CHAPTER xviii.

An Act for incorporating a Company with power to construct a Marine Lake at Weston-super-Mare in the county of Somerset and for other purposes. [31st May 1889.] A.D. 1889.

WHEREAS it would be of great benefit to the inhabitants of Weston-super-Mare and the general public visiting that town and neighbourhood if the sea-wall or embankment and works hereinafter mentioned were constructed on the foreshore and bed of Weston Bay so as to form an artificial marine lake for boating and other purposes:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct such sea-wall or embankment and works on being incorporated into a Company for that purpose:

And whereas plans and sections of the sea-wall or embankment and other works by this Act authorised to be made and maintained showing the lines and levels thereof and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands proposed to be taken for the purposes of the undertaking have been deposited with the clerk of the peace for the county of Somerset and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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 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. This Act may for all purposes be cited as the Weston-super-Mare Marine Lake Act 1889. **Short title.**

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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the embankment and works" and "the undertaking" mean respectively the sea-wall or embankment and works and the undertaking by this Act authorised the expressions "the Improvement Commissioners" and "the Commissioners" mean the Weston-super-Mare Improvement Commissioners and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Lancelot Armstrong and Henry Green Colman and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the sea-wall or embankment and works and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Weston-super-Mare Marine Lake Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to construct works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the sea-wall or embankment and works herein-after described with all proper groynes slopes cuttings steps sluices approaches 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 book of reference as may be required for that purpose The works herein-before referred

to and authorised by this Act are situate in the parish of Weston-super-Mare in the county of Somerset and on the foreshore and bed of Weston Bay adjacent thereto and are:—

1. A marine lake to be formed by means of a sea-wall or embankment such sea-wall or embankment to commence at or from a point on the foreshore of Weston Bay where now crossed by the Atlantic cable opposite the end of Richmond Street and extending in a curved line seawards one hundred and fifty yards or thereabouts and thence along the foreshore of Weston Bay parallel to Royal Parade for a distance of five hundred and fifty yards or thereabouts and terminating at a point opposite or nearly opposite the southern end of Ellenborough Park.
2. A walk or promenade with all necessary banks slopes steps paths and conveniences upon and along the intended sea-wall or embankment.

Capital.

6. The capital of the Company shall be fifteen thousand pounds divided into shares of ten pounds each.

Shares not to be issued until one fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

8. 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 fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

10. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole three thousand five hundred pounds but no part thereof shall be borrowed until the whole capital of fifteen thousand pounds is issued and accepted and one half thereof is paid up and 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 whole of such capital has been 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

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acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon 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.

For appointment of a receiver.

11. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three hundred pounds.

Debenture stock.

12. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

13. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

15. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

17. The quorum of a meeting of directors shall be three.

First directors;

18. Lancelot Armstrong and Henry Green Colman and three persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this

Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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Election of directors.

19. The Company may take by agreement for the purposes of their undertaking any quantity of land not exceeding two acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

20. 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 Company 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.

Power to take easements &c. by agreement.

21. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

22. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction on displacing persons of labouring class.

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For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Limits of deviation.

23. In constructing the works by this Act authorised the Company may with the consent in writing of the Board of Trade deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon except on the east side of the said works on which side no deviation whatever shall be allowed or made from the line of the works as shown upon the said plans and may with the like consent deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet.

Penalty for obstructing works.

24. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Act or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys any marks made for that purpose shall for every such offence be liable to a penalty not exceeding five pounds.

Deposit of excavation from lake.

25. The Company shall not deposit any mud sand or other substances excavated or dredged from the site of the lake during its construction or at any time afterwards upon the foreshore below high-water mark or in the sea below low-water mark without the consent in writing of the Board of Trade and then only in such place or places as may be directed by that Board.

Further provision as to deposit of excavation from lake.

26. The Company shall not deposit any mud sand or other substances excavated or dredged from the site of the lake during its construction or at any time afterwards upon any portion of the foreshore sands or wastes without the consent in writing of the Commissioners and then only in such place or places as shall be approved by them and be consented to by the Board of Trade in respect of any such deposit on the foreshore.

Period for completion of works.

27. If the works hereby authorised are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to dredge &c.

28. The Company may from time to time dredge and cleanse the bed of the lake so as to remove any accumulation of silt or other obstructions therefrom.

Power to Company to erect toll houses &c. and to make rules for regulating use of lake.

29. The Company may from time to time erect and maintain upon the works by this Act authorised all such toll houses toll gates shelters boat enclosures buildings and other conveniences as may be necessary or convenient for the proper enjoyment and protection of the said works and may appoint and remove toll collectors and other officers and may from time to time make rules and bye-laws to regulate the use of the said lake and promenade so as to prevent damage or injury thereto or to any part of the works by this Act authorised and if having regard to the safety and maintenance of the embankment and works it should at any time appear to the Company necessary or expedient so to do they may from time to time prohibit the use of the lake and close it for such period as may be necessary for the purpose of repairing maintaining sluicing and dredging the same only Provided that no such toll houses toll gates shelters boat enclosures buildings and other conveniences shall be erected until plans sections and elevations of the same shall have been submitted to and been approved of by the Commissioners.

Restricting Company from constructing works beyond a certain line.

30. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall not construct lay down or erect :—

(*a.*) Any permanent works or except with the previous consent in writing of the Commissioners any temporary works to the eastward of the red line shown on four copies of the deposited plans and sections signed by the Right Honourable Albert Edmund Earl of Morley the Chairman of Committees of the House of Lords one of which copies has been deposited in the Office of the Clerk of the Parliaments another of which copies shall within one week after the passing of this Act be deposited by the Company with the clerk of the peace for the county of Somerset another of which copies is in the custody of the Commissioners and the other of which copies is in the custody of the Company.

(*b.*) Any railings or fence on the said sea-wall or embankment or any part thereof.

Power to Company to supply boats for use upon lake.

31. The Company may build purchase hire or otherwise acquire and let on hire for use upon the lake pleasure boats of every description adapted to such use and may acquire by agreement any buildings yards and other premises suitable for building and housing such boats.

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Power to take tolls.

32. Subject to the byelaws which the Company may from time to time make for regulating the use of the lake and promenade and for preventing damage or injury thereto the public may use the same on payment of such tolls and charges as the Company may from time to time demand not exceeding the following (that is to say):—

For every boat occupied by less than four persons for every hour or part of an hour the sum of one shilling and sixpence;

If occupied by four or more persons for each adult person for every hour or part of an hour the sum of sixpence;

And for every child under the age of ten years the sum of threepence;

From each person using the promenade the sum of twopence:

Provided that no toll or charge shall be demanded or taken in respect of the use of the promenade by any person employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster-General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884.

Power to compound for use of promenade.

33. The Company may from time to time enter into composition with any person or persons with respect to the payment of tolls or charges for the use of the lake and the promenade but so that no preference be in any case given to any person.

Exemption of Custom-house officers from rates.

34. All officers and persons employed in the service of the Customs or the Board of Trade when in the execution of their duty shall have free ingress and egress to and from and use of the Marine Lake Promenade and the other works of the Company with or without their vessels and boats at all times without any charge or rate being made for the same.

Provisions as to purchase by the Commissioners of the undertaking of the Company.

35. If at any time within six months after the expiration of a period of seven years from the time limited by this Act for the completion of the works hereby authorised or within six months after the expiration of any subsequent period of seven years the Commissioners shall give notice in writing to the Company of their desire to purchase the undertaking hereby authorised with all the rights and privileges connected therewith and shall apply to Parliament for power to purchase the undertaking of the Company then it shall not be lawful for the Company to oppose such application (except as to details thereof) and if such powers of purchase be granted the Company shall sell and transfer and the Commissioners shall purchase the undertaking of the Company upon terms of

paying to the Company the then value of the undertaking such value to be in case of difference determined by some person nominated as referee by the Local Government Board on the application of either party and the expenses of the reference shall be borne and paid as the referee directs.

Company to wind up their affairs.

36. On the completion of the transfer the Company shall forthwith proceed to wind up their affairs and shall subject to the payment satisfaction or discharge of all the debts liabilities and engagements if any of the Company distribute and pay the net moneys to be received from such sale and transfer to and among the several persons or the representatives of the persons who at the date of the completion of such sale and transfer are the registered shareholders in the capital of the Company according to their respective priorities and in proportion to their respective shares of such capital.

Payments into court by Company.

37. Where the 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 Company may pay the same without interest and less the expenses of such payment 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 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 the 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 Company.

38. When all the debts liabilities and engagements of the Company are paid satisfied or discharged and their net moneys are distributed in accordance with this Act the Company shall be by this Act dissolved and shall wholly cease to exist.

Company not to be exempt from provisions of Weston-super-Mare Improvement Act.

39. Nothing in this Act contained shall exempt the Company from the provisions of the Weston-super-Mare Improvement Act 1887 and any byelaws made or to be made thereunder so far as they are applicable to the undertaking hereby authorised.

Saving rights of the public.

40. Save and except as is by this Act specially enacted the Company shall not interfere with the free use and enjoyment of the foreshore and waters of Weston Bay by the public at large and nothing in this Act contained shall authorise the Company in any manner to prevent or interfere with the passage of or to demand and take tolls and charges for boats or other vessels passing over

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the works by this Act authorised at such times when owing to the state of the tide the sea-wall or embankment by this Act authorised shall be covered with water.

Works not to be constructed except with consent of Board of Trade.

41. Notwithstanding anything in this Act contained the Company shall not commence to construct the works hereby authorised without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of that Board and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Lights on works.

42. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Company 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.

Company to exhibit lights.

43. The Company shall at the outer extremity of their works below high water 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 Company 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.

44. 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 Company under the powers of this Act or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of works abandoned or decayed.

45. If a work constructed by the Company under the powers of this Act is abandoned or suffered to fall into decay the Board of Trade or the Commissioners with the consent of that Board 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 Company and the amount of such expense shall be a debt due from the Company to the Crown or the Commissioners as the case may be and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Saving rights of the Crown.

46. Nothing in this Act shall authorise the 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 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.

47. 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.

Saving rights of the lord of the manor of Weston-super-Mare.

48. Save and except as is by this Act enacted nothing herein contained shall extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by Cecil Hugh Smyth-Pigott or his successors lords of the manor of Weston-super-Mare.

Saving rights of the Commissioners.

49. Except only as by this Act otherwise expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates interests jurisdictions rights powers privileges or authorities of the Commissioners.

Expenses of Act.

50. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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