



## CHAPTER xlvii.

An Act to authorise the erection of a Pier and Works at Paignton in the county of Devon ; and for other purposes. A.D. 1874.  
[30th June 1874.]

**W**HEREAS the erection of a pier or jetty and landing place at Paignton in the county of Devon would be of public and local advantage :

And whereas the persons in this Act named, with others, are willing at their own expense to construct the necessary works, and are desirous of being incorporated into a Company for the purpose :

And whereas it is expedient that the Company hereby incorporated should be authorised to provide and use steam and other vessels between the said pier and the ports and places herein-after mentioned :

And whereas there are certain tolls, rates, and duties leviabie by the Paignton Harbour Company, and it is expedient that steam and other vessels and boats landing or embarking passengers, goods, and other traffic at the intended pier, and likewise such passengers, goods, and other traffic, should be exempted from the payment of any tolls, rates, or duties to the said Paignton Harbour Company :

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed, and the lands which may be taken for the purposes thereof, together with a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited for public inspection with the clerk of the peace for the county of Devon, and those plans, sections, and books of reference 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,

A.D. 1874. and 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 as The Paignton Pier Act, 1874.

Provisions of certain general Acts incorporated. 2. The Companies Clauses Consolidation Act, 1845; Parts I. and III. of the Companies Clauses Act, 1863; the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the Harbours, Docks, and Piers Clauses Act, 1847 (except sections from 16 to 19, both inclusive, unless and until the Board of Trade shall require a life boat and a tide and weather gauge, or either of them, to be kept), and sections 13, 18, and 19 of the Railways Clauses Act, 1863, shall, save so far as the provisions of those Acts are varied or excepted by this Act, be incorporated with and form part of 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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression "the Company" means the Company incorporated by this Act:

The "special Act" means this Act:

"The pier," "the works," or "the undertaking," means the pier, works, or undertaking by this Act authorised, or any part thereof:

"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. John Finney Belfield, Arthur Hyde Dendy, Frederick Palk, George Soudon Bridgman, Charles Pridham, and all persons and corporations who have already subscribed 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 pier and works by this Act authorised, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Paignton Pier 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.



**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 or jetty herein-after described, and covered landing stairs and landing places, with all proper works and conveniences connected therewith, and may enter upon and 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 or jetty herein-before referred to and authorised by this Act is a pier or jetty commencing at a point in the public promenade or esplanade one thousand feet or thereabouts, measured in a southerly direction, from the extreme northern end of the said promenade or esplanade, and extending thence in an easterly or seaward direction, and terminating in the sea at a point about seven hundred and fifty feet from the before-mentioned commencement: Provided always, that the pier or jetty shall not be constructed to the southward of the line of the same shown on the deposited plans.

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Power to construct works according to deposited plans.

**6.** The Company shall at the outer extremity of the pier hereby authorised exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Company to exhibit lights.

**7.** The limits within which the powers of the piermaster may be exercised shall be the pier and a distance of one hundred and fifty yards measured in all directions seaward from the pier.

Limits of powers of piermaster.

**8.** The capital of the Company shall be fifteen thousand pounds, divided into three thousand shares of five pounds each.

Capital.

**9.** 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.

Shares not to issue until one fifth part paid up.

**10.** One fifth of the amount of a share shall be the greatest amount of a call, and three months at the 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.

**11.** If any money is payable to a shareholder, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt clause in case of persons not sui juris.

**12.** The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole three thousand seven hundred and fifty pounds, and of that sum they may borrow any

Power to borrow on mortgage.



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sum not exceeding one thousand eight hundred and seventy-five pounds in respect of each seven thousand five hundred pounds of such capital which has been issued and accepted, and one half whereof has been paid up, but no such borrowing powers shall be exercised by the Company until they 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 in respect whereof the borrowing powers are in each case sought to be exercised 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 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, or assigns, and that such persons or corporations, their executors, administrators, 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.

Arrears may be enforced by appointment of a receiver.

**13.** 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. 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 five hundred pounds in the whole.

Debenture stock.

**14.** The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863," bearing interest at a rate not exceeding five pounds per centum per annum, but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages over other debts.

**15.** All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the



Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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

Application of moneys.

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

First and subsequent meetings.

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

Number of directors.

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

Qualification of directors.

20. The quorum of a meeting of the directors shall be two.

Quorum.

21. John Finney Belfield, Arthur Hyde Dendy, Frederick Palk, George Soudon Bridgman, and Charles Pridham 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 (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 resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.



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Power for compulsory purchases limited.

Period for completion of works.

Rates payable on ships, &c.

Pier not to be used for certain goods, &c. without consent of Paignton Local Board and Paignton Harbour Company.

No goods, &c. except passengers luggage, stores, &c. to be landed or embarked without consent.

Power to lease the tolls and rates.

**22.** The powers of the Company for the compulsory purchase of lands for the purpose of this Act shall not be exercised after the expiration of three years from the passing of this Act.

**23.** If the pier and works are 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 Company for making and completing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

**24.** When and so soon as it shall from time to time have been certified under the hand of an officer to be appointed by the Board of Trade for that purpose that the Company have constructed and so far completed any portion of the pier and works by this Act authorised as to afford convenient accommodation for vessels to land passengers and goods, the Company may, although the whole of the pier shall not then have been completed, demand for every vessel using the said pier, and for passengers and goods landed or embarked thereat, any sum not exceeding the rates specified in the schedule hereunto annexed, and every such rate shall be payable by the master of such vessel, but no other rate or charge shall be levied on or in respect of vessels using the said pier and of passengers and goods landed or embarked thereat other than the rates and charges by this Act authorised.

**25.** Nothing herein contained shall authorise the Company, except with the consent in writing of the Paignton Local Board and of the Paignton Harbour Company respectively, under the hand of the clerk of the said local board and of the secretary to the said harbour company, to land or embark at the pier apples, coals, culm, timber, bricks, stone, or slates: Provided always, that nothing herein contained shall restrict or prevent the Company from landing at the pier such timber and other materials as may be required from time to time for the construction and maintenance of the pier and works authorised by this Act.

**26.** No goods, wares, or merchandise, except passengers luggage, stores, and provisions, and also the several descriptions of goods specified in the schedule to this Act annexed, shall be landed or embarked at the pier or jetty, except with the consent in writing of the Paignton Harbour Company under the hand of their secretary.

**27.** It shall be lawful for the Company from time to time to lease the tolls arising by virtue of this Act, and all or any of the toll houses, either by public auction or private contract, and under such terms and conditions, and at such tolls, not exceeding the



maximum tolls granted by this Act, as the Company shall think proper, for any period the Company may deem expedient, not exceeding five years: Provided also, that the directors of the Company shall not exercise the aforesaid power of letting without the sanction or authority of three fifths of the shareholders of the said Company present in person or by proxy at an extraordinary meeting of such shareholders convened for that purpose.

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**28.** During the continuance of any such lease, the lessee or reputed lessee named therein, and also all persons appointed by him or them to collect the tolls so let, shall be deemed collectors of tolls so let, and they shall have the same powers to collect and recover the tolls and sums of money so let, and be subject to the same rules, duties, and penalties in reference thereto, as if they had been appointed for that purpose by the Company.

Lessees to be deemed collectors.

**29.** If any person shall evade or endeavour to evade the payment of the said toll, or shall forge, counterfeit, or alter or receive from or deliver to any other person or persons any note or ticket with intent to evade, or to enable or assist any other person or persons to evade the payment of the said tolls, every person so offending shall for every such offence forfeit and pay a sum not exceeding forty shillings.

Penalty on evading toll.

**30.** The Company may grant to passengers and promenaders tickets for use of the pier on such terms and for a period not exceeding one year as may be agreed upon: Provided that in granting such tickets no preference shall be given to any particular person, and every person shall have an equal right of obtaining the same.

The Company may contract with persons for the use of the pier.

**31.** Notwithstanding anything contained in the Act of the first year of the reign of Her present Majesty, chapter 1, intituled "An Act for making and maintaining a harbour and other works at Paignton in the county of Devon," the Paignton Harbour Company shall not levy any tolls, rates, or duties thereby authorised upon or in respect of steam or other vessels or boats coming within the limits defined by the said Act for the purpose of landing or embarking passengers, animals, minerals, goods, or other traffic at the said pier, nor upon such passengers, animals, minerals, goods, and other traffic.

Steam and other vessels, and passengers and traffic using pier, exempted from payment of tolls to Paignton Harbour Company.

**32.** The Company may purchase, hire, build, charter, and provide steam and other vessels of every or any description, and may maintain, hold, work, and use the same, and may therein and thereby convey and carry passengers to any port or place between the said pier and Plymouth on the west, and Southampton and Portsmouth,

Power to purchase steam and other vessels.



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Tolls for use of steam vessels.

**33.** The Company may take, demand, and receive for the conveyance of passengers in the steam or other vessels so provided, worked, or used by them, such reasonable rates or sums as they may think fit.

Meters and weighers.

**34.** The Company shall have the appointment of meters and weighers.

Power to make byelaws.

**35.** In addition to the provisions contained in any Acts incorporated herewith, enabling the Company to make byelaws, they may also make byelaws for regulating the use of their pier and of the carriages or trucks, whether belonging to them or to any other Company or person, used thereon, and the persons using or employed on or in connexion with such carriages or trucks, and any byelaws so made shall be deemed to be byelaws made pursuant to the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, and shall not come into operation until confirmed in the manner provided by the said Act.

Service of notice by the Company.

**36.** Where it is necessary for the Company to serve any summons, demand, notice, writ, or other proceeding at law or in equity upon any person, the same may be in writing or in print, or partly in writing and partly in print, and be signed by the secretary or clerk of the Company, and need not be under the common seal of the Company, and shall be sufficiently served by being delivered personally to such person, or being left at his or their usual or last place of abode or business in England, or by being delivered to some clerk or other officer of such person being a corporation, or being left at the office of such clerk or principal officer, or at his or their usual or last place of abode or business in England.

Saving the rights of the duchy of Cornwall.

**37.** Nothing contained in this Act shall extend to authorise the Company to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof belonging to Her Majesty, her heirs or successors, in right of the duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said duchy, or of such other persons as may be duly authorised under the provisions of "The Duchy of Cornwall Management Act, 1863," section 39, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy, or belonging to the Duke of Cornwall for the



time being without the consent of such Duke, testified in writing under the seal of the duchy of Cornwall first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the duchy of Cornwall, or in or by the Duke of Cornwall for the time being. A.D. 1874.  
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**38.** Except as in this Act otherwise expressly provided, nothing herein contained shall take away, alter, lessen, or prejudice any of the rights, privileges, or authorities now vested in or belonging to the Paignton Harbour Company. Saving the  
rights of the  
Paignton  
Harbour  
Company.

**39.** 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. Expenses of  
Act.



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SCHEDULE.

I.—RATES ON VESSELS FOR MOORING AT THE PIER.

	£	s.	d.
For every vessel not being a passenger vessel under the burden of 100 tons, per registered ton - - - - -	0	0	4
For every vessel of the burden of 100 tons and under 150 tons, per registered ton - - - - -	0	0	5
For every vessel of the burden of 150 tons and upwards, per registered ton - - - - -	0	0	6
For every lighter, for each trip, per registered ton - - - - -	0	0	2
For every other boat entirely open, landing or taking on board goods - - - - -	0	0	6

II.—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 and every time - - - - -	0	0	6
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 and every time - - - - -	0	0	6
For every bath or sedan chair taken on the pier, for each and every time - - - - -	0	1	0
For every perambulator ditto - - - - -	0	0	6
For every person who shall embark or disembark on and from the pier on board of any pleasure boat, in addition to the entrance fee - - - - -	0	0	1

III.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 14 lbs. in weight - - - - -	0	0	1
Over 14 lbs. and not exceeding 56 lbs. - - - - -	0	0	2
Over 56 lbs. and not exceeding 84 lbs. - - - - -	0	0	3
Over 84 lbs. and not exceeding 150 lbs. - - - - -	0	0	4
And for every additional 50 lbs. - - - - -	0	0	2
For any special service or accommodation afforded by the Company any sum they may think fit.			

IV.—RATES FOR GOODS.

Ale, beer, cider, and perry of all kinds, except in cargo, per hogshead - - - - -	0	1	6
Beef or pork, per barrel bulk - - - - -	0	0	3



	£	s.	d.	A.D. 1874.
Brooms, per doz.	-	0	0	0½
Baskets, per dozen	-	0	0	1
Butter, per cwt. -	-	0	0	2
Chests or trunks, each	-	0	0	6
Candles, per cwt.	-	0	0	2
Cheese, per cwt. -	-	0	0	2
Cordage, per ton	-	0	3	0
Corks, per barrel bulk	-	0	0	4
Dogs, per head	-	0	0	3
Earthenware and glass, per crate	-	0	1	0
Eggs, per thousand	-	0	0	6
Flour, per sack -	-	0	0	3
Flour, per barrel	-	0	0	2
Fish (not being cured fish), per ton	-	0	1	0
Fruit of all kinds, per basket	-	0	0	3
Glue, per cwt.	-	0	0	2
Groceries and other dry goods not herein-before enumerated, per cwt.	-	0	0	2
Hops, per cwt.	-	0	0	6
Ironmongery, per cwt.	-	0	0	2
Jars (stone), per dozen	-	0	0	3
Lemons, per chest	-	0	0	4
Lemons, per box	-	0	0	2
Nuts, per bushel -	-	0	0	2
Oranges, per chest	-	0	0	4
Ditto, per box -	-	0	0	2
Oil (salad), in chest	-	0	0	6
Paper, per bundle of 4 reams	-	0	0	1
Potatoes, per bag of 140 lbs. -	-	0	0	1
Poultry, each	-	0	0	1
Pipe clay, per cwt.	-	0	0	4
Seeds, per basket -	-	0	0	2
Soap, per cwt.	-	0	0	2
Sugar, ditto -	-	0	0	2
Spirits and wine, per pipe, butt, or puncheon	-	0	4	0
Tea, per chest	-	0	0	6
Ditto, per half ditto	-	0	0	3
Ditto, per quarter ditto -	-	0	0	2
Tobacco, per cwt.	-	0	0	2



