



CHAPTER ccxliii.

An Act to empower the Corporation of Dover to make certain new streets to lay down a tramway and to confer further powers on the Corporation in regard to the health local government and improvement of the borough and for other purposes. A.D. 1901.
[9th August 1901.]

WHEREAS the borough of Dover is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act referred to respectively as "the borough" and "the Corporation"):

And whereas by the London Chatham and Dover Railway Act 1898 it was in effect provided (section 12) that before the level crossings in Hawkesbury Street and Crosswall in the borough respectively should be stopped up and discontinued an inquiry should be made by the Lord Balfour of Burleigh to ascertain and determine having regard to all the circumstances whether and how far the existing route from Snargate Street by way of Limekiln Street and Elizabeth Street and so onwards is reasonably sufficient as a means of transit for traffic in goods and passengers to and from Clarence Place and the South Eastern Railway Station in lieu of the existing means of transit over the said level crossings and what alterations additions or deviations if any should be made thereto thereon and therefrom for improving the same or whether any and what alternative route should be provided and what proportion of the costs of constructing such alternative route should be borne by the company and the Corporation respectively having regard to their relative interests and the advantages or disadvantages to them respectively of the abolition of the said level crossings and of the construction of any such alternative route and also to the fact that the capital expended and to be expended by the Dover Harbour Board upon the works now in progress for

A.D. 1901. the improvement of the port and harbour of Dover was guaranteed by the company :

And whereas the construction of the new streets by this Act authorised will enable the railway companies to abolish the said level crossings in Crosswall and Hawkesbury Street and will render unnecessary the inquiry herein-before mentioned and it is expedient that the Corporation should be authorised to construct the said new streets and that the Corporation the railway companies and the Dover Harbour Board should be authorised to enter into agreements as by this Act provided :

And whereas the Corporation are the owners of and are working the tramways within the borough and it is expedient that they should be authorised to construct and work the tramway in this Act mentioned within the borough :

And whereas it is expedient that further and better provision should be made in regard to the health local government and improvement of the borough as in this Act mentioned :

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows :—

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For and in connexion with the purchase of land for and the construction of the new streets by this Act authorised	128,379
For and in connexion with the construction of the tramway by this Act authorised	4,430

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the thirteenth day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Dover Express a local paper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said Dover Express and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-second day of January one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Dover Corporation Act 1901.

Short title.

2. This Act is divided into parts as follows :—

Subdivision
of Act into
parts.

Part I.—Preliminary.

Part II.—New streets.

Part III.—Lands.

Part IV.—Tramway.

Part V.—Recreation grounds.

Part VI.—Advertisements and sky signs.

Part VII.—Financial provisions.

Part VIII.—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act namely :—

Incorpora-
tion of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) ;

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Sections 3 (Interpretation of terms) and 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words "but nothing in this Act contained" shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages" were omitted from that section :

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpreta-
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Dover ;

"The borough" means the borough of Dover ;

"The council" means the council of the borough ;

"The town clerk" "the treasurer" and "the surveyor" mean respectively the town clerk the treasurer and the surveyor of the borough ;

"The borough fund" and "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough ;

"The railway companies" mean the South Eastern Railway Company the London Chatham and Dover Railway Company and any committee of those two companies and the joint board of those companies ;

"Mechanical power" includes steam electrical and every other motive power not being animal power ;

"Engine" includes motor ;

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over or above any house building or structure which or any part

of which sky sign shall be visible against the sky from any point in any street and includes all and every part of any such post pole standard framework or other support. The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purpose of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street but shall not include (1) any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement (2) any sign on any board frame or other contrivance securely fixed to or upon the top of any wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported (3) any such word letter model sign device signal or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it will not fall into any street or public place ;

"Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction ;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money (except any security of the Corporation) and any mortgage bond stock debenture debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 except as before excepted and except annuities rentcharges and securities payable to bearer.

PART II.

NEW STREETS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new streets herein-after mentioned together with all necessary viaducts bridges junctions

Power to
make new
streets.

A.D. 1901. retaining walls piers buttresses girders abutments embankments arches approaches steps sewers drains culverts works and conveniences connected therewith or incident thereto.

The new streets above referred to and authorised by this Act are—

New Street No. 1 A new street commencing at or near the junction of Snargate Street and George Corner and terminating at or near the junction of Beach Street and Clarence Place including a raising of the level of Limekiln Street between its junction with Elizabeth Street and the London Chatham and Dover Railway bridge :

New Street No. 2 A new street commencing in Bulwark Street at or near its junction with Bulwark Hill and terminating by a junction with new Street No. 1 :

New Street No. 3 A new street commencing in Council House Street and terminating in Middle Row :

New Street No. 4 A new street commencing in Seven Star Street and terminating in Beach Street.

Deviation.

6. In the construction of the new streets, authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding four feet upwards or downwards.

Period for completion of works.

7. If the new streets authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Power to make subsidiary works.

8. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connexion with the new streets authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the new streets or any of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the new streets or any of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage

in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section. A.D. 1901.

9. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

Corporation empowered or may be required to underpin or otherwise strengthen houses near works.

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

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(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Corporation may stop up certain passages and extinguish rights of way.

10. The Corporation so soon as they shall have become owners in possession of the land and houses on both sides of any of the streets or parts thereof respectively herein-after mentioned may stop up and discontinue for public traffic those streets respectively or parts thereof and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Corporation freed from all public and other rights of way or passage or other rights in over or affecting the same The streets and passages herein-before referred to are Oil Mills Road Finnis' Hill the Square Oxenden Street Lion Court Spring Place Strond Lane Water Lane Hawkesbury Street Limekiln Lane Bulwark Lane Oxenden Lane Paradise Street Paradise Passage Round Tower Lane Round Tower Passage Round Tower Street Middle Row Seven Star Street King's Passage and Bulwark Street and other highways courts and passages in connexion with the above.

Temporary stoppage of streets.

11. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or

returning from any house in the street from passing along and using the same for any reasonable time but convenient access to the houses in such street shall be provided by the Corporation Provided that in exercising the powers of this section and the section of this Act the marginal note of which is "Corporation may stop up certain passages and extinguish rights of way" the Corporation shall make due provision to the satisfaction of the Dover Harbour Board for the convenience of their servants lessees and tenants.

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12. If the Corporation and the railway companies shall make and conclude an agreement as to the terms and conditions under which the new streets No. 1 and No. 2 shall be constructed then and in that case the provisions of section 12 of the London Chatham and Dover Railway Act 1898 as to the holding of the inquiry directed by that section to be held shall cease to have effect and on the completion of the said streets the London Chatham and Dover Railway Company may stop up and abolish the level crossings in Crosswall and Hawkesbury Street as fully and effectually in all respects as they might have done on effect being given to the award of the arbitrator under such inquiry and—

Saving effect
of section 12
of London
Chatham and
Dover Rail-
way Act
1898.

(a) When so soon as the London Chatham and Dover Railway Company (in this section referred to as "the Chatham Company") shall have become owners in possession of the lands and houses on both sides of so much of Crosswall as extends from a line drawn in continuation of the southern side of Strond Street across Crosswall to a line drawn in continuation of the northern side of Elizabeth Street across Crosswall they may stop up the said portion of Crosswall and thereupon all rights of way over the said level crossing and portion of Crosswall shall be and are hereby extinguished and the site and soil thereof shall be vested in the Chatham Company Before the abolition of the said level crossing and stopping up of the said portion of Crosswall the Chatham Company shall erect and thereafter maintain a suitable footbridge with proper approaches across the said level crossing; and

(b) So soon as the Chatham Company shall have become owners in possession of the lands and houses on both sides of so much of Hawkesbury Street as extends from a line drawn in continuation of the south-western side of Strond Street across Hawkesbury Street to a line drawn in continuation of

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the north-eastern side of Elizabeth Street across Hawkesbury Street they may stop up the said portion of Hawkesbury Street and thereupon all rights of way over the said level crossing and portion of Hawkesbury Street shall be and are hereby extinguished and the site and soil thereof shall be vested in the Chatham Company. Before the abolition of the said level crossing and the stopping up of the said portion of Hawkesbury Street the Chatham Company shall erect and thereafter maintain a suitable footbridge with proper approaches across the said level crossing.

Railway company to construct culverts before stopping up streets.

13. Before the stopping up of any portion of Crosswall or Hawkesbury Street the London Chatham and Dover Railway Company shall construct and thereafter maintain under each such portion of those streets a culvert or tunnel of such dimensions and strength as the surveyor may reasonably require for the purpose of placing therein sewers gas and water mains and pipes and electrical conductors wires and apparatus and so as to leave the same accessible for the purpose of repairing and renewing the same.

Agreements with railway companies.

14. The Corporation on the one hand and the railway companies or any of them on the other hand may enter into and carry into effect agreements with respect to the sale exchange and appropriation of lands and buildings belonging to them respectively or acquired under the powers of this Act and with respect to contributions towards the expense of constructing and maintaining the said new streets and any such agreement may provide for the raising by the railway companies of the necessary moneys for such contributions.

Agreements with Dover Harbour Board.

15. The Corporation and the Dover Harbour Board may enter into and carry into effect agreements with respect to the sale exchange and appropriation of lands belonging to them respectively for or in connexion with the new streets by this Act authorised and any lands of the Dover Harbour Board so sold exchanged or appropriated for the purposes of this Act shall be held by the Corporation freed from the charge created under the Dover Harbour Acts 1891 and 1898.

For protection of Dover Gas Company.

16. For the protection of the Dover Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

- (1) Before commencing any works by this Act authorised in or under any street in or under which any mains pipes syphons tubes or other works (herein-after called the "apparatus")

of the gas company are situate the Corporation shall deliver to the gas company plans and sections and a description of the works so proposed, to be executed describing the proposed manner of executing the same and (except in the case of emergency) a notice stating the date when it is proposed to commence such works and such plans sections description and notice shall be delivered to the gas company at least twenty-eight days before the commencement of any such work :

(2) If it should appear to the gas company that such works will interfere with or endanger any of their apparatus or impede the supply of gas the gas company may give notice to the Corporation to lower or otherwise alter the position of such apparatus or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and any difference as to the necessity of such lowering alteration support substitution or laying shall be settled as herein-after provided and all such works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence of the engineer of the gas company unless such company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work Provided that if the gas company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works so require the gas company may by their own engineer or workmen do and execute such works as far as they interfere with or affect the apparatus of the gas company and the Corporation shall on completion thereof pay to the gas company the reasonable expenses incurred by them in the execution thereof Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Corporation :

(3) In the event of such plans sections and description so delivered to the gas company as aforesaid not being objected to within fourteen days the said works shall be executed in accordance therewith :

(4) If the Corporation for any of the purposes of this Act take any apparatus belonging to the gas company in any streets highways roads footpaths lanes courts passages and other

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places within the limits shown on the deposited plans which are now used by the gas company for supplying gas to such streets highways roads footpaths lanes courts passages and other places they shall pay to the gas company the value of such apparatus and the same shall thereupon become the property of the Corporation and the Corporation shall also pay to the gas company their reasonable charges of removing or altering any of their apparatus in immediate communication therewith which the works of the Corporation shall render useless or which shall be required to be altered :

(5) If any interruption in the supply of gas by the gas company shall be in any way occasioned by the Corporation or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Corporation shall forfeit and pay to the gas company for the use and benefit of the gas company a sum not exceeding twenty pounds for every day during which such interruption shall continue :

(6) If it be proved that any injury or damage to any apparatus of the gas company shall have resulted from fusion or electrolytic action caused by any currents generated or used by the Corporation for the purpose of electric traction under this Act nothing in this Act shall relieve the Corporation from any liability to make compensation for any such injury or damage which would have existed but for the passing of this Act :

(7) If any difference shall arise with respect to any matter under this section between the Corporation and the gas company or their respective engineers or concerning any plans sections or description to be delivered to the gas company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

For protection of railway companies.

17. In the construction of the bridges carrying the new streets and tramway authorised by this Act over the South Eastern and London Chatham and Dover Railways and the Dover and Deal Joint Railway the following provisions shall be observed and have effect for the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company the South Eastern and Chatham Railway Companies Managing Committee and the South Eastern and London Chatham and Dover

Joint Committee (in this section collectively referred to as "the railway company") (that is to say) :— A.D. 1901.

(1) The work of constructing the said bridges shall be carried out under the supervision and to the reasonable satisfaction of the engineer for the time being of the railway company and the Corporation shall not in making the said bridges or maintaining the bridge over the Dover and Deal Railway in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the railway company or any traffic thereon :

(2) The Corporation shall two months before commencing the construction of the said bridges submit proper and sufficient detailed plans sections elevations and specifications thereof to the engineer for the time being of the railway company who shall within one month of the receipt of the same express in writing his approval or disapproval thereof. If such engineer fail to express his disapproval of the said detailed plans sections elevations and specifications within the said period of one month he shall be deemed to have approved the same but in the event of his expressing his disapproval the questions in difference shall be referred to arbitration as herein-after provided and settled by such arbitrator before the commencement of the works and the said bridges shall be constructed in all respects in accordance with the detailed plans sections elevations and specifications so agreed or settled or with such modifications or alterations as may from time to time be agreed upon by the respective engineers of the railway company and the Corporation :

(3) The Corporation shall at all times maintain and repair the said bridge over the Dover and Deal Railway and keep the same in good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company :

(4) The Corporation shall bear as part of the expenses incidental to the construction of the said bridges over the said railways or future maintenance of the said bridge over the Dover and Deal Railway the expense of the employment by the railway company of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of any works of construction or maintenance and for preventing as far as

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may be all interference obstruction danger and accident which may arise therefrom :

- (5) The Corporation shall not without in every case obtaining the previous consent of the railway company under their common seal purchase or take any of the lands or property belonging to the railway company but they may purchase and take and the railway company may and shall sell and grant accordingly an easement or right of using such part or parts only of such lands and property as shall be necessary for the purposes of the said bridges and the new streets by this Act authorised but no further or otherwise :
- (6) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company by reason of any failure of the works of the said bridges during construction or the working of the tramway or of any act or omission of the Corporation or of any persons in their employ or of their contractors or others and the Corporation will effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission :
- (7) If any question or difference shall at any time arise between the Corporation and the railway company touching any plans sections elevations or specifications prepared by the Corporation for the construction of the said bridges or as to the execution of any of the works referred to in this section or with respect thereto or in respect of any of the matters and things provided for or referred to in the foregoing subsections the same shall be settled by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

PART III.

LANDS.

Power to
acquire
lands.

18. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

19. The Corporation may with the consent of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them which are not wanted for the purpose for which such lands were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

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Power to appropriate lands for purposes of Act.

20. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Kent for the correction thereof.

Correction of errors &c. in deposited plans and book of reference.

If it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the town clerk.

The certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

21. The power of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

22. Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell part only of certain lands and buildings.

- (1) The owners of and persons interested in any of the properties whereof the whole or part is referred to in the schedule to this Act and whereof a portion only is required for the purposes of

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the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

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(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

23.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in the borough ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place.

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of employment of such persons and to all the circumstances of the case ; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it thinks fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9) For the purposes of this section the expression "labouring class" means mechanics artizans 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 and the expression "house" means any house or part of a house occupied as a separate dwelling.

24. For the purpose of determining any disputed question of compensation payable in respect of lands taken for or in connexion with any works by this Act authorised the following provisions shall apply and for the purposes of this section the expression "owner" shall mean the owners of and persons interested in the lands required by the Corporation and "the tribunal" shall mean the jury arbitrators umpire or other authority to whom any question of disputed compensation shall be submitted:—

Provisions as
to compen-
sation.

(1) The tribunal shall take into account any permanent increase in the value of any lands retained by or belonging to the

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owner which in the opinion of the tribunal will result from or be caused by the construction of the works for or in connexion with which the lands are required and generally all the other circumstances of the case which it is equitable to consider :

- (2) The tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of January one thousand nine hundred and one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to
retain sell
&c. lands.

25. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of
sale of sui-
plus lands.

26. So long as any lands remain to be acquired by the Corporation under the authority of this Act and the Corporation possess unexhausted borrowing powers for the purpose of the acquisition of such lands they may so far as they consider necessary apply moneys (being capital or in the nature of capital) received by them on any such sale lease exchange or disposition as aforesaid in the purchase of lands so remaining to be acquired but as to moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase

of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such lands Provided further that the borrowing powers by this Act authorised for the acquisition of such lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

A.D. 1901.

PART IV.

TRAMWAY.

27. Subject to the provisions of this Act the Corporation may make form lay down use and maintain the tramway within the borough herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections (but so that the same be within the lines and on the level of the new street No. 1 by this Act authorised) with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places triangles posts poles brackets wires waiting-rooms stables carriage houses engine boiler and dynamo houses battery and transformer houses stations sheds buildings engines dynamos batteries transformers machinery works and conveniences connected therewith.

Power to
make
tramway.

The tramway herein-before referred to and authorised by this Act is—

A tramway (3 furlongs 0·33 chain in length whereof 2·26 chains are single line and 2 furlongs 8·07 chains are double line) to be laid down along the new street No. 1 by this Act authorised commencing by a junction with the existing tramway in Snargate Street at or near the commencement of the new street No. 1 and terminating at or near the termination of that street.

28. If the tramway authorised by this Act is not completed within three years from the construction of the new street No. 1 by this Act authorised then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of tramway.

29. The carriages used on the tramways for the time being belonging to the Corporation may be moved by animal power or

Motive
power.

A.D. 1901. subject to the following provisions by mechanical power (that is to say):—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:
- (3) The Corporation or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:
- (4) The Board of Trade if they are of opinion—
 - (a) That the Corporation or such person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or
 - (b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;
 may by order either direct the Corporation or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

Provided that the mechanical power used upon the existing tramways at the passing of this Act shall for the purposes of this Act be deemed to be mechanical power used with the consent of and according to a system approved by the Board of Trade and that the Schedule A to the Dover Corporation Tramway Order 1896 shall until regulations have been made by the Board of Trade under this section be deemed to be the Board of Trade regulations.

Attachment
of brackets
to buildings.

30. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and

apparatus as may be required for the working of any tramways for the time being belonging to the Corporation by mechanical power : A.D. 1901.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent or otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid ;
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) ;
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building :

For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner :

Provided that no such brackets wires or apparatus shall be affixed to any railway bridge or to any building or premises of any railway company without the previous consent and approval of such railway company and in the event of such railway company so consenting and approving and of the railway company subsequently altering or reconstructing any such bridge or building then the Corporation shall at their own expense remove and refix all such brackets wires or apparatus as may be necessary to the approval of such railway company.

31.—(1) The Corporation at all times after the opening for public traffic of any tramway for the time being belonging to them shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sunday Christmas Day and Good Friday always excepted) at such hours not being later than

Cheap fares
for labouring
classes.

A.D. 1901.
 eight o'clock in the morning or earlier than five o'clock in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance (the Corporation nevertheless not being required to take any fare less than one penny) On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Temporary
use of
omnibuses.

32. In the event of the blocking of any tramway for the time being belonging to the Corporation by snow or otherwise or the interruption of traffic thereon by accident or other casualty or by construction alteration or repair thereof or of the streets in which it may be laid the Corporation may provide and run omnibuses on the route so blocked or on which the traffic is interrupted and demand and take tolls and fares for the use of such omnibuses.

Tramway to
form part of
tramway under-
taking of
Corporation.

33. The tramway by this Act authorised shall form part of the tramway undertaking of the Corporation.

Incorporation of
provisions
from Order
of 1896.

34. The following sections and schedule of the Dover Corporation Tramways Order 1896 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1896) shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramway by this Act authorised and in construing the said sections and schedule for the purposes of this Act the expression "promoters" shall mean the Corporation The incorporated sections herein-before referred to are—

Section 7 Gauge of tramways.

Section 8 Provisions as to construction of tramways.

Section 9 Rails of tramways.

Section 11 Penalty for not maintaining rails and roads in good condition.

Section 12 Alteration of tramways.

Section 13 Additional passing places and sidings.

- Section 14 Temporary tramways.
 Section 15 Application of road materials excavated in construction of works.
 Section 16 Tramways not to be opened until certified by Board of Trade.
 Section 18 Further provisions for use of mechanical power.
 Section 20 Byelaws.
 Section 21 As to recovery of penalties.
 Section 22 Amendment of Tramways Act 1870 as to byelaws by local authority.
 Section 23 Authentication of orders byelaws &c.
 Section 24 Restrictions on use of electrical power.
 Section 25 For protection of the Postmaster-General.
 Section 26 Traffic upon tramways (except the proviso thereto).
 Section 27 Promoters not bound to carry animals goods &c.
 Section 28 Provision as to carriage of animals goods &c. in separate carriages.
 Section 29 Tolls for passengers.
 Section 30 As to fares on Sundays or holidays.
 Section 31 Passengers' luggage.
 Section 33 Tolls for animals goods &c.
 Section 34 Payment of tolls.
 Section 35 Periodical revision of tolls.
 Section 36 Promoters may work tramways.
 Section 40 Protection of local authority.
 Section 41 Form and delivery of notices.
 Section 42 Provisions as to arbitration.
 Section 43 Saving for general Acts and Schedule B.

35. The provisions of section 30 of the Tramways Act 1870 shall apply as if all posts tubes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway.

Apparatus used for mechanical power to be deemed part of tramway.

PART V.

RECREATION GROUNDS.

36.—(1) The Corporation may permit the use of the whole or set apart any part or parts of any recreation ground for the time being belonging to them (and in this part of this Act referred to as "the recreation ground") for cricket football golf lawn tennis and other games and sports for gymnastics for the drill

Setting apart and closing of recreation grounds for games.

A.D. 1901.

of any military or police force for concerts and other amusements and for any purposes tending to promote the health amusement and enjoyment of the inhabitants of the borough and the public.

(2) The Corporation may when the recreation ground or any part thereof is used or set apart as in this section mentioned close the same or such part thereof against the public and may demand and take or permit to be demanded and taken reasonable sums for the exclusive occupation of such recreation ground or part thereof or for the admission of persons vehicles goods and things into such recreation ground or part thereof so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded.

(3) Provided that so long as the Corporation hold the Northfall Meadow as tenants of the Crown (War Department) they shall not be entitled to exercise the powers of this section over or in respect of that meadow without the sanction of a Secretary of State.

(4) Provided further that the Corporation shall not at any one time close more than three acres of Connaught Park under the provisions of this section.

Power to provide apparatus for games.

37. The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting the recreation ground and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

Band of music.

38. The Corporation may pay or contribute towards the payment of a band of music to perform in the recreation ground or in any place of public resort for the time being belonging to or held by the Corporation or in any other public promenade as they may prescribe and the Corporation may enclose an area in the recreation ground within which such band shall play and make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the general district rate and shall not in any one year exceed a sum equal to the amount of a penny rate on the assessable value of the hereditaments within the borough.

Chairs and seats for public use.

39. The Corporation may place or authorise any person or persons to place movable seats or chairs in any street recreation ground or other public place for the use of the public and may

if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto Provided that nothing in this section shall prejudice or affect the rights of the Dover Harbour Board in or over any public place belonging to them. A.D. 1901.

40. The Corporation may erect maintain furnish and equip and may remove conservatories refreshment rooms and other temporary or permanent buildings erections and conveniences in the recreation ground as may be required or convenient for the purpose thereof and for the public resorting thereto and may let any such refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants as the Corporation may think fit. Power to erect maintain and let conservatories refreshment rooms &c.

PART VI.

ADVERTISEMENTS AND SKY SIGNS.

41. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit and any person who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings. Restriction of advertising vehicles.

42. For the purpose of enabling the Corporation to exercise control over any sites or hoardings erected and used or to be erected and used for the purpose of advertisements relating to any trade business or entertainment (in this section referred to as "advertisement" or "advertisements") the following provisions shall have effect:— Sites for advertisements.

- (1) No person shall erect exhibit fix maintain retain or continue any advertisement whether now existing or not upon any land house building or structure except on such sites hoardings or other structures as the Corporation may in writing license (and for which licence no fee shall be charged) and such licence may be granted for any period not exceeding four years Provided always that a licence shall not be necessary in respect of any site for advertisements (not being illuminated advertisements) exhibited within the window of any house or building or for any advertisement of any entertainment exhibited

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on the land or building upon or in which the same is to be held :

- (2) If any advertisement be erected retained or continued on a site not licensed in accordance with the provisions of this Act or on a site the licence for which shall have expired or become void it shall be lawful for the Corporation to require the owner or occupier of the land house building or structure upon which the same is placed or rests to take down or remove such advertisement within a specified time and in the event of his failing so to do a petty sessional court may on the application of the surveyor make an order authorising him to take down and remove such advertisement at the expense of such owner or occupier which expense and the expense of any proceedings with reference thereto may be recovered by the Corporation from such owner or occupier summarily as a civil debt :
- (3) Any person who acts in contravention of any of the provisions of this section or who violates any of the terms of the licence shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :
- (4) Any person aggrieved by the refusal of the Corporation to grant such licence may appeal to a petty sessional court after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs such costs to be recoverable in like manner as a penalty under this Act :
- (5) Any licence granted under this section may be under the hand of the town clerk or the surveyor :
- (6) Provided that the provisions of this section shall not apply to any hoarding wall or other structure now used or which is or may be capable of being used for advertising purposes belonging or which may hereafter belong to the South Eastern Railway Company the London Chatham and Dover Railway Company or the South Eastern and Chatham Railway Companies Managing Committee.

Sky signs.

43.—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign Provided that if any sky sign be erected contrary to the provisions of this Act it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to recovery of expenses and

otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847. A.D. 1901.

(2) Any person acting in contravention of any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART VII.

FINANCIAL PROVISIONS.

44.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :— Power to borrow.

(a) For and in connexion with the purchase of land for and the construction of the new streets by this Act authorised the sum of one hundred and twenty-nine thousand pounds ;

(b) For and in connexion with the construction of the tramway by this Act authorised the sum of four thousand five hundred pounds ;

(c) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose ;

and with the consent of the Local Government Board such further moneys for or in connexion with the construction of the new streets by this Act authorised as that Board may sanction and with the consent of the Board of Trade such further moneys for tramway purposes as that Board may sanction.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards moneys borrowed for tramway purposes the revenue of their tramway undertaking and the borough fund and borough rate and as regards moneys borrowed for the other purposes of this Act the district fund and general district rate.

45. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health Act 1875 as to borrowing not to apply.

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Provisions
of Public
Health Act
1875 as to
mortgages.

46. The following provisions of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

- Section 236 Form of mortgage ;
- Section 237 Register of mortgages ;
- Section 238 Transfer of mortgages.

Periods for
repayment
of money
borrowed.

47. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

As to money borrowed for the purpose (a) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of borrowing the same ;

As to money borrowed for the purpose (b) in the said section mentioned within forty years from the date or dates of borrowing the same ;

As to money borrowed for the purpose (c) in the said section mentioned within five years from the date or dates of borrowing the same ;

As to money borrowed with the consent of the Board of Trade or the Local Government Board within such period as the respective Board may sanction.

Mode of
payment off
of money
borrowed.

48. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking
fund.

49.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulation at a rate not

exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund. A.D. 1901.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys

A.D. 1901. — for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Protection
of lender
from inquiry.

50. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Corporation
not to regard
trusts.

51. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan

stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof not entered in their register.

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52. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest 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 one thousand pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Appoint-
ment of
receiver.

53. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to
re-borrow.

54.—(1) The treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has

Return
respecting
sinking fund
to Local
Government
Board.

A.D. 1901.

been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application
of money
borrowed.

55. All money borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Expenses of
execution of
Act.

56. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate district fund and general district rate or other funds or revenues as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Separate
accounts to
be kept and
audited.

57.—(1) The Corporation shall keep the accounts in respect of their tramway undertaking separate from all their other accounts distinguishing therein capital from revenue.

(2) The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

PART VIII.

A.D. 1901.

MISCELLANEOUS.

58. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be applicable in all respects to public vehicles within the borough conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles and also to such carriages and the drivers thereof within a distance of five miles from the borough if the hiring takes place within the borough. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough. Provided also that if the hiring takes place within the borough any offence against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough :

As to public vehicles taken at railway station and beyond borough.

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles nor shall the Corporation have or exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company.

59. The Corporation may provide bathing machines plant tackle and conveniences for bathing from the beach within the borough and may take reasonable charges for the use of such bathing machines and may with the consent of the Local Government Board and subject to and in accordance with the provisions of this Act borrow money for the purposes aforesaid.

As to bathing machines &c.

60. Except as to byelaws made under Part IV (Tramway) of this Act the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates exclusively to byelaws of a rural sanitary authority shall apply to the byelaws which the Corporation are by this Act authorised to make.

As to byelaws.

61. Any penalty under this Act or under any byelaw made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties.

A.D. 1901.
 Repeals.

62. From and after the passing of this Act the following enactments shall (subject to the provisions of this Act) be and are hereby repealed (that is to say) :—

Section 17 (Motive power) and Schedule A therein referred to and section 32 (Cheap fares for labouring classes) of the Dover Corporation Tramways Order 1896 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1896).

Costs of Act.

63. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under this Act.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED.

Area.	Numbers on deposited Plans.
Borough of Dover - - -	51 54 55 66 67 100 192 193 269 271 272 299.

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