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An Act to authorise the Company of Proprietors of Margate Pier and Harbour to extend and enlarge their High-water Landing Pier or Jetty at Margate in the County of Kent, and to raise further Capital, and to enlarge the Powers of the Company; and for other purposes. [13th July 1871.]

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Recital of Acts relating to Margate pier, &c.

WHEREAS an Act was passed in the 27th year of the reign of His late Majesty King George the Third, intituled "An Act "for rebuilding the pier of Margate in the Isle of Thanet in the "county of Kent, for ascertaining, establishing, and recovering "certain duties in lieu of the ancient and customary droits for the "support and maintenance of the said pier, for widening, paving, "repairing, cleansing, lighting, and watching the streets, lanes, "highways, and public passages in the town of Margate and parish "of Saint John the Baptist, in the said Isle of Thanet, for settling "the rates of porters, chairmen, carters and carmen within the "said town, and for preventing encroachments, nuisances, and "annoyances therein:"

And whereas an Act was also passed in the 39th year of the reign of His said late Majesty, intituled "An Act to amend and "render more effectual an Act passed in the 27th year of the reign "of His said late Majesty, for rebuilding the pier of Margate "in the Isle of Thanet in the county of Kent, and for other "purposes mentioned in the said Act:"

And whereas another Act was passed in the 49th year of the reign of His said late Majesty, intituled "An Act to amend and render "more effectual two Acts for the maintenance and support of the "pier and harbour, and paving and lighting the town, of Margate "in the county of Kent:"

And whereas, under and by virtue of the above-recited Acts, the Commissioners thereby appointed were authorised to borrow moneys on the security of the harbour, pier, property, rates, tolls, and duties in the said Acts mentioned, and such Commissioners, under the

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authority of the said Acts, borrowed the sum of thirty-seven thousand two hundred pounds, and at the time of the passing of the Act next herein-after recited the said sum of thirty-seven thousand two hundred pounds was charged upon the said harbour, pier, property, rates, tolls, and duties, and no part thereof has yet been paid off or discharged:

And whereas an Act was passed in the 52nd year of the reign of His late Majesty King George the Third, intituled "An Act for "separating the management of the harbour of Margate in the "county of Kent from the paving and lighting of the town of "Margate, and for vesting the future management of the said "harbour in a joint stock company of proprietors;" and certain persons therein named, and their successors, were thereby incorporated by the style of "The Company of Proprietors of Margate Pier and Harbour:"

And whereas by the lastly-recited Act such of the provisions of the said Acts of the 27 Geo. 3rd, the 39 Geo. 3rd, and the 49 Geo. 3rd, as referred to the pier and harbour of Margate, and the works belonging thereto, and the levying or collecting of rates or duties for the use thereof, were repealed, save as is therein excepted, and the pier, harbour, and works were vested in the Company of Proprietors, who were authorised (inter alia) to complete and maintain the harbour, pier, and works then unfinished, and to raise moneys for that purpose, and the moneys theretofore borrowed by the Commissioners were charged upon the rates and duties authorised to be levied by that Act, and provisions were made for the establishment of a sinking fund of twenty thousand pounds:

And whereas an Act was passed in the 7th year of the reign of His late Majesty King George the Fourth, intituled "An Act to "amend an Act for separating the management of the harbour of "Margate in the county of Kent from the paving and lighting of "the town of Margate, and for vesting the future management of the "said harbour in a joint stock company of proprietors," and declaring that the work, landing place or jetty, called "Jarvis's Landing Place," with any addition to be made thereto, should be deemed to be part of the pier and harbour of Margate, and all the powers and provisions of the recited Act of 52 Geo. 3rd, relating to the pier of Margate, were made applicable to the said work or jetty:

And whereas an Act was passed in the 14th and 15th years of the reign of Her present Majesty Queen Victoria, intituled "An Act for "confirming certain provisional orders of the General Board of "Health," and confirming (inter alia) a provisional order of the said General Board of Health, dated the 4th day of July 1851,

applying the "Public Health Act, 1848," to the parish of Saint John the Baptist, Margate, in the Isle of Thanet in the county of Kent; and repealing certain provisions of the recited Acts; and transferring the rights, powers, and authority of the Commissioners to the local board of health for the district of Saint John the Baptist, Margate; and authorising the Company to reduce the amount of the sinking fund from twenty thousand pounds, as required by the Act of 52 Geo. 3rd, to ten thousand pounds:

And whereas, in pursuance of the 5th section of the Act of 52 Geo. 3rd, the Company of Proprietors of Margate Pier and Harbour raised a capital of thirty thousand pounds, in three hundred shares of one hundred pounds each, and therewith completed the pier, harbour, landing place or jetty, and works in the recited Acts mentioned, but they have not raised any moneys by borrowing:

And whereas the population of Margate has of late years largely increased, and great numbers of visitors resort thereto in the summer months, and land and embark from and on steamboats and other vessels on and from the said landing pier or jetty; and for the accommodation of such persons, and of great numbers who use the landing pier or jetty as a promenade, it is expedient and it would be of public advantage that the same should be extended and otherwise improved:

And whereas it is expedient that the Company of Proprietors of Margate Pier and Harbour should be empowered to construct and maintain the works and conveniences herein-after mentioned, and to carry the same into execution:

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed, and the lands which may be taken for the purposes thereof, together with a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited for public inspection with the clerk of the peace for the county of Kent, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the Company should be empowered to raise additional capital, and borrow moneys for the purposes of the undertaking, and that some of the powers and provisions of their existing Acts should be altered and enlarged:

And whereas the objects of this Act cannot be attained 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

A.D. 1871. the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. **1.** This Act may be cited for all purposes as "The Margate Pier and Harbour Act, 1871."

Provisions of the recited Acts to apply to this Act. **2.** All the powers, authorities, and provisions in the recited Acts now in force (so far as the same are not varied, altered, or repealed by this Act) shall extend and apply, and be construed to extend and apply, to this Act as fully and effectually as if the same were re-enacted in this Act.

Provisions of general Acts herein named incorporated. **3.** "The Companies Clauses Consolidation Act, 1845," Parts 1 and 3 of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of land otherwise than by agreement, "The Lands Clauses Consolidation Acts, 1860 and 1869," and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," shall, save so far as the provisions of those Acts are inconsistent with the provisions of the recited Acts, or are varied or excepted by this Act, be incorporated with and form part of this Act; and "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of the clauses with respect to lifeboats, and with respect to keeping a tide and weather gauge, shall, save so far as the provisions of that Act are inconsistent with the provisions of the recited Acts, or are varied or excepted by this Act, be incorporated with and form part of this Act.

Interpretation of terms. **4.** In construing this Act and the Acts or portions thereof incorporated herewith, the following expressions shall have the same several meanings hereby attached to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression "the Company" or "the undertakers" shall mean the Company of Proprietors of Margate Pier and Harbour:

The "special Act" shall mean this Act:

The "works" or "the undertaking" shall mean the works or undertaking by this Act authorised, or any part thereof, and shall also mean "railway and works" within the meaning of "The Railways Clauses Act, 1863:"

"Ordinary share capital" shall mean the capital or joint stock created by the Company under and by virtue of the 5th section of the recited Act of 52 Geo. 3rd:

"Superior courts" or "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to

which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to construct works.

5. Subject to the provisions of this Act, the Company may extend and enlarge their high-water landing pier or jetty, and construct and maintain the works and approaches within the limits of deviation and according to the levels shown on the deposited plans and sections, with all proper works and conveniences connected therewith, and may from time to time, but only by agreement, enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Period for completion of works,

6. The works by this Act authorised shall be completed within five years from the passing of this Act, and if the works be not completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed, and also except so far as may be necessary for preventing any works in course of construction from being dangerous or a nuisance.

Power to erect and let offices, &c.

7. The Company may erect and maintain on and in connexion with the works hereby authorised all such offices, buildings, refreshment and other rooms, as they may consider expedient for the accommodation and comfort of passengers and persons promenading and using the high-water landing pier or jetty, or the enlargement and extension thereof by this Act authorised, and may let such offices, buildings, refreshment and other rooms, and take and receive rent for the same.

Lights at the head of the pier.

8. The Company shall, at the outer extremity of the pier hereby authorised exhibit from sunset to sunrise such lights (if any) as the Elder Brethren of the Trinity House of Deptford Strond shall from time to time direct.

The works by this Act authorised to be deemed part of Margate pier and harbour.

9. The works by this Act authorised shall be deemed and taken to be part of the Margate pier, jetty, and harbour within the meaning of the recited Acts, and, except so far as the same are not varied, altered, or repealed by this Act, all and every provision and power in the said recited Acts now in force relating to the high-water landing pier or jetty called "Jarvis's Landing Place," shall be applicable to and shall be applied to the works by this Act authorised.

Power to raise additional capital.

10. In addition to the existing ordinary share capital of the Company, the Company may from time to time, by virtue of this Act, raise such sums as they think requisite, not exceeding in the whole

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the sum of fifteen thousand pounds, by the creation and issue of new ordinary and preference shares or stocks, or (at the option of the Company) by either of these modes, but no such share shall be of less amount than fifty pounds.

New shares to be subject to same provisions as shares existing.

11. Except as by or under the authority of this Act, or any Act incorporated wholly or in part with this Act, is otherwise expressly provided, the additional share capital to be created by the Company under this Act, and the shares therein, and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the original share capital of the Company existing at the passing of this Act, and those shares were shares in that ordinary capital.

Shares not to issue until one fifth part paid up.

12. The Company shall not issue any such new share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share is paid up in respect thereof.

Calls.

13. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

14. The Company from time to time may borrow on mortgage of their harbour, land, property, and works, and of the rates, tolls, and duties leviable by them under the powers of the recited Acts and this Act, any sum or sums of money not exceeding in the whole three thousand seven hundred and fifty pounds, but no part of that sum shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the capital of fifteen thousand pounds by this Act authorised has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or assigns are legally liable for the same; and upon the production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof; and if after having borrowed the said sum, or any part thereof, the Company shall pay off

the same, it shall be lawful for them from time to time to borrow the like sum on the same security; provided that the total amount borrowed by them under the powers of this Act shall not at any time exceed the sum of three thousand seven hundred and fifty pounds.

Priority of mortgages.

15. All bonds or mortgages granted by the Commissioners under the recited Acts before the passing of this Act, and which shall be in force at the passing of this Act, shall have priority over all mortgages granted by virtue of this Act.

Mortgagees to have same rights as creditors under Act of 52 Geo. 3rd.

16. The mortgagees of the Company shall be entitled to the same rights, powers, and privileges, and be entitled to be paid the interest and principal from time to time due on their respective mortgages, in the same manner and to the same extent as if the moneys borrowed of them had been borrowed by the Commissioners and the securities had been given under the authority of the recited Act of 52 Geo. 3rd.

Application of money.

17. Every part of the money raised under this Act shall be applied only for the purposes authorised by the recited Acts as varied by this Act, and by this Act, and all rates received by the Company under the authority of this Act shall be applied in the same manner and to the same purposes as the rates, tolls, and duties received by the Company under the authority of the recited Acts are applicable under those Acts and under this Act.

Directors to call special meetings and to appoint time and place for holding same.

Notice of meeting.

18. The court of directors may from time to time call special meetings of the Company, and such special meetings shall be holden at such places within the borough of Margate and at such times as the directors in their discretion may from time to time appoint: Provided that fourteen days previous notice at the least, stating the objects of the meeting, shall be given by public advertisement in one or more newspapers published in the Isle of Thanet or at Canterbury; and the proceedings and determination of such meetings shall be as valid and effectual as if the same were called in strict compliance with the requirements of the existing Acts relating to the Company. The chairman of the board of directors, or in his absence the deputy chairman, shall preside at all future meetings of the Company, and in case neither the chairman nor the deputy chairman shall be present at any meeting, the majority of the shareholders present shall elect a chairman to preside at such meeting.

Chairman.

Vacancies in the direction how to be filled up.

19. The vacancies existing at and occasioned after the passing of this Act, by the death, disqualification, or retirement of any director, shall not be filled up until the number of directors is reduced to

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nine, and in the meantime so many directors only shall be elected at each annual meeting as shall supply the places of the directors retiring in consequence of their term of office having expired; and until the reduction to nine is effected the number retiring at each annual meeting shall be four, and when the number is reduced to nine the number retiring at each annual meeting shall be three, who are eligible for re-election, or others may be appointed to supply their places, and on such reduction taking place the quorum of a meeting of directors shall be five.

Company may discharge, pay off, or redeem existing bonds or mortgages.

20. Subject to the provisions of the recited Acts, the Company may discharge, pay off, or redeem all or any of the existing bonds or mortgages created under the recited Acts, or to be created under this Act, at such times and upon such terms and in such manner as may from time to time be agreed upon between the proprietors of such bonds or mortgages and the Company; provided that in no case shall the Company pay in respect of any bond or mortgage more than the amount actually due upon such bond or mortgage.

Securities to be created in lieu of lost bonds, &c.

21. The Company may from time to time create and issue bonds, mortgages, or other securities for the like amount in the place of and in substitution for any bonds, mortgages, or other securities theretofore lawfully created and issued and remaining unsatisfied; provided that the person or persons entitled to such last-mentioned bonds, mortgages, or securities shall prove to the satisfaction of the directors of the Company that the same are lost or destroyed.

Company may set aside surplus profits and appropriate them in aid of dividends.

22. The Company may set aside any part of the surplus profits of the Company of any one year, and appropriate such part in aid of the dividends of any subsequent year payable to the proprietors; provided that in no case shall the amount divided and the amount set aside in any one year together exceed ten pounds per centum per annum on the ordinary share capital of the Company.

Power to take rates according to Schedule.

23. The Company may, for and in respect of the user of the northern or seawards half of the present head of their high-water landing pier or jetty, and for and in respect of the user of the extension and enlargement of such pier or jetty hereby authorised, and in addition to any rates, tolls, or duties authorised by the recited Acts and this Act, demand and take in respect of persons and things in the Schedule to this Act specified any sums not exceeding the rates in that Schedule specified: Provided always, that it shall at all times be lawful for the master of any steam vessel to land and embark passengers on and from the said high-water pier or jetty, and the extension and enlargement thereof hereby authorised, and to

have free ingress, passage, and egress to, on, or along and from the same for his officers, seamen, and passengers.

Poundage on passengers fares to cease on 1st January 1872.

24. The Company shall not, on and after the 1st day of January 1872, demand, levy, or recover any rate or duty for or in respect of poundage upon the fare of passengers, and such and so much of the provisions of the recited Acts as authorise the Company to charge poundage in respect of passengers fare shall, from and after the said 1st day of January 1872, be repealed.

Penalty on evading toll.

25. If any person shall evade or endeavour to evade the payment of the said toll, or shall forge, counterfeit, or alter, or receive from or deliver to any other person or persons, any note or ticket with intent to evade, or to enable or assist any other person or persons to evade, payment of the said tolls, every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings.

The Company may contract with persons for the use of the pier or jetty.

26. The Company may grant to passengers and other persons pass tickets for the use of the head of the high-water landing pier or jetty, or the extension and enlargement thereof, on such terms and for such periods, not exceeding one year, as are agreed upon.

Tickets not transferable.

Penalty.

27. A pass ticket granted by the Company shall not be transferable, or used by any other person, nor after the period limited for its use, under a penalty of twenty shillings.

Officers of customs exempt from rates.

28. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, or along and from the head of the high-water landing pier or jetty, or the extension or enlargement thereof, and with their vessels and otherwise, without payment.

Power to Board of Trade to revise dues.

29. If at any time it appears to the Board of Trade that the clear annual profits divisible on the paid-up capital of the Company, on the average of the then three last preceding years, amount to or exceed the rate of ten per centum per annum on the nominal value of such capital, the Board of Trade may, if they think fit, require the Company to reduce the dues levied by them to such extent as the Board of Trade think fit. If the Company refuse or neglect to comply with any such requirement, they shall incur a penalty not exceeding fifty pounds for every day during which such refusal or neglect continues. But if afterwards the profits fall below the said rate of ten per centum per annum, the Company may, with the consent of the Board of Trade, again raise the dues, but not so as to exceed the maximum rates which they are authorised to levy, and so toties quoties.

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Annual account.

30. The Company shall, in and for every year ending the thirty-first day of December, or some other convenient day, prepare an account in abstract, showing the total receipt and expenditure of all moneys levied by them under the several distinct heads of receipt and expenditure, with a statement of the balance of the account, duly audited and certified by their clerk or secretary, and shall within one month after the day up to which the account is made up send a copy thereof to the clerk of the peace of the county of Kent. Every such account shall be open for public inspection at all reasonable times on payment of one shilling. If the Company refuse or neglect to comply in any respect with the provisions of the present section, they shall for each offence incur a penalty not exceeding twenty pounds.

Contents of accounts.

31. The Company shall keep accounts showing—

(1.) The dues received by or payable to them in respect of any ship;

(2.) The tonnage of every ship in respect of which such dues are received or payable;

(3.) The name of the master thereof;

(4.) The port to which the ship belongs;

(5.) The place from which on each occasion the ship arrives;

(6.) The place to which on each occasion the ship is bound; and

(7.) The dues on goods, shipped or unshipped, received by or payable to them.

Audit of accounts on complaint to Board of Trade in certain cases.

32. The Company shall, within one month after sending such account as aforesaid, also send a copy thereof to the Board of Trade, who shall forward a copy to any person who may require it. If the Company refuse or neglect to send such account they shall for each offence incur a penalty not exceeding twenty pounds. If, on complaint in writing by any person interested, there appears to the Board of Trade reasonable ground for believing that such account has not been duly kept, or that any dues have been improperly or unfairly levied by the Company, or have not been duly applied, the following provisions shall have effect:

(1.) The Board of Trade may appoint an auditor to audit and examine such account, and inquire into the matters complained of, and report to the Board of Trade on such account and matters:

(2.) The Company shall on demand produce to the auditor all or any of their accounts, books, deeds, papers, writings, and documents, and afford to him all reasonable facilities for

examining and comparing the same, and in default shall for each offence incur a penalty not exceeding ten pounds:

(3.) In case the complaint is in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the Company:

(4.) In case the complaint is not in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the complainant.

Power to make byelaws.

33. The Company may, subject to the provisions of "The Companies Clauses Consolidation Act, 1845," with reference to byelaws, make byelaws for the regulation and control of porters, carriages, and persons passing on or along the extension and enlargement of the high-water landing pier or jetty, and the approaches thereto.

Saving rights of the Crown in the foreshore.

34. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the said Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to, take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

35. The costs, charges, and expenses of, and preparatory and incident to, the applying for, preparing, obtaining, and passing this Act shall be paid by the Company out of any moneys to be raised, levied, and collected by them under and by virtue of the recited Acts or of this Act.

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SCHEDULE.

RATES on Persons using the northern or seawards half of the present head of the present High-water Landing Pier or Jetty, or the extension or enlargement of the Pier or Jetty as authorised by this Act.

For every person using the northern or seawards half of the present head of the present high-water landing pier or jetty, or the extension or enlargement of the pier or jetty, or both, for the purpose of walking for exercise, pleasure, or any purpose other than that of landing from and embarking on steamboats, for each time, any sum not exceeding - - - - - - -	Threepence.
For every Bath chair and every perambulator taken on the northern or seawards half of the present head of the present high-water landing pier or jetty, or on the extension or enlargement of the pier or jetty, or both, for each time, any sum not exceeding - - - - - -	Sixpence.

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