

[43 & 44 VICT.] *Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1880.* [Ch. lxxviii.]



CHAPTER lxxviii.

An Act to amend the Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1873, and the Acts amending the same. A.D. 1880.
[19th July 1880.]

WHEREAS by the Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1873, (in this Act referred to as "the Act of 1873,") the Pegwell Bay Reclamation Company (in the said Act and in this Act referred to as "the Company") was incorporated and provision was made for the reclamation, cultivation, and improvement by the Company of certain waste lands in Pegwell Bay and Sandwich Flats, in the county of Kent, and for making a new channel from the River Stour at the town of Sandwich to the sea (in the said Act and in this Act referred to as "the Sandwich Channel"), and by the said Act the Company were authorised, amongst other works, to construct the Sandwich Channel and the Maiden Hill Road therein respectively described, and the groynes and other works connected therewith, and by the said Act provision was made with respect to the vesting of the Sandwich Channel in the corporation of Sandwich (in this Act referred to as "the corporation") upon the terms and subject to the conditions by the said Act prescribed: 36 & 37 Vict.
c. ccxix.

And whereas by the Pegwell Bay Reclamation and Sandwich Haven Improvement (Amendment) Act, 1876, (in this Act referred to as "the Act of 1876,") the Act of 1873 was amended, and the times limited by that Act for the compulsory purchase of land and the construction of works were respectively extended, and the provisions as to the vesting of the Sandwich Channel were altered, and it was provided that upon the vesting of the Sandwich Channel in the corporation the Company should be entitled (as between them and the corporation) to be reimbursed the sum expended by them in the construction of the Sandwich Channel and of the Maiden Hill Road, and of the groynes in connexion with the said channel and all other works incidental to the construction of the 39 & 40 Vict.
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A.D. 1880. — said channel and road as aforesaid, with interest thereon at the rate of five pounds per centum per annum, computed from the vesting of the Sandwich Channel in the corporation until full reimbursement :

41 & 42 Vict. c. xlvi. And whereas by the Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1878, the times limited by the Acts of 1873 and 1876 for the compulsory purchase of land and the construction of works were respectively extended :

And whereas it is expedient to repeal the provisions of the Act of 1876 as to the reimbursement by the corporation of the sums expended by the Company in the construction of the said Sandwich Channel upon the vesting of the same in the corporation, and to provide that during the construction of the said Sandwich Channel the corporation be empowered to grant to the Company mortgages of the Sandwich Haven dues as by this Act provided for securing to the Company the repayment of such moneys as shall from time to time be certified by an engineer appointed by the corporation to have been expended by the Company on the construction of the said channel, road, groynes, and other works incidental to the construction of the said channel and road as aforesaid, together with the interest thereon at the rate of five pounds per centum per annum from the vesting of the said Sandwich Channel in the corporation until full reimbursement :

And whereas by the Act of 1873 (section thirty-four) it was provided that before the commencement of the whole of the works thereby authorised certain proofs were to be given as to the ability of the Company to complete the same, and it is expedient to vary such provisions, and in lieu thereof to make such other provisions as are in this Act contained :

And whereas it is expedient that section forty-nine of the Act of 1873 be repealed, and other provisions substituted in regard to the construction of groynes and other works referred to in that section :

And whereas it is expedient to empower the Company to acquire by agreement for the purposes of the recited Acts the additional lands which they may from time to time require :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and 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 Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1880.

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Sandwich Haven Improvement Act, 1880.

2. Section 34 of the Act of 1873 is hereby repealed, and in lieu thereof the following provisions shall be in force and have effect : A.D. 1880.

Before commencing the works described in section 24 (subsection E.) and in section 25 and the works required by sections 62, 65, 66, and 67 of the Act of 1873 (which works are in this Act referred to as the Sandwich Channel works), or any of such works, the Company shall prove to the satisfaction of the Board of Trade that they are in a position to complete all of such works, and until such proof shall have been given to the satisfaction of the Board of Trade the Company shall not commence any of the Sandwich Channel works ;

Repeal of
section 34 of
36 & 37 Vict.
c. ccix.

Before commencing the residue of the works authorised by the Act of 1873 (in this Act referred to as the reclamation works), the Company shall in like manner prove to the satisfaction of the Board of Trade that they are in a position to complete such works, and until such proof shall have been given to the satisfaction of the Board of Trade the Company shall not commence any of the reclamation works :

Provided always, that the Company shall not dam or stop the Stour as authorised by section 25 of the Act of 1873 until the reclamation works shall be actually commenced, or it shall be proved to the satisfaction of the Board of Trade, or an arbitrator to be appointed by them upon the application of the Commissioners of Sewers referred to in section 62 of the Act of 1873, or of the Company, that such damming up as aforesaid will not be detrimental to the drainage of the lands under the jurisdiction of the said Commissioners of Sewers, and every such reference shall be deemed to be a reference within and subject to the provisions of the Railway Companies Arbitration Act, 1859, as if the said Commissioners of Sewers and the Company were two railway companies, and shall be subject also to the Board of Trade Arbitration, &c. Act, 1874, and the provision as to costs in the thirty-third section of the Act of 1873.

22 & 23 Vict.
c. 59.

37 & 38 Vict.
c. 40.

3. Section 49 of the Act of 1873 is hereby repealed, and in lieu thereof the following provisions shall be in force and have effect ; (that is to say,)

Repeal of
section 49 of
36 & 37 Vict.
c. ccix.

If at any time hereafter it shall be found that shingle, sand, silt, or other material accumulate to the northward along the line of embankment authorised by the Act of 1873, the Company shall construct and maintain proper groynes at such places and at such intervals apart, of such extent and of such mode of construction, as the Board of Trade shall from time to time direct, or shall construct such works as the Board of Trade may require ; and if the Company fail to comply with the provisions of this

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section the Board of Trade may construct and maintain such groynes or works at the expense of the Company, and the amount of such expenses shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty.

Repeal of sections 5, 6, and 7 of 39 & 40 Vict. c. xxviii.

4. From and after the passing of this Act sections five, six, and seven of the Act of 1876 shall be and the same are hereby respectively repealed.

Amendment of section 30 of 36 & 37 Vict. c. ccxix.

5. From and after the passing of this Act section thirty of the Act of 1873, providing for the application of the haven dues, shall be read and construed as if the said section provided that the haven dues were to be applied in the fifth place in payment of the interest upon the sums secured by mortgages granted by the corporation in pursuance of the next following section and in the repayment of such sums.

Corporation to provide for inspection of works and to grant mortgages on account of works executed.

6. The corporation acting by the council shall from time to time, when required by the Company by notice in writing, and forthwith after the receipt of such notice, appoint some fit person, being a member of the Institute of Civil Engineers, to inspect any works specified in such notice as having been executed by the Company and forming part of the Sandwich Channel works, or of the groynes in connexion with or in any way incidental to the construction of such works, and to certify in duplicate to the corporation and to the Company the sum payable by the corporation to the Company on account of such works, having regard to the cost of the same.

For securing to the Company the repayment of the sums from time to time certified by such engineer as payable to the Company on account of such works respectively, the corporation acting by the council shall from time to time grant to the Company a mortgage or mortgages of such portion of the haven dues as is by this Act specifically made applicable to the repayment of such sums, and such mortgage or mortgages shall bear interest at the rate of five pounds per centum per annum from the vesting of the Sandwich Channel in the corporation until the repayment of the sums secured thereby respectively.

All such mortgages shall respectively charge the said portion of the haven dues, subject to any charges then affecting the same, with the repayment of such sums respectively and the interest thereon as aforesaid, and it shall thereby be made obligatory on the corporation from and after the vesting in them of the Sandwich Channel, half year by half year, to pay out of the

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said portion of the haven dues interest at the rate of five pounds per centum per annum on so much of the principal sums specified in such mortgages respectively as shall from time to time remain unpaid; and from time to time, out of the said portion of haven dues as aforesaid not required to pay the interest on such sums as aforesaid, to pay over to the mortgagees such moneys as shall remain after providing for such interest until the sums specified in such mortgages respectively as aforesaid shall have been fully reimbursed: Provided always, that nothing in this enactment shall alter, abridge, or in anywise affect the powers conferred upon the Company by sections nine and forty-two of the Act of 1873, with respect to the borrowing of moneys and disposal of lands respectively.

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7. In case of the death of Charles Cecil Trevor or James Goodson named in the Act of 1873, or of the successor of either of them, or of any person appointed as herein-after mentioned, or in case they or either of them become unable or unwilling to act as the trustees, the place of the said Charles Cecil Trevor, or of any successor to him, shall be supplied by some person appointed by the Board of Trade, and the place of the said James Goodson, or of any successor to him, shall be supplied by some person appointed by the Company, and every such appointment shall be in writing and signed by the secretary or an assistant secretary of the Board of Trade if made by that Board, and by the secretary of the Company if made by the Company.

Provision for appointment of trustees of fund referred to in section 47 of 36 & 37 Vict. c. ccxix.

8. For the purposes of the Act of 1873, and the Acts amending the same, the Company from time to time may purchase by agreement (in addition to any lands which they are by the Act of 1873 authorised to purchase) a strip or belt of land, of about one hundred and twenty-six chains in length and fifteen chains in depth, situated on the western side of and abutting upon the carriage road (D.) described in section twenty-four of the Act of 1873.

Purchase of additional lands by agreement.

9. The corporation acting by the council and the Company may, after the completion of the Sandwich Channel, from time to time enter into and carry into effect contracts or agreements with respect to the maintenance and management of the Sandwich Channel, and with respect to the collection, division, and appropriation of the haven dues, and any incidental matters.

Corporation and Company may enter into agreements.

10. From and after the commencement of the Sandwich Channel works, or of any work preliminary to and necessary for such commencement, the chairman for the time being of the directors of the Company shall be by virtue of his office, and

Chairman of Company to be a member of Sandwich Haven Committee.

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A.D. 1880 . without other qualification, a member of any committee which
the corporation may from time to time appoint for the purpose
of improving, regulating, and maintaining Sandwich Haven under
10 & 11 Vict. the provisions of the Sandwich Haven Improvement and Regu-
c. cxcvi. lation Act, 1847, or any other power enabling them to appoint
committees for any purposes connected with the haven, which in
the discretion of the corporation would be better regulated and
managed by means of such committees, and such chairman shall
have all the same powers and may act in every respect at all
meetings of any such committee as if he were a member of the
council and appointed a member of such committee by the cor-
poration.

Expenses of **11.** All costs, charges, and expenses of and incidental to the
Act. preparing for, obtaining, and passing of this Act, or otherwise in
relation thereto, shall be paid by the Company.

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