



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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*Cap. clxxxvii.*

An Act for the Construction of a Pier at *Hastings* in the County of *Sussex*; and for other Purposes.

[12th August 1867.]

**W**HEREAS the Construction of a Promenade Pier at *Hastings* in the County of *Sussex* would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to construct such Pier: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: And whereas Plans and Sections showing the Lines and Levels of the Pier and Works by this Act authorized to be made and the Lands to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Sussex*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: 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

[Local.]

33 P

Commons,

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Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Hastings Pier Act, 1867.*"

8 & 9 Vict.  
cc. 16. & 18.,  
10 & 11 Vict.  
c. 27.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

2. The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Acts Amendment Act, 1860, The Companies Clauses Consolidation Act, 1845, Part 1<sup>o</sup> (relating to the Cancellation and Surrender of Shares) of The Companies Clauses Act, 1863, The Harbours, Docks, and Piers Clauses Act, 1847, and Sections 13 to 19, both inclusive, (relating to Protection to Navigation,) of The Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form Part of this Act: Provided 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 come into operation as Parts of this Act unless and until and except so far only as the Board of Trade from Time to Time require; in the Construction of the before-mentioned Sections of the Railways Clauses Act, 1863, the Expression "Railway" therein used shall be construed to mean the Pier and Works by this Act authorized.

Same Meanings to Words in incorporated Acts as in this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the Pier" or "the Works" shall mean and include the Pier and Works, and the Expression "the Undertaking" shall mean the Undertaking, by this Act authorized; the Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

Incorporation of Company.

4. *Henry Harwood Harwood, James Hendrey, John Macmillan,* 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 Pier, and for other the Purposes of this Act, and, for those Purposes shall be incorporated by the Name of "The *Hastings Pier Company,*"

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pany;" 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.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Pier herein-after described, with all proper Landing Places, Toll Gates, Toll Houses, 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 Books of Reference as may be required for that Purpose. The Pier herein-before referred to and authorized by this Act is,—

Power to make Pier according to deposited Plans.

A Pier commencing at a Point on the Esplanade opposite *White Rock Place* in the Town of *Hastings* in the County of *Sussex*, and extending Seaward in a Southerly Direction 1400 Feet or thereabouts.

6. The Capital of the Company shall be Twenty-five thousand Pounds in Two thousand five hundred Shares of Ten Pounds each.

Capital.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum, not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

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 Calls made in any Year upon any Share.

Calls.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Six thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Twenty-five thousand Pounds is subscribed for, 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 subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and upon Production to such Justice

Power to borrow on Mortgage.

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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.

Arrears may be enforced by Appointment of Receiver.

10. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Five hundred Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

11. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect of any Land taken, used, or occupied by the Company for the Purposes of the Pier, or injuriously affected by the Construction thereof, or by the Exercise of any of the Powers by this Act conferred on the Company.

Application of Monies.

12. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

First Ordinary Meeting.

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

Advertisements.

14. The Newspapers for Advertisements shall be any Newspapers published and circulated in the County of *Sussex*.

Number of Directors.

15. The Number of Directors shall be Five, but it shall be lawful for the Company from Time to Time to 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 Ten Shares.

Quorum.

17. The Quorum of a Meeting of Directors shall be Three, and if the Number of Directors be reduced to Three the Quorum shall be Two.

18. *Henry*

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**18.** *Henry Harwood Harwood, the Honourable Charles Hay, Lord William Pitt Lennox, James Hendrey, and Charles Wyndham* 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 any of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being, if 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 in the Companies Clauses Consolidation Act, 1845, contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act.

First  
Directors.

**19.** The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for  
compulsory  
Purchases  
limited.

**20.** The Pier shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Pier, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for  
Completion  
of Works.

**21.** Subject to the Provisions of the Harbours, Docks, and Piers Clauses Act, 1847, the Company in constructing the Pier may deviate to the Extent of the Limits of Deviation marked on the deposited Plans.

Company  
may deviate  
to the Extent  
marked on  
Plans of  
Pier.

**22.** Previously to commencing the Pier the Company shall deposit at the Office of the Board of Trade Plans and Sections and Working Drawings of the same for the Approval of the said Board, such Approval to be signified in Writing under the Hand of the Secretary of the said Board, and such Pier shall be constructed only in accordance with such Approval, and when such Pier 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 the Pier shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the Site thereof to its former Condi-

Plans, &c.,  
of Pier to be  
approved by  
Board of  
Trade.

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tion, 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.

Board of Trade may order Local Survey.

23. If at any Time or Times it shall be deemed expedient by the Board of Trade to order a local Survey and Examination of the Pier, the Company shall defray the Costs of every such local Survey and Examination, 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 Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Board of Trade may abate abandoned Works.

24. If any Work to be constructed by the Company shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Board of Trade to abate and remove the same, or such Part or Parts thereof as they may at any Time 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.

Limits of Powers of Pier-master.

25. The Limits within which the Powers of the Pier-master may be exercised shall be the Pier, and a Distance of Three hundred Yards measured in all Directions Seaward from the Pier.

Pier to be deemed Part of Borough.

26. The Pier and Works shall, in respect of all Matters, Crimes, or Offences arising or committed thereon requiring the Cognizance of any Justice of the Peace, be deemed and taken to be within and as forming Part of the Borough of *Hastings*, and within the Jurisdiction of the Justices of the said Borough.

No Merchandise to be landed at Pier.

27. No Merchandise or Goods (Passengers personal Luggage excepted) shall be landed on or at the said Pier.

Power to take Rates according to Schedule to this Act.

28. The Company may demand and receive in respect of the Vessels, Passengers Luggage, Persons, and Things described in the Schedule to this Act annexed any Sums not exceeding the Rates in that Schedule specified: Provided that the Company may make such increased Charges as they think fit to Persons using the Pier on special Occasions, of which increased Charges due Notice shall be affixed in some conspicuous Place at the Entrance to the Pier.

Table of Tolls to be put up.

29. When any Toll Gate is erected by virtue of this Act the Company shall put up and afterwards continue at every such Toll Gate a Table printed on a Board, in distinct and legible Black Letters on a White Ground, containing a List distinguishing the several Tolls to be paid by virtue of this Act, and shall renew the Boards

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Boards whenever any of the Letters or Figures thereon are worn out, defaced, or obliterated, and the Company shall not demand or take at any Toll Gate any Toll except while the Board so painted remains affixed at or near to the Toll Gate.

**30.** The Company may grant to Passengers and Promenaders, or others, Pass Tickets for the Use of the Pier, on such Terms and for such a Period, not exceeding One Year, as may be agreed on, but so that no Preference be given to any Person. Such a Pass Ticket shall not be transferable, and shall not be used by any Person except the Person for whom it is granted, or by any Person after the Period limited for its Use. If any Person act in any way in contravention of this Provision, or use or attempt to use any false or counterfeit Ticket, he shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings, to be recovered and applied as Penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847.

Company may contract with Persons for the Use of the Pier.

**31.** Officers of Customs, being in the Execution of their Duty, shall at all Times have free Ingress, Passage, and Egress to, on, along, and from the Pier by Land, and with their Vessels and otherwise, without Payment.

Custom House Officers exempt from Rates.

**32.** Nothing in this Act contained shall be deemed or construed to exempt the Pier and Works by this Act authorized, or the Company, from the Provisions of any General Act relating to Harbours and Piers, or Dues on Shipping, or on Goods carried in Ships, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates by this Act authorized.

Pier not exempt from Provisions of present and future General Acts.

**33.** 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 21 and 22 of the Crown Lands Act, 1866, or shall divest, alter, or affect any other Estate, Right, or Interest belonging to the Queen's most Excellent Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

**34.** 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 Portion of the Shore or Bed of the Sea, or any Right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Board of Trade on behalf of Her Majesty (which Consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown in the Foreshore.

**35.** All

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Expenses of Act.

**35.** 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.

The SCHEDULE referred to.

*I.—Rates on Passengers and Promenaders using the Pier.*

	£	s.	d.
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 and every Time any Sum not exceeding -	0	0	6
For every Person who shall use the said Pier for the Purpose of walking for Exercise, Pleasure, or any other Purpose, except for embarking or disembarking, for each and every Time any Sum not exceeding -	0	0	4
For every Bath or Sedan Chair taken on the Pier, for each and every Time any Sum not exceeding -	0	0	6
For every Perambulator, for each and every Time any Sum not exceeding -	0	0	2
For every Master of any Vessel, Boat, or Wherry, being an Inhabitant of the Town of Hastings, 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 -	1	0	0

*II.—Rates on Passengers Luggage.*

For every Trunk, Portmanteau, Box, Parcel, or other Package within the Description of Luggage, exceeding 28 Pounds and not exceeding 112 Pounds -	0	0	2
For every 112 Pounds Weight or fractional Part thereof, in addition -	0	0	3

*III.—Rates on Vessels using the Pier.*

For every Vessel under the Burden of 15 Tons, per Ton -	0	0	4
For every Vessel of the Burden of 15 Tons and under 50 Tons, per Ton -	0	0	6
For every Vessel of the Burden of 50 Tons and under 100 Tons, per Ton -	0	0	8
For every Vessel of the Burden of 100 Tons and under 150 Tons, per Ton -	0	0	10
For every Vessel of the Burden of 150 Tons and upwards, per Ton -	0	1	0
For every Lighter, for each Trip, per Ton -	0	0	2

*IV.—Rates for laying Water Mains on Pier.*

Water, per Ton -	0	0	6
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LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1867.