ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act for making and maintaining a Harbour, Piers, and other Works at *Ventnor* in the *Isle of Wight*, and for other Purposes.

[30th *June* 1862.]

WHEREAS the making and Maintenance of a Harbour, Piers, and other Works herein-after specified, for the Reception and loading or Discharge of Shipping, and for the Accommodation of Passengers, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing to be incorporated, and to form a Company (herein-after called "the Company"), and to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be 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,)

1. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," except in so far as the same are excepted or varied by this Act, shall be incorporated with and form Part of this Act. 8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 27., and 23 & 24 Vict. c. 106. incorporated.

Company not to provide Lifeboats, &c. without Order of Admiralty.

2. Provided always, That the Company need not provide Lifeboats, nor any Tide or Weather Gauge, unless and until they shall be required so to do by an Order in Writing under the Hands of the Lords Commissioners for executing the Office of Lord High Admiral for the Time being, or any Two of them.

Short Title.

3. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Ventnor* Harbour Act, 1862."

Subscribers incorporated.

4. *Thomas James Willis Fleming*, *Francis Henry Atherley*, *John Henry Brown* R.N., *James Coape*, *Peter Hunter*, *Robert Rawlins*, *S. B. Martin*, *James White*, *Fletcher Moore*, *George White*, *Stephen Knight*, *George Mead Burt*, and *James Norris*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Harbour, Piers, and Works hereby authorized, with all proper Works and Conveniences connected therewith, according to the Provisions of the incorporated Acts and of this Act; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Ventnor* Harbour Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the incorporated Acts contained.

Amount of Capital.

5. The Capital of the Company shall be Twenty thousand Pounds.

Shares.

6. The Number of Shares into which the said Capital shall be divided shall be Two thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

7. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Months at the least shall intervene between successive Calls.

Power to borrow on Mortgage.

8. The Company may borrow on Mortgage any Sums not exceeding in the whole Six thousand six hundred Pounds, but no Part of such Sum of Six thousand six hundred Pounds shall be borrowed until the whole of the Sum of Twenty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

9. All

Application of Monies.

9. All Monies raised under the Powers of this Act by Shares or borrowing shall be applied only to the Purposes by this Act authorized.

Number of Directors.

10. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

First Directors.

11. *Thomas James Willis Fleming*, *Francis Henry Atherley*, *John Henry Brown* R.N., *James Coape*, *Peter Hunter*, and *Robert Rawlins* shall be the first Directors of the Company.

Quorum of Directors.

12. The Quorum of a Meeting of Directors shall be Three.

Power to reduce Number of Directors.

13. It shall be lawful for the Company to reduce the Number of Directors, provided that the Number shall never be less than Four.

First Meeting.

14. The First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act.

Quorum of General Meeting.

15. The Quorum for every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Shareholders may require an Extraordinary Meeting.

16. The Number of Shareholders who shall be competent to require the Directors to call an Extraordinary Meeting of the Company, or who in default thereof shall be competent to call such Meeting, shall be Six Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting.

17. Each Shareholder shall have One Vote in respect of each Share held by him.

Newspaper for Advertisements.

18. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper or Newspapers published or circulated in the *Isle of Wight*, or some Newspaper published or circulated in the County of *Southampton*.

Dock and Works to be constructed according to Plans and Sections.

19. And whereas Plans and Sections of the intended Harbour and Channel thereto, Piers, Esplanade, and Approach, and other Works, showing the Situation and Levels thereof respectively, and the Limits within which the same are to be constructed, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands upon or through which the same are intended to be made, have been deposited with the Clerk of the Peace for the County of *Southampton*: Therefore, subject

to

to the Provisions in this Act and the incorporated Acts contained, it shall be lawful for the Company to make and maintain the Harbour, Channel, Piers, Esplanade, and Approach, and other Works shown upon those Plans, in the Situation delineated on those Plans, and upon the Lands shown on those Plans and described in that Book of Reference, and also within the Limits aforesaid to make and maintain all such Cuts, Locks, Gates, Bridges, Quays, Erections, Works, Bonded and other Warehouses and Conveniences as they may think necessary for the Purposes of the Harbour, Channel, and other Works aforesaid, and to enter upon, take, and use such of the said Lands as they shall deem necessary for the Purposes aforesaid: Provided always, that a Right of Way for the Use of the Public shall, after the Construction of the Works, be preserved between the Works and the Cliff to the Northward of those Works.

Power to deviate to the Extent marked on Plans.

20. It shall be lawful for the Company, in constructing the Harbour, Channel, Piers, Esplanade, and Approach and other Works, to deviate to the Extent of the Limits of Deviation marked on the deposited Plans.

Company to make Slipway.

21. The Company shall make a public Slipway for Carriages and Horses to the Beach at the Eastern and Western Ends of the said Works, and such Slipway when made shall vest in and be the Property of the Commissioners for improving the Town of *Ventnor* for the Time being.

Company to maintain Sewage Works.

22. Nothing in this Act or the recited Acts contained shall prejudice or affect the Rights of the Improvement Commissioners of *Ventnor* for the Time being, for carrying all proper and necessary Pipes for Sewage or Drainage in, over, or through the Works of the Company, into the Sea, and such Sewage or Drainage Pipes shall, between the Point where such Pipes pass over the Company's Land and the Outfall of the same, be made and maintained at the Expense of the Company; and the Company shall, on the Requisition of the said Commissioners, at all Times during and after the Execution of the said Works, remove any Accumulation of Seaweed caused by the said Works, creating any offensive Smell or Nuisance.

Saving Rights of Ventnor Improvement Commissioners.

23. Nothing in this Act shall repeal, alter, or take away any of the Powers conferred on the *Ventnor* Commissioners by the *Ventnor* Improvement Act, except so far as relates to the Ground to be occupied by the proposed Piers, Harbour, and Works: Provided always, that the said Commissioners shall not exercise the Powers given them by the Seventy-first Section of the *Ventnor* Improvement Act for the Purpose of constructing any Landing Place for Passengers, Goods, or Merchandise, and shall

shall not grant or lease any Land which they may now or hereafter shall possess for that Purpose.

Period for Completion of Works.

24. The Harbour, Channel, Piers, Esplanade, Approach, and other Works delineated on the said Plans shall be completed within Three Years after the passing of this Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith given to the Company for constructing the Harbour, Channel, Piers, Esplanade, and Approach and other Works shall cease to be exercised, except as to so much of the same as shall be then completed.

No other Entrance to be made into the Harbour than shown on deposited Plans, without Consent.

25. No other Entrance from the Sea to the Harbour shall be executed than that shown on the Plans deposited at the Admiralty Office, without the previous Approval and Sanction of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, such Approval and Sanction to be in Writing under the Hand of the Secretary of the Admiralty.

Before certain Works are commenced Plans to be submitted to Admiralty.

26. Previously to commencing any outward Work which is subject to the Action of the Tides, or any Work below High-water Mark at ordinary Spring Tides, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval; and when any such Works shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may order local Survey, at Expense of Company.

27. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Exami-

nation, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works to be lighted at Night during their Construction.

28. During the Construction of the Works the Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise Lights, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep such Lights or any of them burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Works affecting tidal Waters abandoned may be removed by Admiralty, at Expense of Company.

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

Lands reclaimed not to be taken without Consent of Commissioners of Woods, &c.

30. That if in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the said Harbour or of the Sea beyond the Mouth thereof belonging to Her Majesty shall be inned, gained, or reclaimed from the Water, the said Company shall not have or exercise any Right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, but such inning, gaining, or Reclamation shall enure absolutely for the Benefit of the Queen's Majesty, Her Heirs and Successors.

Harbour Rates payable on Ships.

31. The Company may demand and receive for every Vessel entering within the Harbour to be constructed under the Powers of this Act, from the Sea, or lying alongside or using any Wharf, Pier, Breakwater, or Landing Place belonging to the Company, any Sum not exceeding Threepence for every Ton Measurement of such Vessel.

32. Pro-

A Portion of the Rates may be remitted in certain Cases.

32. Provided always, That the Company may exempt from a Portion of the said Rate any Vessel not exceeding One hundred Tons, and may remit the said Rate in any Year for every Vessel propelled by Steam after it has so entered Fifteen Times in the Year, and for every Vessel not propelled by Steam after it has so entered Seven Times in that Year; provided also, that such Exemption shall be made equally to all Persons in respect of all Vessels of the same Description, or which shall have entered the same Number of Times within the Limits of this Act.

Harbour Rates payable on Ships.

33. The Company, in addition to the said Rates, may demand and receive for every Vessel entering the Harbour any Sum for every Ton Measurement of such Vessel not exceeding the Rates mentioned in Schedule (A.) to this Act annexed.

Additional Rates for Vessels remaining more than Four Weeks, as in Schedule (A.)

34. If any Vessel remain in the Harbour, or lie alongside or use any Wharf, Pier, Breakwater, or Landing Place belonging to the Company, for any longer Space of Time than Four Weeks, the Company may demand and receive for every such Vessel a further Rate not exceeding Twopence *per* Week for every Ton Measurement thereof, so long as such Vessel shall remain in the Harbour, or be alongside as aforesaid, beyond the said Period of Four Weeks, in addition to the Tonnage Rates specified in the said Schedule (A.)

Additional Harbour Rates not to be payable for Vessels retained by Embargo, &c.

35. Provided always, That the additional Rates by this Act authorized to be taken by the Company in respect of Vessels remaining beyond a certain Period in the Dock shall not be payable for any such Vessel which shall have been prevented from leaving the same by an Embargo or by Stress of Weather.

Rates on Goods.

36. The Company may demand and receive, for all Animals, Merchandise, and Goods which shall be shipped or unshipped, received or delivered within the Harbour, or upon or from any Wharf, Quay, Breakwater, Staith, Spout, Drop, or Pier belonging to the Company, any Sums not exceeding the Rates for the Time being payable at the *Southampton* Docks in respect of Animals, Merchandise, and Goods of a similar Nature, Package, and Quality, excepting as regards Coals; and the Company may demand and receive for Coals which may be shipped or unshipped, received or delivered within the Harbour, or upon or from any Wharf, Quay, Breakwater, Staith, Spout, Drop, or Pier belonging to the Company, any Sum not exceeding Two Shillings and Sixpence *per* Ton for the Ten Years next after the passing of this Act, and any Sum not exceeding One Shilling *per* Ton after such Ten Years shall have elapsed.

Rates for Passengers and Luggage as in Schedule (B.)

37. The Company may demand and take the several Tolls or Dues mentioned in Schedule (B.) to this Act annexed before any Person shall be

be allowed to embark from any of the Works of the Company as a Passenger in any Steam or other Vessel or Boat, or being a Passenger in any Steam or other Vessel or Boat be landed on any Part of such Works, and before any Trunk, Portmanteau, Box, Parcel, or other Package falling under the Denomination of Luggage shall be shipped on board any such Steam or other Vessel or Boat, or landed therefrom at any Part of such Works; and for the Use of their Piers and Works, by Persons, Animals, or Carriages, for any Purpose other than landing or embarking, the Company may demand and receive any Sum not exceeding the Amount specified in Schedule (B.) applicable to such Use of their Piers and Works.

As to Recovery of Rates.

38. In addition to the Remedies given by "The Harbours, Docks, and Piers Clauses Act, 1847," for the Recovery of the several Rates hereby granted to the Company, the Company may recover such Rates in the following Manner; (that is to say,) any Rates which the Company may demand in respect of a Vessel may be recovered from the Owner or Master of such Vessel, and any Rates which the Company may demand in respect of Goods may be recovered from the Owner or Consignee of such Goods; and in every such Case such Rates may be sued for and recovered by the Company in any of Her Majesty's Courts of Record in *England* or *Wales*, or in case the Sum in dispute should not exceed the Jurisdiction of the County Court, and the Cause of Action shall be triable there, then in any County Court where the Action may be triable.

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

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

Limits within which Harbour Master may exercise his Authority.

40. The Limits within which the Powers of the Superintendent and Harbour Master for the Regulation of the Harbour shall be exercised shall be the Harbour Entrance, Channel, Piers, Works, and Property of the Company, and a Distance of One hundred Yards in each Direction from the Extremity of each Pier respectively.

Officers of Customs to have free Access to Harbour without Payment of Toll.

41. All Officers of Customs, being in the Execution of their Duty, shall have free Ingress and Egress into and out of the said Harbour and Premises, and through the Gates and Entrances of the same, and may freely pass and repass, with their Vessels and Boats, through the Locks and Water Communications of the said Harbour, at all Times (provided the State of the Tide and Water Communications of the said Harbour and

Premises

Premises will admit of such passing), without Payment of any Toll or Sum for so doing.

Company may provide Engines, &c.

42. The Company may provide such Steam Engines, Vessels, Piling Engines, Diving Bells, Ballast Lighters, and Rubbish Lighters, and other Machinery and Vessels, as they think necessary for any of the other Purposes of this Act, and may demand and receive such Sums for the Use of the same as they think reasonable.

Power to appoint Meters and Weighers.

43. It shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers within the Harbour.

Saving Rights of the Crown.

44. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Nothing to exempt Works from Provisions of General Acts.

45. Nothing herein contained shall be deemed to exempt the Undertaking by this Act authorized from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any General Act relating to Harbours, or Dues on Shipping, or on Goods carried in Ships, or to Pilotage, or to Lights, Buoys, and Beacons, and the Rights and Privileges of the General Light-house Authorities, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Dues or Tolls acthorized by this Act.

Expenses of Act.

46. The Costs, Charges, and Expenses of and incidental to the passing of this Act and preparatory thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Harbour Rates for Ships.

Outward Charges.

	s.	*d.*
For every Ship clearing for any Port in the United Kingdom or the Isle of Man, per Ton	0	4
For every Ship clearing for any Port in Europe or for any Port in the British Possessions or United States in North America, per Ton	0	6
For every Ship clearing for any other Port or Place than those above specified, per Ton	0	9
For every Ship entering the Harbour for the sole and exclusive Purpose of delivering or unloading Ballast, per Ton	0	2
For every Ship entering and leaving the Harbour without delivering or loading Cargo, per Ton	0	3

Inward Charges.

For every Ship with a Cargo from any Port in the United Kingdom or in the Isle of Man, per Ton	0	4
For every Ship with a Cargo from any Port or Place in Europe, or from any Port in the British Possessions or United States in North America, per Ton	0	6
For every Ship with a Cargo from any Port or Place in the Atlantic Ocean as far South as the Cape of Good Hope or Cape Horn	0	9
For every Ship with a Cargo from any Port or Place Eastward of the Cape of Good Hope or Westward of Cape Horn, per Ton	1	0

SCHEDULE (B.)

For every Passenger who shall land from any Steam or other Vessel or Boat in or upon the Works of the Company or any Part thereof, or embark therefrom on board any Steam or other Vessel or Boat	0	6
For all and every Trunk, Portmanteau, Box, Parcel, or other Package falling within the Description of Luggage that shall be shipped from or landed in or upon such Works, not exceeding the Weight of Twenty-eight Pounds each	0	2
If exceeding Twenty-eight Pounds and not exceeding Eighty-four Pounds, each	0	4
If exceeding Eighty-four Pounds and not exceeding One hundred and twelve Pounds, each	0	5

If

	s.	d.
If exceeding One hundred and twelve Pounds and not exceeding One hundred and forty Pounds, each	0	6
If exceeding One hundred and forty Pounds and not exceeding One hundred and ninety-six Pounds, each	0	7
If exceeding One hundred and ninety-six Pounds and not exceeding Two Cwt., each	0	8
If amounting to or exceeding Two Cwt., for every One Cwt.	0	4
And for every Twenty Pounds Weight in addition	0	1
But if the same shall be placed on a Barrow, then for any Quantity of Luggage belonging to One Person, and contained in any One Barrow, and not exceeding the Weight of One hundred and forty Pounds	1	0
For every Person not landing on or embarking from the said Pier, who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or otherwise, for each and every Time	0	2
For every Person who shall ride on Horseback for Pleasure, Exercise, or otherwise on the said Pier or Landing Place, such Person and Horse not landing or embarking from the said Pier, for each and every Time	0	6
For every Four-wheel Carriage, except a Fly, which shall be drawn on the said Pier or Landing Place, not being landed or embarked therefrom, for each and every Time	1	0
For every Two-wheel Carriage and every Fly which shall be drawn on the said Pier or Landing Place, not being landed or embarked therefrom, for each and every Time	0	6
If craned, for each and every Time the additional Sum of	2	6

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