



CHAP. clvi.

An Act to authorize the construction of a Pier at Portobello
in the county of Edinburgh. [9th August 1869.]

A.D. 1869.

WHEREAS the making and maintaining a pier, and works connected therewith, at Portobello, for the recreation of the inhabitants and visitors of that town, and for the embarking and landing of passengers, would be attended with public advantage, and the persons herein-after named, with others, are willing, at their own expense, to construct the said pier :

And whereas plans and sections showing the lines and level of the pier, and the lands which may be taken for the purposes thereof, together with books of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited for public inspection with the sheriff clerk of the county of Edinburgh, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the objects aforesaid 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Portobello Pier Act, 1869." Short title.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," except the sections of the last-mentioned Act "with respect to life boats," and "with respect to keeping a tide and weather gauge," are (except

General Acts herein named incorporated.

A.D. 1869. where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms.

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 or inconsistent with such construction; "the company" means the company incorporated by this Act; the expression "the pier" means the pier and works connected therewith by this Act authorized; the expression "the undertakers" or "the promoters of the undertaking" means the company; the expression "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations.

Company
incorporated.

4. James Hogarth Balgarnie, David Craig, John Knox Crawford, George Kedzlie, Thomas Wood, 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 the other purposes of this Act; and for those purposes shall be incorporated by the name of "The Portobello Pier Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, acquire, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make pier
according to
deposited
plans.

5. Subject to the provisions of this Act, the company may make and maintain the pier in the line and within the limits of deviation and according to the levels shown on the deposited plans and sections, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited 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 will commence at a point on the foreshore of the Firth of Forth seventy-five feet north-west of the north corner of the Portobello Baths, situate at the foot of Bath Street in the town of Portobello, parish of Duddingston and county of Edinburgh, and extend from such point into the sea, in a north-easterly direction for a distance of twelve hundred and fifty feet, and terminate there.

Capital,
number, and
amount of
shares.

6. The capital of the company shall be seven thousand pounds, divided into seven hundred shares of ten pounds each.

Shares not to
issue until
one fifth
paid up.

7. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accept-

ing 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. A.D. 1869.

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

9. The company may from time to time borrow on mortgage any sum or sums of money not exceeding in the whole two thousand pounds, but no part thereof shall be borrowed until the whole capital of seven thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the sheriff who is to certify, under the forty-second section of "The Companies Clauses Consolidation (Scotland) 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 sheriff 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. Power to borrow on mortgage.

10. The mortgagees of the company may enforce payment of the arrears of principal and interest due on their mortgages by the appointment of a judicial factor, and in order to authorize the appointment of a judicial factor in respect of the principal, or principal and interest, the amount owing to the mortgagees by whom the application for a judicial factor shall be made shall not be less than five hundred pounds in the whole. Arrears may be enforced by appointment of a judicial factor.

11. The company may create and issue debenture stock. Debenture stock.

12. All monies raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied only to the purposes of this Act. Application of monies.

13. The first ordinary meeting of the company shall be held within three months after the passing of this Act, and the subsequent ordinary meetings of the company shall be held twice in every year in the months of January or February, and July or August, respectively, as the directors may appoint. First ordinary meeting.

14. The number of directors shall be five. Number of directors.

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Qualification
of directors.

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

Quorum.

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

First
directors.

17. James Hogarth Balgarnie, David Craig, John Knox Crawford, George Kedzlie, and Thomas Wood 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 place 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 elect persons to supply the place of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation (Scotland) 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.

Powers for
compulsory
purchases
limited.

18. 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.

Period for
completion
of works.

19. The pier shall be completed within three years from the passing of this Act; and if the pier be not completed within that period, then on the expiration thereof the powers by this Act granted to the company for making the pier, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Vertical
deviations.

20. In making the pier the company may, subject to the provision next herein-after contained, deviate from the levels thereof as referred to the datum line shown on the deposited sections to any extent not exceeding ten feet.

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

21. 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 one of the secretaries or assistant secretaries 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 position, 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.

22. 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 order local survey.

23. 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.

Board of Trade may abate abandoned works.

24. The company shall, on or near the pier authorized by this Act, during the whole time of the construction, alteration, or extension thereof, 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.

Lights to be exhibited during construction of pier.

25. The company shall, at the outer extremity of the pier hereby authorized, exhibit from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

As to lights at pier head.

26. The pier by this Act authorized shall be deemed to be wholly in the parish of Duddingston, and within the burgh of Portobello.

Pier to be deemed to be in parish of Duddingston.

27. The limits within which the powers of the pier-master may be exercised shall be the pier and a distance of one hundred yards measured in all directions in the Firth of Forth from the pier: Provided always, that the pier-master shall have no powers beyond those specified and defined in "The Harbours, Docks, and Piers

Limits of power of pier-master.

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Clauses Act, 1847," and in the byelaws of the company to be made under the authority of the said Act.

No merchandise to be landed at pier.
28. No merchandise or goods (passengers personal luggage excepted) shall be landed on or at the said pier or lands acquired by the company.

Provisions as to bathing.
29. No person shall bathe at or from the pier except at the times and in accordance with the regulations prescribed by the byelaws of the company, those byelaws, so far as they relate to bathing, having been first approved by the provost, magistrates, and town council of Portobello, such approval to be signified in writing under the hand of the town clerk for the time being.

Power to take rates according to schedule to this Act.
30. The company may demand and receive, in respect of the vessels, passengers luggage, persons, and things described in the schedule hereto, any sums not exceeding the rates in that schedule specified.

Company may contract with persons for the use of the pier.
31. 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 acts in any way in contravention of this provision, or uses or attempts 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."

Custom-house officers exempt from rates.
32. 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.

Pier not exempt from provisions of present and future general Acts.
33. 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, 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.

Saving right to mines, &c.
34. 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, twenty-one, and twenty-two 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. A.D. 1869.

35. 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 of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade, on behalf of Her Majesty, (which consent the Board of Trade may give,) neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors. Saving rights of the Crown in the fore-shore.

36. All costs, charges, and expenses of and incident to the applying for, preparing, obtaining, and passing this Act shall be paid by the company. Expenses of Act.

SCHEDULE to which the foregoing Act refers.

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 bathing, 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 -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Portobello, 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

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II.—RATES ON PASSENGERS LUGGAGE.

	£	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding twenty-eight pounds in weight	-	0	0 2
Over twenty-eight pounds and not exceeding eighty-four pounds	-	0	0 4
Over eighty-four pounds and not exceeding one hundred and twelve pounds	-	0	0 5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds	-	0	0 6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds	-	0	0 7
Over one hundred and ninety-six pounds and not exceeding two hundredweight	-	0	0 8
And for every hundredweight beyond	-	0	0 4
And for every twenty pounds in addition	-	0	0 1

III.—RATES ON VESSELS USING THE PIER.

For every vessel under the burden of fifteen tons, per ton	-	0	0 4
For every vessel of the burden of fifteen tons and under fifty tons, per ton	-	0	0 6
For every vessel of the burden of fifty tons and under one hundred tons, per ton	-	0	0 8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons, per ton	-	0	0 10
For every vessel of the burden of one hundred and fifty tons and upwards, per ton	-	0	1 0
For every lighter, for each trip, per ton	-	0	0 2
All boats entirely open, each	-	0	1 0

IV.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, &C.

CRANES.

For each package or parcel craned	-	0	0 4
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WEIGHING MACHINES.

For each package or parcel weighed	-	0	0 2
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SHED DUES.

For each portmanteau, trunk, parcel, or other article of passengers luggage which shall remain in the sheds or on the pier, for each day or part of a day	-	0	0 2
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