CHAPTER cxxxii.

An Act for the reduction of the dues payable on coal culm splint coke or cinders imported or brought into the town of Margate and for other purposes. [12th August 1889.] A.D. 1889.

WHEREAS by an Act passed in the twenty-seventh year of the reign of King George III. chapter 45 (in this Act called the Act of 1787) certain commissioners were appointed for rebuilding the pier of Margate for widening paving repairing cleansing lighting and watching the streets in the town of Margate and for putting into execution all other the powers granted by that Act:

And whereas by the last-mentioned Act (section 36) it was in effect enacted that in addition to the several duties and impositions therein-before in the said Act mentioned there should be paid for all sorts of coal culm splint coke or cinder which from and after the passing of that Act should be imported or brought into landed or delivered within or carried through the said town of Margate or any part of the parish of Saint John the Baptist or the harbour or bay adjoining by way of imposition thereon over and above all other impositions and duties thereon due and payable for coals culm splint coke or cinder by virtue of the said Act or of any other law or statute then in force according to the rates herein-after mentioned (that is to say)—For such coals culm splint coke or cinder as are or shall or may be usually sold by the chaldron for every chaldron thereof containing thirty-six bushels Winchester measure the sum of one shilling and so in proportion for any less quantity than a chaldron and for all such coals culm splint or cinder as are or shall be usually sold by the ton for every ton thereof containing twenty hundred weight the like sum of one shilling and so in proportion for any less quantity than a ton:

And whereas by an Act passed in the fifty-second year of the reign of King George III. chapter 186 (in this Act called the Act of 1812) the management of the harbour of Margate was separated from the paving and lighting of the town and the pier harbour and works were vested in a joint stock company of proprietors styled the Company

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of Proprietors of Margate Pier and Harbour (in this Act called the Pier Company) and (section 55) the dues imposed by the Act of 1787 on coal culm splint coke and cinders were in addition to other rates re-imposed in favour of the Pier Company but the amounts of the dues were increased to three shillings per chaldron and three shillings per ton respectively and (section 66) the moneys theretofore borrowed by the commissioners were charged upon the rates and dues authorised to be levied by that Act and provision was made for the establishment of a sinking fund for the purpose (amongst others) of redeeming the bond or mortgage debt chargeable upon the said rates and dues and for the repayment of the share capital of the Pier Company and provision was made for the ultimate re-vesting of the pier and harbour in the commissioners:

And whereas in addition to the bond or mortgage debt of the commissioners charged by the Act of 1812 upon the said rates and dues the Pier Company have in accordance with powers contained in divers Acts of Parliament borrowed further sums of money and the bond or mortgage debt of the Company chargeable upon the said rates and dues now amounts to the sum of forty thousand nine hundred and fifty pounds:

And whereas in the year one thousand eight hundred and fifty-seven a charter of incorporation was granted to the inhabitants of the town of Margate and they were incorporated under the style of the mayor aldermen and burgesses of the borough of Margate (in this Act called the Corporation) and the rights powers and duties of the commissioners (which had previously been vested in the Local Board of Health for the district of Margate) so far as the same were then in force or subsisting are now vested in the Corporation:

And whereas it is expedient that the dues imposed by the Act of 1812 on coal culm splints coke and cinders should be reduced as by this Act provided:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fifth day of September one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of the meeting and of the purpose thereof in Keble's Margate and Ramsgate Gazette a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund or rate:

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And whereas that resolution was published twice in the said Keble's Margate and Ramsgate Gazette and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and of one of Her Majesty's Principal Secretaries of State in respect of other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of February one thousand eight hundred and eighty-nine not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament:

And whereas the owners and ratepayers of the borough have by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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):—

Short title.

1. This Act may be cited as the Margate Coal Dues Act 1889.

Interpretation.

2. In this Act—

"The Corporation" means the mayor aldermen and burgesses of the borough of Margate:

"The council" and "the borough fund and borough rate" mean respectively the council and the borough fund and borough rate of the borough of Margate:

"The pier company" means the company of proprietors of Margate pier and harbour:

"The coal dues" means the dues imposed by section 55 of the Act of 1812 as reduced by this Act for all sorts of coal culm splint coke or cinder imported or brought into landed or delivered within or carried through the town of Margate or any part of the parish of Saint John the Baptist or the said harbour or bay adjoining:

"Coals" includes culm splint coke and cinders:

"Harbour dues on coal" means the rates and duties on coal mentioned in the schedule annexed to the Act of 1812 and imposed by section 50 of that Act:

"The recited Acts" means the Acts recited or referred to in the preamble of this Act.

Reduction of coal dues.

3. On and after the first day of January one thousand eight hundred and ninety the coal dues shall during the periods hereinafter in this section mentioned be reduced to the sums following and

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those sums shall become payable in lieu of the sums payable under the Act of 1812 (that is to say):—

On and from the first day of January one thousand eight hundred and ninety to the first day of January one thousand eight hundred and ninety-five the coal dues shall be reduced to the sum of two shillings per ton:

On and from the first day of January one thousand eight hundred and ninety-five to the first of January one thousand nine hundred the coal dues shall be reduced to the sum of one shilling and ninepence per ton:

On and from the first day of January one thousand nine hundred to the first day of January one thousand nine hundred and five the coal dues shall be reduced to the sum of one shilling and sixpence per ton:

On and from the first day of January one thousand nine hundred and five to the first day of January one thousand nine hundred and ten the coal dues shall be reduced to the sum of one shilling and threepence per ton:

On and from the first day of January one thousand nine hundred and ten to the first day of January one thousand nine hundred and fifteen the coal dues shall be reduced to the sum of one shilling per ton:

On and from the first day of January one thousand nine hundred and fifteen to the first day of January one thousand nine hundred and twenty the coal dues shall be reduced to the sum of ninepence per ton:

On the first day of January one thousand nine hundred and twenty and thereafter the coal dues shall be reduced to the sum of sixpence per ton.

Power to further reduce dues.

4. The Corporation may further reduce the coal dues for the time being payable under this Act within a shorter period than that prescribed by this Act Provided that no such reduction shall take effect unless authorised by a resolution of an absolute majority of the whole number of the members of the council of the borough at a special meeting of the council after ten clear days notice by public advertisement of such meeting and of the purpose thereof in a newspaper published or circulating in the borough such notice being in addition to the ordinary notice required for summoning meetings of the council.

Provisions in regard to deficiency in coal dues.

5. (1) If in any year the coal dues and the harbour dues on coal shall not amount to the sum of three thousand nine hundred and eighty pounds (in this section referred to as the standard dues) and if in the same year the gross income of the Pier Company shall not

amount to the sum of nine thousand four hundred pounds (in this section referred to as the standard income) the deficiency (if any) in the standard income shall to the extent of the deficiency in the standard dues (so far as such deficiency is occasioned by the reduction of coal dues under this Act below two shillings and threepence per ton) be made good by the Corporation.

(2) The Pier Company shall not except with the consent in writing of the Corporation reduce the harbour dues on coal below the sum of ninepence per ton nor increase them above that sum.

(3) The prescribed amount of the sinking fund of the Pier Company shall be increased from ten thousand pounds to twenty thousand pounds and the sum of three thousand eight hundred and thirty-two pounds six shillings and ninepence India three-and-a-half per cent. stock now standing in the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England to the credit of "Ex parte the mayor aldermen and burgesses of the "borough of Margate the account of lands at Margate whereof the "company of proprietors of the Margate pier and harbour are the "owners but have no power of sale" shall upon the application of the Pier Company or the Corporation be transferred or paid to James Taddy Friend, Toke Harvey Boys, James Andrews, and Thomas Smith Rowe or other the trustees for the time being in whose names the sinking fund of the Pier Company shall be invested and carried to the credit of the sinking fund which with all surplus income after paying dividends at the rate of ten pounds per centum per annum and making up the said sinking fund to twenty thousand pounds shall be invested and accumulated and applied in accordance with the provisions of the recited Acts.

(4) The Company shall in the month of May in each year make out and deliver to the town clerk of Margate a return showing the amounts and particulars herein-after mentioned in respect of the year ending the fifth day of April preceding (that is to say):—

The amount of coal dues receivable by the Company during the year and the number of tons upon which the same were payable;

The amount of harbour dues on coal during the year and the number of tons upon which the same were payable;

The amount of drawbacks allowed in respect of coal dues during the year;

And the sums carried to the credit of the sinking fund during the preceding year and the description of the securities upon which the fund is invested:

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And the Corporation shall be at liberty from time to time to appoint some accountant on their behalf to inspect such of the books and accounts of the Company as are required for the verification of such returns and the Company shall produce such books and accounts to the person so appointed and shall afford all reasonable facilities for that purpose.

Provision as to drawback.

6. All persons entitled under the recited Acts to a drawback or allowance in respect of coals conveyed beyond the limits of the parish of St. John the Baptist shall so long as the coal dues amount to or exceed one shilling continue entitled to a drawback or allowance except that the amount thereof shall be sixpence less than the coal dues for the time being payable under this Act and section 60 of the Act of 1812 shall be read and have effect as if the reduced drawback by this section provided for were inserted in lieu of the drawback of two shillings therein contained.

Borrowing powers.

7. In order to raise money for the purpose of paying the costs of this Act as herein-after provided the Corporation may from time to time borrow at interest such sum or sums as they may require for that purpose and may mortgage or charge the borough fund and borough rate as security for the repayment of the moneys so borrowed and interest.

Money may be raised by mortgage or under the Local Loans Act.

8. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Provisions of Public Health Act as to mortgages to apply.

9. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.
Section 237. Register of mortgages.
Section 238. Transfer of mortgages.
Section 239. Receiver may be appointed in certain cases.

Annual return to Local Government Board with respect to sinking fund.

10. The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the Corporation for a sinking fund transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been

invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Deficiency in coal dues or income to be payable out of borough rate.

11. The amount of any deficiency in the standard income which under the provisions of this Act is to be made good by the Corporation shall be paid by the Corporation out of the borough fund or borough rate and the Pier Company may recover the amount of such deficiency by action in any court of competent jurisdiction.

Payment off of money borrowed.

12. The Corporation shall pay off all money borrowed by them under the powers of this Act within fifteen years from the time of borrowing the same by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly.

For the protection of the South-eastern Railway Company.

13. Notwithstanding anything to the contrary contained in this Act or any of the recited Acts the South-eastern Railway Company shall from and after the taking effect of this Act be free and exempt from the payment on all or any coals brought within the borough of Margate by the South-eastern Railway Company for the purposes of their own consumption of all coal dues by this Act or any of the recited Acts authorised.

Saving exemptions of London Chatham and Dover Railway Company under their Act of 1864.

14. Notwithstanding anything in this Act contained the exemption from dues duties and impositions in respect of coals culm splint coke or cinder secured to the London Chatham and Dover Railway Company by section 111 of the London Chatham and Dover Railway (New Lines) Act 1864 shall remain in full force and effect.

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Costs of Act.

15. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money borrowed in accordance with the provisions of this Act.

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