole the Sum of Thirty thousand Pounds as to the said Commissioners may seem meet and convenient, and subject to such Terms and Conditions as they may appoint; and the said Company are hereby authorized by One or more Deed or Deeds under their Common Seal, and at the Costs of the said Company, to mortgage, assign, and secure to the Secretary for the Time being of the said Commissioners, in such Manner and Form as they shall direct and appoint, the said Pier or Jetty and all Works connected therewith, and all Property and Effects belonging or which may hereafter belong to the said Company, and all Rates, Tolls, Profits, and Receipts accruing or which may at any Time hereafter accrue, arise, or be taken, collected, or received by or for the Use of the said Company under the Powers and Provisions of the said recited Act and this Act, or any subsequent Act or Acts of Parliament relating to the said Pier or Jetty and other Works, or otherwise free from all Charges and Incumbrances, for securing to the said Commissioners the Repayment of the full Amount of the Exchequer Bills to be so advanced, with Interest as aforesaid.

3 G. 4. c. 86.

1 & 2 W. 4. c. 24.

4 & 5 W. 4. c. 72.

Security given to the Commissioners not to be impeachable on account of certain Informa-

VI. And be it further enacted, That any Security which shall be given by the said Company to the said Commissioners shall not be impeachable for or on account of any Informality in the convening or holding of any Meeting of the said Company or of the Directors thereof, or for or on account of the Informality of any Acts done at any such Meeting; and all Securities so given to such Commissioners shall

shall have Priority over and precede all other Mortgages, Assignments, and Securities granted or to be granted by the said Company, and all Dividends and Divisions of Profits or Interest upon any Sums advanced or which may hereafter be advanced or contributed for carrying on or completing the said Undertaking. lities, and to have Priority.

VII. And be it further enacted, That without Prejudice to any or every Mortgage to be made to the Secretary of the said Commissioners as aforesaid, and notwithstanding any thing in the said recited Act or in this Act contained, it shall be lawful for the said Company, in case they shall not borrow any Part, or not borrow the Whole, of the said Sum of Thirty thousand Pounds from the said Commissioners, to borrow of any Persons or Corporations other than the said Commissioners, on the Credit of the said Undertaking, the Whole or any Part of the said Sum of Thirty thousand Pounds, as to the said Company shall seem meet, and subject and without Prejudice as last aforesaid, by Deed or Deeds under the Common Seal of the said Company, to mortgage, assign, and charge the Property and Works of the said Company, and the Rates, Tolls, and other Sums arising or to arise by virtue of the said recited Act or this Act or any Part thereof, and all other the Property as well present as future of the said Company, or any Part thereof, as a Security for any Money so to be borrowed as last aforesaid, with Interest thereon as may be agreed on, to or for the Benefit of the Persons or Corporations who shall advance the same, but which Mortgage or Mortgages shall not preclude the said Company from receiving and applying to the several Purposes of the said Company all Money due and which shall grow due in respect of all and every Calls and Call to be made by the said Company, so as and provided that as to each then future Call such Proportion of the Money payable in respect thereof as may be agreed upon between the said Company and the Persons or Corporations lending Money as aforesaid be appropriated and applied by the said Company in satisfaction of the Principal and Interest Monies secured by the same Mortgage or Mortgages. Company may borrow Money on Mortgage of other Persons than the Commissioners.

VIII. And be it further enacted, That without Prejudice to any Security to be made to or for the said Commissioners, all Mortgages which shall be made by the said Company to other Persons shall be in the Words or to the Effect following, with such Variation as the Circumstances of the Loan may render necessary; (that is to say,) Mortgages to be made in the following Form.

‘ *Herne Bay* Pier Company.

‘ Number .

‘ BY virtue of an Act passed in the Sixth Year of the Reign of ‘ King *William* the Fourth, intituled [*here set forth the Title of* ‘ *this Act*], we the *Herne Bay* Pier Company, in consideration “ of to us paid by *A.B.* of, *&c.* do assign unto ‘ the said *A.B.*, his Executors, Administrators, and Assigns, the Pier ‘ or Jetty and other Works constructed and to be constructed under ‘ the Authority of the said Act and of an Act passed in the First ‘ Year of the Reign of His said Majesty, intituled *An Act for making* ‘ *and maintaining a Pier or Jetty and other Works at* Herne Bay, ‘ *in*

'*in the Parish of* Herne *in the County of* Kent, and all Rents, 'Rates, Tolls, and Profits to arise by or from the said Pier or Jetty 'and other Works, and all other the Property, present and future, of 'the said Company, [*or in case the Mortgage be only of any par-* '*ticular Portion of the Undertaking or Tolls, then specify the same* '*instead of using the preceding Description ;*] to hold unto the said '*A.B.*, his Executors, Administrators, and Assigns, until the said 'Sum of together with Interest for the same after the 'Rate of for every One hundred Pounds for a Year, shall 'be fully paid and satisfied. Given under the Common Seal of the 'said Company this Day of .in the Year of our 'Lord .'

And an Entry or Memorial of such Mortgages, containing the Numbers and Dates thereof and the Names of the Parties (with their proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall within Thirty Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any Proprietor or Creditor of the said Undertaking, without Fee or Reward; and every Person to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer his Right and Interest therein and the Property charged therewith to any Person, which Transfer shall be by Deed duly stamped, in which the Consideration Money shall be truly stated, and which Transfer may be in the Words or to the Effect following, with any Variation therein which Circumstances may render necessary; (that is to say,)

Mortgagees may transfer Mortgages.

Form of Transfer.

'I *A.B.* of in consideration of the 'Sum of paid to me by *C.D.* of 'do hereby transfer to the said *C.D.*, his Executors, Administrators, 'and Assigns, a certain Mortgage, No. made by the *Herne* '*Bay* Pier Company to 'bearing Date the Day of for securing the 'Sum of and Interest at the Rate of *per Centum* '*per Annum*, and all my Right, Estate, and Interest in and to the 'Monies thereby secured, and all Property and Monies vested in 'me by means of the said Mortgage, and all my Right and Interest 'to and in the same. Dated this Day of 'in the Year of our Lord .'

Transfer to be produced to Clerk of Company and an Entry made thereof.

And every such Transfer shall (within Thirty Days after the Date thereof if executed in *England*, or otherwise within Forty Days next after the Arrival thereof in *England* if executed out of *England*,) be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage, for which Entry or Memorial the said Clerk shall be paid the Sum of Five Shillings; and after such Entry or Memorial made, every Transfer shall entitle the Transferee, his Executors, Administrators, and Assigns, to the Benefit of the Security so transferred, and to Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release,

or discharge the Mortgage so transferred, or the Money thereon due or thereby secured or any Part thereof.

Company may borrow Money on Bonds.

IX. And be it further enacted, That if the said Company shall think it expedient to borrow the said Sum of Thirty thousand Pounds or any Part thereof by Bond or Bonds under their Common Seal, it shall be lawful for them so to do, and the Money secured by such Bond or Bonds shall be made payable in such Manner and at such Time or Times, and at such legal or less Rate of Interest, as the said Company shall think proper, and the Rents, Rates, Tolls, and Profits which shall from Time to Time arise in respect of the said Undertaking shall be a Security for the Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities and the Principal Money and Interest thereby secured; and all Persons to whom any such Securities either by way of Mortgage or Bond shall be given or transferred, or in whom they shall become vested, shall be equally entitled to a Claim or Lien on the said Rents, Rates, Tolls, and Profits, in proportion to the respective Sums mentioned thereby to be secured, and without any Preference by reason of the Priority of Date of any of such Securities or on any other Account whatsoever.

Repeal of Power to raise Money by Debentures.

X. And whereas the said Company were authorized by the said recited Act to raise Money by Debentures, but they have not availed themselves of such Power; be it therefore enacted, That the Power enabling the said Company to raise Money by Debentures shall be and the same is hereby repealed.

Interest on Money borrowed to be paid in preference to Dividends.

XI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage or Bond or Bonds as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by the said Company to the Proprietors of the said Undertaking or any of them, and in case any such Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall become due, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting in and for the said County of *Kent*, and they are hereby required on Request to them made by any Creditor whose Interest shall be so in arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or such Part of the said Rents, Rates, Tolls, and Profits as are liable to pay such Interest so due as aforesaid, and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rents, Rates, Tolls, and Profits, shall be fully satisfied, and after such Interest and Costs shall be paid the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease, but in case the Power aforesaid shall not be resorted to the Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XII. And

Power to raise again any Part of the Money paid off.

XII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said Sum of Thirty thousand Pounds by Mortgage (either to the said Commissioners or otherwise as herein-before mentioned) or by Bond or Bonds as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company immediately or at any Time or Times thereafter again to raise, by all or any One or more of the Ways and Means aforesaid, in lieu of any Principal Money so paid off, the Whole or any Part or Parts of such Sum or Sums of Money as they shall from Time to Time have paid off, and so from Time to Time as the same shall happen.

Shares in Company and Mortgages, &c. to be deemed Personal Estate.

XIII. Provided also, and be it further enacted, That the Money to be raised by virtue of this Act, and all the Profits and Advantages thereof, and all Shares created in the said Undertaking, shall be and be deemed Personal Estate and Effects, and not of the Nature of Real Property, and be accordingly transmissible.

Power to re-issue Shares previously issued and forfeited notwithstanding Mortgages.

XIV. And be it further enacted, That it shall be lawful for the said Company or the Directors thereof, notwithstanding any Mortgage or Mortgages which may be made to the said Commissioners or to any other Persons or Corporations, and notwithstanding any Bonds which may be given by the said Company, to re-issue from Time to Time, as they shall think proper, such Shares in the said Undertaking as having been previously issued shall have become forfeited to the said Company by reason of Default having been made by the Persons taking or subscribing for the same in paying up any Money which shall have been called for in respect thereof or otherwise.

Application of Money to be raised by this Act.

XV. And be it further enacted, That the Money so to be raised or borrowed as aforesaid, or a sufficient Part thereof, shall be laid out or applied in payment, satisfaction, and discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and for the doing and providing of all Matters and Things preparatory and previous thereto, and all the Residue of such Money or so much thereof as shall be necessary shall be applied and disposed of for or towards carrying the Intents and Purposes of this Act and the said firstly herein-before recited Act into full and complete Execution.

Repealing Provision respecting the auditing of Accounts.

XVI. And be it further enacted, That so much of the said recited Acts as directs that at every General Meeting of the said Company an Account of all the Monies received, paid, laid out, and disbursed respecting the Works thereby authorized to be made, brought up to the Twenty-fifth Day of *March* before such General Meeting, should be laid before the Proprietors to be audited and settled, shall be and the same is hereby repealed.

For Appointment of Auditors.

XVII. And be it further enacted, That at the First General or Special General Meeting of the Proprietors of the said Undertaking to be held after the passing of this Act Three Persons, being Holders respectively of not less than Five Shares in the said Undertaking, shall

shall be appointed to audit the Accounts of the said Company, each of which Auditors shall continue in Office for One Year from the Day of Appointment (such Day being excluded), unless he shall die, resign, or become disqualified to act by reason of not holding the requisite Number of Shares or otherwise, or shall be displaced by a Resolution passed at a General or Special General Meeting of the said Proprietors, and an annual Appointment of Three Auditors for the Year following the Day when the Auditors for the Time being shall go out of Office shall in like Manner take place at such General or Special General Meeting as shall be held next previous to the Day on which the Auditors for the Time being shall go out of Office; and the Auditors shall be allowed such Remuneration for their Services as shall be fixed at such First or some other subsequent General or Special General Meeting, and the Remuneration which shall from Time to Time be fixed shall continue to be payable annually until altered prospectively by a Resolution of a General or Special General Meeting: Provided always, that any Auditor who shall go out of Office shall be considered re-eligible for the next ensuing or any future Year: Provided also, that when any Vacancy in the Office of Auditor shall occur during any current Year the Directors of the said Company shall appoint a Proprietor duly qualified as an Auditor to fill up such Vacancy, and such Auditor shall continue in Office, if duly qualified, until the next annual Appointment of Auditors, but shall be capable of Re-election as aforesaid.

Annual Accounts to be laid before General Meetings.

XVIII. And be it further enacted, That at every annual General Meeting of the said Proprietors an Account of all the Monies received or paid and disbursed by or on account of the said Company, brought down to the Twenty-fifth Day of *March* in each Year, and duly audited, shall be laid before such Meeting to be passed and allowed.

Repeal of recited Act as to Dividends.

XIX. And whereas by the said recited Act it was enacted, that at the Expiration of Twelve Calendar Months from and after the Time when the said Pier and other Works should be so far completed that the Duties and Tolls thereby authorized to be taken should be first taken and received, the said Company should and they were thereby empowered to make such Dividend or Dividends upon the Principal Monies so subscribed and actually paid as aforesaid as should be from Time to Time resolved on and determined at a General Meeting of the said Company; be it enacted, That the last-mentioned Enactment shall be and the same is hereby repealed.

Company empowered to declare Dividends.

XX. And be it further enacted, That the said Company shall and they are hereby empowered from Time to Time to declare and pay such Dividend or Dividends upon or in respect of the Shares in the said Undertaking which shall then have been actually issued, and in respect of which all Calls shall have been paid up, as shall from Time to Time be resolved on and determined at a General Meeting of the Proprietors of the said Undertaking; provided always, that no Dividend in any One Year shall ever exceed the clear Profits which shall have accrued in the Year preceding the Meeting when such Dividend shall be declared, after deducting all Interest due on Monies borrowed under the Authority of this Act or the said recited Act.

Repeal of recited Act as to Appointment of Directors

XXI. And be it further enacted, That so much of the said recited Act as applies to the Appointment of the Directors of the said Company, but not including the Provisions respecting the Qualification of Directors and their Meetings, shall be and the same is hereby repealed; and from and after the passing of this Act the Directors who by virtue of the said Act shall then be in Office shall cease to be such Directors.

Board of Directors appointed.

XXII. And be it further enacted, That a Board of Directors, consisting of not more than Twelve Persons, being Members of the said Company, shall be constituted and appointed, and from Time to Time kept up, for the better managing the Affairs and Business of the said Company, and that *George Burge*, *John Brough*, *George Augustus Brown*, *Thomas Camplin*, *William Matthew Coe*, *William Davis*, *Dryden Elstob*, *David Halket*, *James Jenkins*, *Samuel Pocock*, *William Wiggins*, and *Joshua Richard Wilkinson*, being Members of the said Company, shall be and they are hereby appointed such Directors, and each of such Directors, so appointed as aforesaid and to be appointed as herein-after mentioned, shall continue in Office for the Space of Five Years, or until he shall previously die or decline to act or resign his Office, or become disqualified for the same by not possessing the Number of Shares in the said Act specified as the Qualification for Directors, or otherwise as in the said recited Act is mentioned, and at any General or Special General Meeting of Proprietors which shall take place after the Expiration of the said Five Years, and in each subsequent Year, Four of the Directors for the Time being, to be determined by Ballot among themselves, shall go out of Office, and from Time to Time as Vacancies shall occur from and after the passing of this Act, as well by such Secession from Office aforesaid as by the Death, Resignation, or Disqualification of any Director, every such Vacancy shall be filled up by the Proprietors of Shares in the said Undertaking who shall be present at the next General or Special General Meeting of the said Company which shall be held after any such Vacancy shall have occurred; and every Director so to be appointed as aforesaid shall have the same Powers and Authorities as the Director in whose Stead he shall be so appointed would have had if such Secession from Office, Death, Resignation, or Disqualification had not happened, and the Proprietors present at the First General or Special General Meeting of the said Company to be held after the passing of this Act may fix and appoint such annual or other Payment or Remuneration for the Pains, Care, and Attendance of the Directors of the said Company, whether prospectively or retrospectively, collectively or individually, and in such Manner and upon such Conditions as the said Proprietors shall think fit, and such Payments or Remuneration may be altered prospectively but not retrospectively at any future General or Special General Meeting: Provided always, that the Four Directors or any or either of them who shall go out of Office as herein-before mentioned shall be considered re-eligible either immediately or at any future Time: Provided also, that if the Directors for the Time being shall by Death, Resignation, or Disqualification be reduced to Six, then the surviving or continuing Directors shall forthwith appoint a sufficient Number of Persons duly qualified to hold the Office of Director until the next General

or

or Special General Meeting of Proprietors, but such Persons so appointed shall not be thereby rendered incapable of being appointed by the Proprietors to the Office of Directors.

First and annual General Meetings.

XXIII. And be it further enacted, That the First General Meeting of the said Company shall be held in the City of *London*, or within the Parish of *Herne* in the County of *Kent*, within such Time after the passing of this Act as the Directors shall appoint, of which Meeting not less than Seven Days Notice shall be given by public Advertisement in some One or more Newspaper or Newspapers published or usually circulated within the said City of *London* and County of *Kent*, or by a Circular Letter of Notice to the Proprietors, to be addressed to them at their then or last Place of Abode, as the same shall appear in the Register Book of Shares belonging to the said Company or otherwise as the said Directors shall direct; and there shall be held in each and every subsequent Year One General Meeting of the Proprietors, to be convened and held as aforesaid, in the Month of *May* in every Year; and at every such General Meeting Business shall be proceeded with so soon as Proprietors of Fifty Shares at least amongst them shall be present, and all Orders and Determinations of General Meetings of the said Company, duly convened and held as aforesaid, and which shall be made by a Majority of Votes at such Meeting respectively, shall be binding and conclusive on all Parties concerned to all Intents and Purposes whatsoever.

Repeal of recited Act as to Forfeiture of Shares.

XXIV. And be it further enacted, That so much of the said recited Act as obliges the Directors to sell by public Sale such Share or Shares in the said Undertaking as shall have become forfeited, and so much of the said Act as directs that in the event of the Place or Places of Abode of the Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice of Forfeiture as therein mentioned being unknown to the Clerk of the said Company, such Notice shall be published in the *London Gazette* and such other public Newspaper or Newspapers as the said Directors shall order and appoint, and so much of the said Act as directs that in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay the Arrears of Calls and Interest, the Surplus shall revert to and again become the Property of the Person to whom such Share or Shares shall have belonged, shall be and the same is hereby repealed.

Directors may contract for purchase of Land, &c.

XXV. And be it further enacted, That it shall be lawful for all Persons authorized under the said first-recited Act to sell and dispose of Lands and Hereditaments to the said Company to sell to the said Company any Messuages, Buildings, and Lands, mentioned in the Second Schedule thereto, as have not already been so purchased, during the further Term of Five Years from the passing of this Act, under the Conditions and Provisions of the said recited Act, notwithstanding any Provision contained in the said first-recited Act restricting the Exercise of such Powers to the Space of Five Years from the passing thereof; and further that the said Company shall have full Power and Authority, but only with the Consent of the Owners or Proprietors thereof or Persons interested therein, to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Matters or other

other Things, as shall and may be wanted, or as they the said Company shall deem necessary, for completing the said Works by the said recited Act or this Act authorized to be made, or for any of such Purposes, and to sell any Materials the Property of the said Company which shall not be wanted or which shall be deemed unnecessary to keep, and to treat, contract, and agree with all Persons touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given.

Tolls on Passengers and Goods.

XXVI. And be it further enacted, That from and after the passing of this Act the said Company, by their Officers, shall have Authority and are hereby empowered to collect and receive within the Limits following, that is to say, the said Station House on the West Side of the said Pier on or towards the West, and the Spot where a Post and Rail Fence on the East Side of the said Pier crosses the Beach and separates the Lands of *Edward Collard* and *Thomas Ashbee* on or towards the East, the Distance between such Station House and Fence, being altogether Three hundred and ninety Poles or thereabouts, be the same more or less, from every Passenger by any Ship, Packet, Vessel, Boat, or other Craft who shall land at or embark from the said Pier or Jetty, or within the Limits last aforesaid, and from every Person who shall walk on the said Pier or Jetty or the Approaches thereto, or on the said Parade and other Works so to be completed and constructed within the Limits first aforesaid, being the Company's Property, in respect of every such Landing or Embarkation and of every Time of entering or coming upon such Pier or the Approaches thereto, or on the said Parade and other Works so to be completed and constructed, such Sum as the said Directors shall direct, not exceeding the Sum mentioned in the said First Schedule to the said recited Act, and set down in Figures against the Words respectively applicable to such landing, Embarkation, or walking, and the said Company shall also demand, collect, and receive and be entitled to such and the same Rates, Tolls, or Dues in respect of all Wares and other Merchandize, Articles, and Things which shall be landed or embarked within the Limits last aforesaid as they are by the said Act authorized to receive in respect of Goods and Wares landed upon and embarked from the said Pier; and the Money payable by or in respect of Passengers shall be collected and received by the Master or other Person having the Command or Direction of the Ship, Vessel, Boat, or other Craft carrying such Passengers before the Departure of such Passengers from on board such Ship, Packet, Vessel, Boat, or other Craft, and shall be by such Master or other Person having such Command or Direction as aforesaid with all convenient Speed paid over to the Collector for the Time being or other Person to be appointed by the said Directors for that Purpose, and the Money payable in respect of Wares, Merchandize, Articles, and Things shall be paid by such Master or Person having the Command or Direction of the Ship, Packet, Vessel, Boat, or other Craft upon or from which the same shall be landed or unloaded: Provided always, that nothing in this present Act or in the said recited Act contained shall authorize or empower the said Company to collect or receive any Dues or Tolls whatsoever upon any Coals, or upon any Corn, Hay, Straw, or other Agricultural Produce, of what Nature or Kind soever, or upon any

Exemptions.

Chalk, Tiles, or other Materials used for the Purpose of dressing, manuring, or draining Land, which may be embarked from or landed within the Limits defined by the said Station House on the West and the said Posts or Rails on the East of the said Pier or Jetty, or upon any Goods, Wares, or Merchandize which may be landed at or embarked from any Place within the said last-mentioned Limits in the Hoys or other Vessels for the Time being belonging to *John Collard* and *William Tassell*, or to their respective Partners or Successors, whether immediate or otherwise, so that such Hoys or other Vessels do not exceed the Number of Two each at any one Time, or upon the Persons employed by them respectively in such Hoys or other Vessels, or upon any Person or Persons landing at or embarking from any Place within such last-mentioned Limits from or in any Boat or other Vessel, whether hired or not, the Property for the Time being of any Resident or Visitor of the said Parish of *Herne*, employed for the Purposes of Pleasure or Amusement, or in or from any Fishing Boat or other Vessel employed in fishing, whether belonging to such Resident or Visitor or not, unless such Landing or Embarkation, whether of Corn, Coals, Goods, Wares, or Merchandize, Person or Persons, except as in this Clause herein-before excepted, shall take place at or upon the said Pier or Jetty, or at or upon such other Works so to be constructed as aforesaid: Provided always, that it shall be lawful for the said Company, or any Director thereof, or the Pier Master or any other Person in the Employ of the said Company, to prevent any Person from walking on the said Pier, Jetty, Avenues, Parade, Approaches, and other Works so to be completed and constructed as aforesaid, except Persons landing at or embarking from the said Pier or other Works from any Ship, Boat, or Vessel, and Persons paying the said Toll or Duty, or a Composition for the same, as specified in the said Schedule to the said Act.

Repeal of Clause exempting Soldiers.

XXVII. And be it further enacted, That so much of the said recited Act as enacts that no Rate or Duty should be charged or chargeable for or in respect of any Soldier or Sailor in His Majesty's Service who should land from or embark in any Ship, Packet, or other Vessel within the Limits aforesaid shall be and the same is hereby repealed.

Soldiers, &c. on Duty exempted.

XXVIII. And be it further enacted, That no Rate or Duty shall be charged or chargeable for or in respect of any Soldier, Sailor, or Marine in His Majesty's Service who whilst on Duty shall land upon or embark from the said Pier or Jetty, Parade or Works, or any Part thereof, from or to any Ship, Packet, or other Vessel in His Majesty's Service or Employ.

Repeal of Allowances to Masters for Passengers.

XXIX. And be it further enacted, That so much of the said recited Act as authorizes the Directors of the said Company to allow to the Masters of Ships, Packets, Vessels, Boats, and other Craft carrying Passengers for Hire, at and after the Rate of One Shilling and Sixpence in the Pound upon the Amount of Duty on Passengers, shall be and the same is hereby repealed.

Commission may be allowed to

XXX. And be it further enacted, That it shall be lawful for the said Directors if they shall think fit so to do, and not otherwise, to

Masters of Vessels.

to allow to Masters of Ships, Packets, Vessels, Boats, and other Craft carrying Passengers for Hire, a Commission of such an Amount in the Pound as the said Directors shall deem proper upon the Amount of the Duty on Passengers by such Masters respectively received and duly accounted for and paid over to the Company.

Company empowered to lease Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Company to lease all or any of the Tolls and Duties by the said recited Act or by this Act authorized to be taken, for any Term of Years not exceeding Seven Years at any one Time, for such Rent, payable at such Times and under and subject to such Covenants and Conditions as they shall think fit, taking sufficient Security from the Person to whom such Tolls shall be leased for Payment of such Rent and Performance of such Covenants respectively.

Penalty on Masters, &c. of Vessels throwing out Rubbish, &c. near Pier and other Works.

XXXII. And be it further enacted, That in case the Person having the Command or exercising any Authority in and on board of any Ship, Vessel, or other Craft approaching to or departing from the said Pier, Parade, and other Works by the said recited Act authorized to be constructed, or the Works by this Act authorized to be constructed, or of any Ship, Vessel, or other Craft which shall be moored to the said Pier, or to any of the Works or to any of the Mooring Chains or Mooring Places of the said Company, or shall lie at anchor within the Distance of Three hundred Yards from the End of the said Pier next the Sea, or from any Part of the said Works, or shall approach within One thousand Yards of such End of the said Pier or of any Part of the said Works, whether for the Purpose of landing Goods or Passengers or not, shall refuse or neglect to obey the Orders given by the Pier Master for the Time being, or any other Person in the Employment of the said Company, or shall cast or throw out or permit to be cast or thrown out any Ballast, or Rubbish, Sand, or other Materials used as Ballast, from any such Ship, Vessel, or other Craft within the Distance of Two Miles in any Direction from the said Pier, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds; and in case the Person having the Command of or exercising any Authority in or on board of any Ship, Vessel, or Craft which, in the Opinion of the said Pier Master for the Time being, or any other Person in the Employment of the said Company, shall be placed or lie in any Situation so as to be an Obstruction to the said Pier or to any of the Works of the said Company, or to other Ships or Vessels, shall not place or remove such Ship, Vessel, or Craft according to the Directions of the said Pier Master for the Time being, or any other Person in the Employment of the said Company, such Person not placing or removing such Ship, Vessel, or Craft according to such Directions shall forfeit and pay to the said Company, over and above the aforesaid Penalty, the Sum of Forty Shillings for every Tide during which such Ship, Vessel, or Craft shall remain in any Place or Position from which such Pier Master or other Person in the Employment of the said Company shall have directed the same to be removed: Provided always, that nothing herein contained shall extend or be construed to extend to limit or control the Powers and Privileges of the said *John Collard* and *William Tassell*, their Partners and Successors, whether

whether immediately or otherwise, to moor or place their Vessels within the said Bay, and from continuing to use their present Moorings, in as full and ample a Manner as if this Act had not passed.

For Protection of Beach.

XXXIII. And be it further enacted, That if any Person or Persons shall take away any Shingle, Beach, Stone, or Sand from the Beach or Shore at *Herne Bay*, within the Limits of this Act, that is to say, the said Station House on the West, and the said Post and Rail Fence on the East, he shall forfeit and pay the Sum of Five Pounds for every Offence, and such Penalty or Penalties shall be paid one Half to the Person or Persons laying such Information, and the other Half to the Overseers of the Poor of the said Parish.

Powers given by this Act to cease if Works not completed within Five Years.

XXXIV. And be it further enacted, That in case the Works authorized and directed by the said recited Act and by this Act to be made or done shall not have been completed within Five Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by the said Act, and not hereby repealed, altered, or varied, and also all the Powers and Authorities given by this Act, shall cease, save only as to so much and such Part of such Works as shall have been constructed within such Time.

Power to appoint Special Constables.

XXXV. And be it further enacted, That it shall be lawful for One or more Justice or Justices of the Peace of the County of *Kent*, and he and they is and are hereby required from Time to Time, at the Request of Two or more of the Directors or their Clerk for the Time being, to appoint any Number of Persons to be Special Constables, who shall be subject to the same Pains, Penalties, and Forfeitures for Misconduct as other Constables; and every Person so appointed as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and to protect Passengers landing or embarking or about to land or embark upon or from or using the said Pier or Jetty, Parade, or other Works, and to preserve and to protect the Luggage and Property of such Passengers and other Persons, and for the Security and Protection of Persons and Property from Felonies and other unlawful Acts, and shall have and enjoy all such Powers, Authorities, Profits, and Privileges for the Apprehension of Offenders as well by Night as by Day, and for doing all Acts, Matters, and Things for Discovery and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Realm; and it shall be lawful for the said Justice or Justices, or any Two or more of the Directors, to dismiss and remove any such Constable from his Office, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

Penalty on Persons damaging Pier, &c.

XXXVI. And be it further enacted, That every Person who shall at any Time hereafter wilfully or maliciously demolish or break down the Pier or Jetty, Quays, Wharfs, Jetties, Parade, Causeway, Avenues, Approaches, Fences, or other Works of the said Company, or any Part or Parts thereof, or shall wilfully or maliciously extinguish any Light

Light or Lights used for lighting the said Pier or Jetty, or any other of the aforesaid Works, or the Ships, Vessels, or Boats resorting to or passing the same, shall pay for or make good all such Damages; and the Amount thereof, in case the same shall not exceed the Sum of Five Pounds, shall be recoverable before any Two Justices of the Peace for the County of *Kent*, who are hereby authorized and empowered to summon before them such Person doing such wilful or malicious Damage as aforesaid, and to hear and determine the same and ascertain such Damage; and if Judgment shall be given by them against such Person then the Money which shall be awarded, with the Costs of Summons, shall forthwith be paid; and in case of Nonpayment thereof such Justices or any other Justice of the Peace for the said County shall and may, by Warrant under their or his Hands and Seals or Hand and Seal, levy or cause the same to be levied upon the Goods and Chattels of such Person as aforesaid; and in case the Money cannot be levied then such Justices or Justice shall and may cause or commit such Person as aforesaid to be imprisoned in any Common Gaol or House of Correction of the said County of *Kent*, there to remain for any Time not exceeding Three Calendar Months, unless the Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the said Company, to be applied to the Purposes of this Act.

Punishment of Persons resisting Payment of Tolls, &c.

XXXVII. And be it further enacted, That in case any Person shall resist or make forcible Opposition against any Director or Person employed in the due Execution of this Act or of the said recited Act, or shall assault any Officer, Surveyor, or Agent of the said Company, or any Collector of Tolls, in the Execution of his Office, or shall forcibly pass through the Toll Gates or Bars to be erected by virtue of this Act or the said recited Act, without having paid the said Tolls, it shall be lawful for such Director or Person employed as aforesaid, or for such Officer, Surveyor, or Agent of the said Company, or for such Collector of Tolls, to seize and apprehend such Person, and carry him before a Justice of the Peace, who, upon hearing such Complaint, shall adjudicate upon the same, and shall fine such Person for every such Offence which shall be proved before such Justice to have been committed any Sum not exceeding Five Pounds.

Repeal of recited Act as to Openings.

XXXVIII. And be it further enacted, That so much of the said recited Act as provides for Three Openings or Gaps shall be and the same is hereby repealed.

Public Act.

XXXIX. 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.

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