CHAPTER cxviii.

An Act to empower the Local Board for the District of the Town of Ventnor in the Isle of Wight to construct a Pier and to acquire Lands for Street Improvements and other purposes: and to confer further powers upon the said Local Board: and for other purposes. A.D. 1884.

[14th July 1884.]

WHEREAS under the Local Act of the seventh and eighth years of Her present Majesty chapter one hundred and five certain Commissioners were appointed for executing the said Act under the style and title of "The Commissioners for improving the Town of Ventnor in the Isle of Wight" and for the purposes and under the powers of the same carried out certain works and borrowed the sum of five thousand pounds to discharge the cost thereof:

And whereas in the year one thousand eight hundred and sixty-four the said Commissioners adopted the provisions of the Local Government Act 1858 and became a local board (herein-after referred to as "the Local Board") and the district of the Local Board has under and by the authority of the Public Health Act 1875 become an urban sanitary district of which the said board is the urban sanitary authority:

And whereas the Local Board under the powers and provisions of the Local Government Act 1858 and of the Acts incorporated therewith executed certain works of sewerage and other works for permanent improvements within their district and borrowed divers sums of money for the same:

And whereas by a Provisional Order of the Local Government Board scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation Act 1873 (No. 6) the Local Board were authorised to borrow on mortgage of the rates leviable by them under the Local Government Act 1858 for the execution of the additional works and for paying off the sums (including the said sum of five thousand pounds) therein mentioned such a sum as might from time to time be approved by the Local Government

A.D. 1884.

Board not exceeding in the whole twenty-seven thousand two hundred and sixteen pounds to be repaid within such period not exceeding fifty years from the date of the borrowing thereof as the Local Board with the sanction of the Local Government Board should determine:

And whereas by the Ventnor Pier and Esplanade Order 1870 (in this Act called "the Order of 1870") the Ventnor Pier and Esplanade Company (in this Act called "the pier company") were incorporated and were authorised to construct a pier and other works at Ventnor:

And whereas the pier company constructed their authorised pier but the said pier was some time since in part destroyed by the action of the sea and the part thereof still remaining is in a ruinous condition:

And whereas it is expedient that the Local Board should be authorised to construct a new pier on or near the site of the said pier and that the existing pier should be vested in the Local Board upon payment by them as herein-after provided of the sum of two thousand six hundred pounds which has been agreed between them and the pier company in that behalf and that provision be made for winding up the affairs of and the dissolution of the pier company:

And whereas it is expedient that the Local Board be empowered to acquire further lands for street improvements and other purposes:

And whereas it is expedient that such powers as are in that behalf contained in this Act be conferred upon the Local Board for acquiring easements or other rights over downs and lands within or in the neighbourhood of their district and for making maintaining and improving roads and footpaths over such downs and lands and that the Local Board for the district of Shanklin in the Isle of Wight and the Isle of Wight Highway Commissioners be authorised to contribute towards the cost of carrying out those purposes:

And whereas it is expedient that further provision be made with respect to the levying and collection of market rates tolls and duties and the hawking of goods and marketable commodities within the district and that the Local Board be enabled to make and enforce byelaws rules and regulations with reference to those and other matters and that such further powers be conferred upon the Local Board as by this Act provided:

And whereas it is expedient that the Local Board be authorised to borrow further moneys for the purposes of this Act:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the tenth day of October one

thousand eight hundred and eighty-three after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Isle of Wight Express a local newspaper circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act:

And whereas such resolution was published twice in the said local newspaper and has received the approval of the Local Government Board:

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 Local Board at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand eight hundred and eighty-four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board 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:

And whereas estimates have been prepared by the Local Board showing that the Local Board may from time to time require to borrow for the construction of the pier by this Act authorised and for the purchase of the existing pier and for or towards the making maintaining and improving of roads and footpaths over the downs and lands aforesaid within or in the neighbourhood of their district and for the purchase of lands for street improvements (which works are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875) sums of money amounting to twenty-five thousand three hundred pounds:

And whereas plans and sections showing the line and levels of the pier by this Act authorised and plans of the lands to be acquired compulsorily under the powers of this Act and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the county of Southampton and the Isle of Wight and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1884.

Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Ventnor Local Board Act 1884.

Certain provisions of General Acts herein incorporated.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the Harbours Docks and Piers Clauses Act 1847 (except section twenty-five of the last-mentioned Act) are (except where expressly varied by this Act) incorporated with and form part of this Act Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as the same may from time to time be required by the Board of Trade.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The expressions "the district fund" and "the general district rates" mean respectively the district fund and general district rates for the district of the Local Board and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or in part incorporated herewith shall for the purposes of this Act 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 and in any Act wholly or partially incorporated herewith the expression "the special Act" shall for the purposes of this Act mean this Act and the expression "the Undertakers" shall for the purposes of this Act mean the Local Board.

Act to be executed by board.

4. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act 1875 and any Acts amending the same.

Power to make pier.

5. Subject to the provisions of this Act the Local Board may make execute and maintain in the line and according to the levels shown on the deposited plans and sections the pier herein-after described with all necessary and convenient fender-piles defences landing and shipping places stages footways roadways toll-houses toll-gates bars buoys moorings covered and other buildings and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The pier herein-before referred to and authorised by this Act will be

wholly situate in the parish of Ventnor in the Isle of Wight and county of Southampton and on the foreshore and bed of the sea and will commence at or near the northern or land end of the existing pier at Ventnor and extend thence in a southerly direction for a distance of about two hundred and fifty yards.

Limit of lateral deviation. Limit of vertical deviation.

6. In constructing the pier by this Act authorised the Local Board may with the approval of the Board of Trade in writing but not otherwise deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to take easements &c. by agreement.

7. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Local Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for completion of works.

8. If the pier is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Local Board for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Power to take rates in schedule for use of pier.

9. The Local Board may for the use of the pier demand and take in respect of the vessels persons and goods in the schedule to this Act specified any sums not exceeding the rates in that schedule specified.

Pass tickets for use of pier.

10. The Local Board may grant to any person for use by himself or by members of his family or household or both and also to institutions or bodies for use by members of such institutions or bodies pass tickets for the use of the pier at such rates on such terms and for such periods not exceeding one year as may be agreed upon No such pass ticket shall be transferable or shall be used by any person other than the person or persons to or for whom it is granted If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit or expired pass ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings recoverable and applicable as penalties are recoverable and applicable under the Harbours

A.D. 1884.

Docks and Piers Clauses Act 1847 for all the purposes of which this Act shall be deemed the special Act.

Exemption of Board of Trade officers from rates.

11. Officers of the Board of Trade in the execution of their duty shall at all times have free ingress passage and egress to from and over the pier by land and with their vessels without payment.

Local Board to exhibit lights.

12. The Local Board shall at the outer extremity of the pier hereby authorised when completed exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct. If the Local Board fail to comply in any respect with the provisions of this section they shall for each night they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

13. The Local Board shall on or near the works below high-water mark hereby authorised during the whole time of the construction thereof exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Beard of Trade from time to time requires or approves.

If the Local Board fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

14. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Local Board on in over through or across tidal lands or tidal water or of the intended site of any such work the Local Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Local Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Local Board.

Abatement of work abandoned or decayed.

15. If a work constructed by the Local Board under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Local Board and the amount of such expense shall be a debt due from the Local Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Local Board.

Restriction on use of pier.

16. Nothing in this Act shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Act any sheep cattle or merchandise or to ship or unship there anything which in the judgment of the Local Board might in any manner

interfere with the use of the pier for recreation or the embarking or landing of passengers.

As to sale to Local Board of existing pier.

17. The pier company shall sell and convey and the Local Board shall purchase and acquire the existing pier and property of the pier company.

Consideration for sale of pier.

18. The consideration for the sale and conveyance shall be the sum of two thousand six hundred pounds which sum shall be paid by the Local Board to the pier company within twelve calendar months after the passing of this Act Provided always that if the said sum or any part thereof shall not be then paid the Local Board shall pay to the pier company interest on the amount remaining unpaid at the rate of five pounds per centum per annum from the expiration of the said period of twelve calendar months until payment.

Vesting in Local Board of premises sold.

19. Upon payment or security being given to the satisfaction of the pier company or of the liquidators of the pier company for the time being for payment of the said sum of two thousand six hundred pounds or so much thereof as may remain unpaid together with such interest if any as aforesaid the existing pier and property of the pier company shall subject to all obligations contracts debts and liabilities affecting the same be by this Act and subject to the provisions thereof transferred to and vested in the Local Board absolutely as part of their pier undertaking.

Transfer of pier company's undertaking to be evidenced by deed duly stamped &c.

20. The sale and transfer shall be evidenced by a deed of conveyance in which the consideration shall be fully set forth and within three months after the execution of such deed the Local Board shall produce the same to the Commissioners of Inland Revenue duly stamped with the ad valorem stamp duty in respect of the consideration and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

Receipt of pier company to be a discharge to the Local Board.

21. A receipt or acknowledgment under the hands of the liquidators of the pier company for the time being for any money payable by the Local Board to the pier company shall be a good and sufficient discharge for the same and the Local Board shall not be bound to see to the application or be answerable for the non-application or misapplication of the said purchase money or any part thereof.

Repeal of Order of 1870.

22. Upon and from the vesting in the Local Board of the existing pier and property of the pier company the Order of 1870 (but

A.D. 1884.

subject to the provisions of this Act) shall be by this Act repealed and the pier company shall thenceforth continue for the purpose only of winding up their affairs.

Pier company to wind up their affairs.

23. The pier company shall forthwith proceed to wind up their affairs accordingly and shall subject to the payment satisfaction or discharge of all their debts liabilities and engagements if any distribute and pay the net moneys to be received from the sale to and among the several persons who at the date of the completion of the sale are the respective registered shareholders in the capital of the pier company according to their respective priorities and in proportion to their respective shares of such capital or their respective executors administrators successors or assigns.

Payments into court by pier company.

24. Where the pier company are for twelve months after the period for the distribution of their net moneys unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid or who can give an effectual receipt for the same the pier company may pay the net sum appropriated according to the preceding clause without interest after deducting the expenses of such payment into court into the Chancery Division of the High Court of Justice under any Act from time to time in force for the relief of trustees and every such payment into court shall conclusively discharge the pier company from all further liability with respect to the net sum so paid and for the purposes of this Act shall be deemed payment of such net sum to a person absolutely entitled thereto as his entire share and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly.

Dissolution of pier company.

25. When all the debts liabilities and engagements of the pier company as aforesaid are paid satisfied or discharged and their net moneys are distributed in accordance with this Act that company shall be by this Act dissolved and shall wholly cease to exist.

Power to Local Board to lease pier.

26. The Local Board may from time to time lease the tolls rates and duties which they may be entitled to demand take and recover in respect of the pier by this Act authorised for such period not exceeding three years and for such annual rent as they may think fit.

Power to purchase additional lands.

27. Subject to the provisions of this Act the Local Board may for or in connexion with street improvements enter upon take hold and use all or any of the additional lands and property in the parish of Ventnor shown upon the deposited plans and described in the deposited books of reference Provided always that they shall

not acquire any part of the churchyard numbered 17 on the deposited plans in which any body is buried or the lands numbered 18 19 and 22 on the deposited plans and provided further that the Local Board shall not acquire otherwise than by agreement any cliff land which lies to the south or south-westward of the grounds of the vicarage in Ventnor.

Period for compulsory purchase of lands.

28. The powers of the Local Board for the compulsory purchase of lands tenements and hereditaments under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Local Board may acquire other lands and make and maintain roads and footpaths.

29. The Local Board may from time to time purchase and acquire by agreement or take on lease or acquire easements or rights of way or other rights over or affecting any downs or other lands within or in the neighbourhood and not more distant than four miles from some part of their district and may within the limits aforesaid make and maintain new roads and footpaths and improve existing roads and footpaths over any such downs or lands and may from time to time apply for all or any such purposes any revenues for the time being in their hands and the general district rates.

Shanklin Local Board Commissioners acting under 53 Geo. III. cap. 92 may contribute.

30. The Local Board for the district of Shanklin in the Isle of Wight and the Commissioners acting in the execution of the Local Act 53 George III. cap. 92 or either of those bodies may from time to time pay to the Local Board by way of contribution towards the cost of making maintaining or improving roads and footpaths under the last preceding section of this Act any sums of money which they respectively think fit and may apply their respective revenues applicable to highway purposes for or towards any such contribution.

Local Board may contribute to public bands &c.

31. The Local Board may from time to time pay or contribute towards the payment of one or more public bands for the performance of music in the various places of public resort and recreation grounds within or in the neighbourhood of their district and under their control or such of them as the Local Board may think fit Provided that the amount of all such payments or contributions for the purposes aforesaid do not in any year exceed the rate of one penny in the pound on the rateable value of the district.

Licenses for sale out of market.

32. The Local Board may from time to time if they think fit grant to any person a license to sell or expose for sale from door to door or in a place other than a market place or market house

A.D. 1884.

or in his own dwelling place or shop any article in respect to the sale or exposure for sale whereof in any market place or market house or in respect to the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house any toll stallage or rent is leviable by or payable to the Local Board every such license being granted on such terms and conditions as the Local Board think fit and to endure for a period not exceeding twelve months and to be revocable in such cases as the Local Board prescribe and the Local Board may demand and take for every such license any sum not exceeding one pound and if any person not being a licensed hawker or pedlar does any act for which such a license is authorised without having obtained such a license or does any act in contravention of or omits to do anything required by a license granted to him he shall be liable to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

As to Ventnor Park.

33. The land acquired laid out and planted by the Local Board for the purpose of being used as pleasure grounds and known as Ventnor Park (and herein-after referred to as "the park") shall be deemed to be land acquired under the power conferred by section 164 of the Public Health Act 1875 and that section shall apply thereto accordingly And the Local Board may from time to time permit the park or any portion thereof to be used for any of the following special purposes namely agricultural shows flower shows fruit shows exhibitions of natural or artificial products or works of art or industry school treats the drilling of volunteer corps games athletic sports and any other special purpose tending to promote health amusement or enjoyment and may when the park or any part thereof is so used for any special purpose close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums as the Local Board from time to time think fit for the exclusive occupation of any portion of the park or for the admission of persons vehicles goods and things into the park or into any portion thereof and may exclude from the park or from any portion thereof all persons vehicles goods and things unless payment be made of the reasonable sums demanded And the Local Board may make and enforce rules for the due and orderly conduct of all proceedings on any occasion of the park being used for any such special purpose as aforesaid but so that no penalty be imposed by any rule so made Provided always that the Local Board shall not close the park or any part thereof for more than thirty days in the whole in any one year.

The Local Board may demand and receive such reasonable sums as they think fit for the use of any special conveniences works or appliances provided by them in the park.

Byelaws.

34. The Local Board may from time to time subject to the provisions of the Public Health Act 1875 with respect to byelaws make and enforce and when made may from time to time vary alter and repeal byelaws for or with respect to all or any of the purposes and matters herein-after mentioned (that is to say) :—

(A) The regulation of the driving of cattle through the streets :

(B) The regulation or prohibition of the removal of shingle sand or other material from or the placing of earth refuse or any other material upon the sea beach or foreshore within the district of the Local Board Provided that no byelaw in reference to the matters mentioned in this sub-paragraph (B) shall apply to or affect the sea beach or foreshore below high-water mark without the previous approval in writing of the Board of Trade certified by one of their secretaries or under secretaries :

(C) The prohibition of the burning of garden refuse in the open air except during certain hours :

(D) For the management and for regulating the time of opening and closing and the mode of user of the park the admission of persons animals and vehicles thereto the sale of refreshments therein and for the preservation of good conduct and order and the prevention of nuisances or injury or trespass therein and generally for any other purpose having for its object the maintenance of the park as a place of recreation and the restraint of all acts tending to the disfigurement of the same :

and the provisions of sections 182 to 186 (both inclusive) of the Public Health Act 1875 shall apply to every byelaw made under this section and to penalties for breach of the same.

For preventing annoyance or obstruction of foot passengers in streets.

35. If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Street musicians &c. may be required to depart from the neighbourhood of houses.

36. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so

A.D. 1884.

required to depart shall be liable to a penalty not exceeding forty shillings.

Power to borrow.

37. The Local Board may from time to time borrow at interest for the purpose of paying the costs charges and expenses as herein-after defined of this Act such moneys as may be necessary for that purpose and for the construction of the pier by this Act authorised for the purchase of the pier company's undertaking and for the purchase of lands and for the other purposes of this Act not exceeding twenty-six thousand pounds.

Power to mortgage pier undertaking and district fund and general district rates.

38. For securing the repayment of moneys borrowed under this Act the Local Board may from time to time mortgage the revenue of the pier undertaking of the Local Board and also the district fund and general district rates and after having paid off any moneys so secured otherwise than by instalments may re-borrow the amount so paid off Provided that all moneys so re-borrowed shall be repaid within the unexpired portion of the period provided by this Act for the repayment of the original loan and that for the purpose of repayment the moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

39. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Moneys may be borrowed repayable by instalments.

40. Subject to the provisions of this Act and with the sanction of the Local Government Board any principal money borrowed under the preceding sections of this Act may be made repayable and the interest for the same may be made payable by such instalments of such amounts and at such times as may be agreed between the Local Board and the lender.

Commissioners' Clauses Act 1847 to apply to mortgages.

41. The sections (other than section 80) of the Commissioners' Clauses Act 1847 with respect to mortgages shall apply to mortgages to be made by the Local Board under this Act provided that (subject to the provision herein-after contained with respect to the paying off of moneys borrowed for the purpose of paying the costs charges and expenses of this Act) they shall pay off all moneys borrowed under this Act by equal half-yearly instalments of principal and interest spread over the following periods respectively that is to say as regards moneys borrowed for the purposes of paying the costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to

and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid and also as regards moneys borrowed for the making maintaining and improving of roads and footpaths over the downs and lands within or in the neighbourhood of the district of the Local Board the period of twenty years from the time of the same respectively being borrowed and as regards moneys borrowed for any other purposes of this Act the period of forty years from the time of the same being borrowed.

Appointment of a receiver.

42. The mortgagees of the Local Board under this Act may enforce the payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver of the undertaking comprised in their respective mortgages The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

Existing mortgages to have priority.

43. All mortgages granted by the Local Board prior to the passing of this Act and which shall be in force at the time of the passing of this Act shall during the continuance thereof and as to the rates or property comprised therein have priority over all mortgages to be granted under this Act and charged upon the same rates or property.

Application of moneys borrowed.

44. All moneys from time to time borrowed under this Act shall be applied by the Local Board only for the purposes for which the same are respectively by this Act authorised to be borrowed and to which capital is properly applicable.

Local Board not to be affected by notice.

45. No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Local Board in relation to any mortgage nor shall they be affected by express implied or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration.

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

46. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment under this Act 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 paid as an instalment during the year preceding the making of such return and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds recoverable summarily by the Local Government Board If it appears to the Local Government Board by such return or otherwise that the Local Government

A.D. 1884.

Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and applied in payment of the debt of the Local Board and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board.

Separate pier account.

47. The Local Board shall keep a separate account to be called "The Pier Account" of all receipts payments credits and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of this Act as relates to the pier undertaking and such account shall be subject to the same provisions as to audit and otherwise as other accounts of the Local Board.

Application of revenue.

48. All moneys from time to time received by the Local Board by way of revenue in respect of their pier undertaking under this Act shall be applied for the following purposes on behalf of the undertaking in respect of which such moneys are received:

First. In payment of the establishment charges that is to say of the expenses properly chargeable to revenue of conducting managing and maintaining the pier and works connected therewith respectively;

Secondly. In payment of the interest of the mortgages for the time being of the Local Board charged on such undertaking under this Act;

Thirdly. In providing for the instalments and for the discharge of the principal and interest of any moneys borrowed or raised under the authority of this Act in accordance with the provisions in that behalf of this Act;

and the balance if any shall be applied in aid and reduction of the general district rates.

General district rate to be resorted to to make up deficiency in revenue from pier undertaking.

49. In case the revenue of the Local Board from their pier undertaking shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Local Board with respect thereto under this Act the Local Board may include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general district rates.

Powers of Act to be cumulative.

50. All powers given by this Act to the Local Board shall be deemed to be in addition to and not in derogation of any other powers conferred on them by any other Act of Parliament law or custom and such other powers may be exercised as if this Act had not been passed.

A.D. 1884.

Saving rights of the Crown in the foreshore.

51. Nothing contained in this Act or in the deposited plans shall authorise the Local Board 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 and under the management of the Board of Trade 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 this Act 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.

Saving rights of Crown under Crown Lands Act.

52. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Expenses of Act.

53. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund or general district rates or out of moneys to be borrowed under the authority of this Act.

The SCHEDULE referred to in the foregoing Act.

RATES FOR USE OF PIER.

I.—Rates on Vessels carrying Cargo using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons per ton - -	0	4
For every vessel of the burden of 15 tons and under 50 tons per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton -	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton	0	10
For every vessel of the burden of 150 tons and upwards per ton -	1	0
All lighters for each trip per ton - - - - -	0	6
All boats entirely open landing or taking on board goods each - -	0	6

II.—RATES FOR GOODS SHIPPED OR UNSHIPPED AT THE PIER.

A.D. 1884.

	s.	d.
Light goods per cube foot - - - - - -	0	1
Heavy goods per ton - - - - - - -	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a portion of the respective rates shall be charged.

III.—RATES FOR USE OF WEIGHING MACHINES.

For goods weighed for each ton or part of a ton - - -	0	2

IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each time any sum not exceeding - - - -	0	4
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - -	0	2
For every bath or sedan chair taken on the pier for each time any sum not exceeding - - - - - -	0	4
For every perambulator taken on the pier for each time any sum not exceeding - - - - - - -	0	2
For every master of any vessel boat or wherry and using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - -	20	0

For the purpose of this part of this schedule the rates hereby authorised shall not comprise admission to any reading room concert room or other room or place set apart for special purposes by resolution of the Local Board.

V.—RATES ON PASSENGERS LUGGAGE.

For every trunk portmanteau box parcel or other package within the description of luggage not exceeding 28 pounds - - -	0	2
Over 28 pounds and not exceeding 84 pounds - - - -	0	4
Over 84 pounds and not exceeding 112 pounds - - -	0	5
Over 112 pounds and not exceeding 140 pounds - - -	0	6
Over 140 pounds and not exceeding 196 pounds - - - -	0	7
Over 196 pounds and not exceeding 2 cwt. - - - - -	0	8
And for every cwt. beyond - - - - - - -	0	4
And for every 20 pounds weight in addition - - - - -	0	1

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1884.