



CHAPTER lxxii.

An Act to empower the corporation of Dover to acquire lands and property within the pier ward of the borough to construct new streets and street works to borrow money and for other purposes. A.D. 1912.

[7th August 1912.]

WHEREAS the borough of Dover is a municipal borough under and subject to the Municipal Corporations Act 1882 and the mayor aldermen and burgesses of the borough (in this Act respectively referred to as "the borough" and "the Corporation") acting by the council are the sanitary authority for the district of the borough under the Public Health Act 1875:

And whereas by the Dover Corporation Act 1901 (in this Act referred to as "the Act of 1901") the Corporation were authorised to construct the street works within the borough described in that Act with a tramway upon Street Work No. 1 and the period limited by the Act of 1901 for the purchase of lands and for the construction and completion of the said street works and tramway were subsequently extended under the authority of the Dover Corporation Act 1906 (in this Act referred to as "the Act of 1906"):

And whereas by the Act of 1906 the Corporation were authorised in connection with the street works authorised by the Act of 1901 to construct the further street improvement described in section 5 of that Act and it is expedient that so much of the Act of 1906 as relates to the construction of the said street improvement should be repealed as by this Act provided:

And whereas by the Dover Corporation Act 1911 (in this Act referred to as "the Act of 1911") the periods for the

A.D. 1912. purchase of lands for and also for the construction and completion of the street works and tramway authorised by the Act of 1901 as extended by the Act of 1906 were further extended:

And whereas no lands have been acquired for the construction of the street works authorised by the Act of 1901 which have not been proceeded with because until recently the Corporation have been unable to agree with the South Eastern and London Chatham and Dover Railway Companies (in this Act referred to as "the railway companies") and the harbour board as provided by the Act of 1901 with respect to the exchange and appropriation of lands and other matters and owing to changed circumstances it is expedient that the Corporation be authorised to construct the new streets and street works described in this Act instead of the Street Works Nos. 3 and 4 authorised by the Act of 1901 and the street improvement authorised by the Act of 1906:

And whereas it is expedient that the Corporation should be empowered to acquire lands for a new sewage outfall pumping station in the pier ward of the borough:

And whereas it is expedient that so much of the borrowing powers under the Act of 1901 applicable to the Street Works Nos. 3 and 4 by that Act authorised and also so much of the borrowing powers under the Act of 1906 applicable to the street improvement described in section 5 of that Act should be reduced as by this Act provided:

And whereas it is expedient that the agreement contained in the Second Schedule to this Act between the Corporation and the railway companies as regards the construction of the works under the Act of 1901 and this Act and as to the sale exchange and appropriation of lands be confirmed:

And whereas it is expedient that the Corporation should be empowered as hereinafter provided to enter into further agreements with the railway companies and the Dover Harbour Board as regards the works by this Act authorised and as to the sale exchange and appropriation of lands belonging to them or acquired under the powers of this Act:

And whereas a portion of the borough of Dover is within the statutory area of supply of the East Kent District Water Company whose charges for water are in excess of those charged by the Corporation in the remainder of the borough and the Corporation are unable except at great expense to supply water

in the portion of the borough referred to and it is therefore expedient that the Corporation should be empowered as hereinafter provided to make agreements with the East Kent District Water Company so that the consumers of water therein should be charged the same water rates as the consumers of water supplied by the Corporation in the other portion of the borough:

And whereas it is also expedient that the other powers contained in this Act should be conferred upon the Corporation:

And whereas estimates have been prepared by the Corporation for the purchase of lands for and the execution of the various works by this Act authorised and such estimates are as follows:—

| | £ | s. | d. |
|---|--------|----|----|
| For and in connection with the purchase of lands and property for and the construction of the new streets and street works by this Act authorised - | 31,450 | 0 | 0 |
| For and in connection with the purchase of lands and property for a new sewage pumping station and outfall - | 3,500 | 0 | 0 |
| For and in connection with the purchase of lands and property for the subsidiary works by this Act authorised - | 7,100 | 0 | 0 |

And whereas the several works and matters included in such estimates respectively are permanent ones and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken compulsorily or used 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 and sections and the deposited book of reference:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twentieth day of November one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Dover Telegraph a local newspaper

A.D. 1912. — 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 the said resolution was published twice in the *Dover and County Chronicle* a local newspaper published and circulating in the borough 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 twentieth day of February one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed :

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 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.

Short title. 1. This Act may be cited as the *Dover Corporation Act 1912.*

Division of Act into Parts. 2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—New streets and street works.

Part III.—Lands.

Part IV.—Financial provisions.

Part V.—Miscellaneous.

Incorporation of Acts. 3. The provisions of the Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as they are applicable for the purposes and are not inconsistent with the

provisions of this Act are hereby incorporated with and form part of this Act. A.D. 1912

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— Interpretation.

“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 district fund” and “the general district rate” mean respectively the district fund and the general district rate of the borough;

“The railway companies” means 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;

“The Act of 1901” means the Dover Corporation Act 1901;

“The Act of 1906” means the Dover Corporation Act 1906;

“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 and any mortgage bond debenture debenture stock 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 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

PART II.

NEW STREETS AND STREET WORKS.

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 and Power to make new streets and street works

A.D. 1912. street works hereinafter mentioned in the parish and borough of Dover together with all necessary junctions retaining walls piers buttresses embankments approaches steps sewers drains culverts works and conveniences connected therewith or incident thereto.

The new streets and street works before referred to and authorised by this Act are—

New Street No. 1 A new street or widening of the existing Limekiln Street Bulwark Street and Great Street commencing at the junction of Limekiln Street and Elizabeth Street and terminating at the junction of Great Street and Beach Street:

New Street No. 2 A new street or the reconstruction of the existing street known as Beach Street commencing at the junction of Great Street and Beach Street and terminating at a point in Clarence Place fifty feet or thereabouts from the Lord Warden Hotel:

New Street No. 3 A new street commencing in Beach Street opposite the South Eastern Railway Station connecting the New Street No. 2 before described with Seven Star Street:

Provided that notwithstanding anything shown upon the deposited plans no part of the lands or property numbered 1 to 37 inclusive 91 to 124 inclusive 202 211 to 220 inclusive 232 233 235 to 246A inclusive 265 and 267 to 289 inclusive included within the limits of deviation shown on such plans and described in the deposited book of reference shall be taken or interfered with by the Corporation for any of the works and improvements by this Act authorised:

Provided also that notwithstanding anything shown upon the deposited plans the works authorised by this Act and the Act of 1901 shall be constructed in accordance with the terms of the agreement between the Corporation and the railway companies contained in the Second Schedule to this Act and with the plan annexed thereto:

Provided further that section 3 of the Housing of the Working Classes Act 1903 and the schedule to that Act shall apply not only in reference to the acquisition of land by the Corporation under this Act including the lands to be entered upon by the Corporation under the agreement scheduled thereto but also to so much of the land coloured green on the plan

annexed to that agreement as has already been acquired by the Corporation and in applying the provisions of the schedule to the Act of 1903 with the necessary modification to such last-mentioned land the number of persons of the working class displaced shall be deemed to be the number of persons of the working class occupying dwellings on that land at the time of its original acquisition by the Corporation. A.D. 1912

6. In the construction of the new streets and street works 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. Deviation.

7. If the new streets and street works authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the 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. Period for completion of works.

8. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with the new streets and street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing or authorised streets which may be intersected or interfered with by or be contiguous to the new streets or street works or any of them and may make diversions widenings or alterations of the lines or levels of any existing or authorised streets or street works for the purpose of connecting the same with the new streets or street works 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 channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section: Power to make subsidiary works.

Provided that the Corporation shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-

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General except under and subject to the provisions of the Telegraph Act 1878.

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

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 hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (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 the arbitration of 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 and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator 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:

(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 arbitrator 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.

10. The Corporation so soon as they or the railway companies or either or any of them shall have become owners in possession of the land and houses on both sides of any of the streets or parts thereof respectively hereinafter 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

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way.

A.D. 1912. passage or other rights in over or affecting the same. The streets and parts of streets hereinbefore referred to are such parts of Council House Street Great Street and Elizabeth Street as are coloured green upon the plan annexed to the agreement contained in the Second Schedule to this Act together with other highways courts and passages in connection with the above:

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Temporary stoppage of streets.

11.—(1) The Corporation during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time 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.

(2) The Corporation shall provide reasonable access for persons bonâ fide going to or returning from any such house.

Scheduled agreement confirmed.

12. The agreement made the twentieth day of April one thousand nine hundred and twelve between the Corporation of the first part the South Eastern Railway Company of the second part the London Chatham and Dover Railway Company of the third part the South Eastern and Chatham Railway Companies Managing Committee of the fourth part and the South Eastern and London Chatham and Dover Joint Committee of the fifth part set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto. Provided nevertheless that with regard to Article 4 of the said agreement the railway companies shall not be relieved of payment of any rate that may be imposed within the borough.

Repeal of section 13 of Act of 1901.

13. Section 13 of the Act of 1901 whereof the marginal note is "Railway companies to construct culverts before stopping up streets" is hereby repealed.

Abandonment of certain works under Act of 1901 and repeal of section 5 of Act of 1906.

14. The Corporation shall abandon the construction of the Street Works Nos. 3 and 4 described in section 5 of the Act of 1901 and section 5 of the Act of 1906 relating to the construction of the street improvement therein described is hereby repealed.

15. The Corporation may enter into and carry into effect further agreements with the railway companies or either of them with respect to the works by this Act authorised and also as to the sale exchange and appropriation of lands and buildings acquired under the powers of this Act or belonging to them respectively for wharves sidings shops warehouses stores and buildings and with respect to contributions towards the expense of constructing and maintaining the said new streets and street works.

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—
Agreement
with railwa
companies.

16. 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 or acquired by the Corporation under the powers of this Act for or in connection with the works 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 all charges created under the Dover Harbour Acts 1891 1898 1901 and 1902.

Agreement
with Dover
Harbour
Board.

PART III.

LANDS.

17. 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 for the purposes of this Act except as mentioned in the section of this Act the marginal note whereof is "Power to make new streets and street works."

Power to
acquire
lands.

18. Subject to the provisions of this Act the Corporation may in addition to the other lands they are authorised to acquire under the provisions of this Act enter upon take and use the lands hereinafter described for the construction of a new sewage outfall pumping station The lands before referred to upon which the said sewage pumping station will be constructed are situated within the parish and borough of Dover and are as follows:—

Power to
take addi-
tional lands.

Certain lands half an acre or thereabouts in extent bounded on the north by Council House Street on the south by Seven Star Street on the west by the Dover and Deal

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Railway and on the east by lands over which the Corporation have parliamentary powers under the authority of the Act of 1901.

Power to appropriate lands.

19. The Corporation may subject to the provisions of this Act appropriate and use for any of the purposes of this Act any lands within the limits of deviation shown upon the deposited plans and for the time being vested in them which are not required for the purposes for which such lands were originally acquired Provided that any lands vested in them for the purposes of the Education Acts 1870 to 1911 shall only be so appropriated and used in accordance with the provisions of the Education (Administrative Provisions) Act 1909 But nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

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

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 and 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 and such 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.

Period for compulsory purchase of lands.

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

Owners may be required to sell parts

22. And 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:—

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only of cer-
tain lands
and build-
ings.

- (1) The owners of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter 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 (hereinafter 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

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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 determination of any matters under this section shall be borne and paid by the owner:

(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. A.D. 19

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

23. Section 24 of the Act of 1901 the marginal note whereof is "Provisions as to compensation" is hereby repealed. Repeal of section 24 Act of 1901

24. 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 or 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 therein 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 or interests therein 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. Power to retain sell &c. lands

25. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital 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 provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that— Proceeds sale of surplus land

(1) 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

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conferred by this Act for the purpose of such purchase :

- (2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

PART IV.

FINANCIAL PROVISIONS.

26.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table:—

| 1 | 2 | 3 |
|---|-------------------|--|
| Purpose. | Amount. | Period for repayment. |
| (A) For and in connection with the purchase of lands and property for and the construction of the new streets and street works by this Act authorised | £ 31,450 | Sixty years from the date or dates of borrowing. |
| (B) For and in connection with the purchase of lands and property for a new sewage pumping station and outfall | 3,500 | Sixty years from the date or dates of borrowing. |
| (C) For and in connection with the purchase of lands and property for the subsidiary works by this Act authorised | 7,100 | Sixty years from the date or dates of borrowing. |
| (D) For paying the costs charges and expenses of this Act | The sum requisite | Five years from the passing of this Act. |

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for the purposes of this Act Any moneys borrowed under this subsection shall be repaid within such period not exceeding sixty years (in this Act referred to as “the prescribed period”) as may be prescribed by the said Board.

(3) 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 the district fund and general district rate.

27. 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.

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Certain re-
gulations of
Public
Health Act
1875 as to
borrowing
not to appl

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

Provisions
Public
Health Ac
1875 as to
mortgages.

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

29. 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 or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Mode of
payment o
of money
borrowed.

30.—(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—

Sinking
fund.

(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 hereinafter called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds 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 hereinafter called an “accumulating sinking fund.”

(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

A.D. 1912. 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 or part thereof 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 probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys 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. A.D. 191

(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 probable 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 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 money 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 within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the 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.

31. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss or non-application of the money lent or any part thereof. Protection lender from inquiry.

32. 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 Corporati not to reg trusts.

A.D. 1912. 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 or interest thereon not entered in their register.

Appointment
of receiver.

33. 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.

Power to
re-borrow.

34.—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land ; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

A.D. 19

35. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Method of raising money.

36.—(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 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

Return respecting sinking fund to Local Government Board.

A.D. 1912. 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.

37. 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. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Expenses of execution of Act.

38. 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 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.

Reduction of borrowing powers under Acts of 1901 and 1906.

39. The amount of money authorised to be borrowed by the Corporation under the Acts of 1901 and 1906 for the purposes of Works Nos. 3 and 4 described in section 5 of the Act of 1901 and for the street improvement described in section 5 of the Act of 1906 by this Act respectively abandoned and repealed is hereby reduced by the sum of twenty-two thousand and fifty-three pounds.

PART V.

A.D. 191

MISCELLANEOUS.

40. The Corporation may enter into and carry into effect agreements with the East Kent District Water Company (in this section referred to as "the company") as to the reduction of the rates charged and recovered for the supply of water by the Company within that part of the borough included within the statutory limits of supply of the company so that they may correspond with the rates from time to time charged by the Corporation for the supply of water in the remainder of the borough. Provided that there shall not be paid to the company for water supplied within the part of the borough included within the statutory limits of supply of the company any higher rate than that levied in other parts of their statutory limits of supply. Any expenses incurred by the Corporation under this section shall be deemed to form part of the expenses of the water undertaking of the Corporation.

Agreement
between
Corporation
and East
Kent Dis-
trict Water
Company.

41. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown
rights.

42. 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.

Costs of

A.D. 1912. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED.

| Area. | Numbers on deposited Plans. |
|----------------------------|-----------------------------|
| Borough of Dover - - - - - | 198A 199 201 |

THE SECOND SCHEDULE.

Stamp.



AN AGREEMENT made the twentieth day of April 1912 between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF DOVER (hereinafter called "the Corporation") of the first part the SOUTH EASTERN RAILWAY COMPANY (hereinafter called "the South Eastern Company") of the second part the LONDON CHATHAM AND DOVER RAILWAY COMPANY (hereinafter called "the Chatham Company") of the third part (which parties of the second and third parts are hereinafter together called "the companies") the SOUTH EASTERN AND CHATHAM RAILWAY COMPANIES MANAGING COMMITTEE (hereinafter called "the managing committee") of the fourth part and the SOUTH EASTERN AND LONDON CHATHAM AND DOVER JOINT COMMITTEE appointed for the Deal and Dover Railway (hereinafter called "the joint committee") of the fifth part (which parties of the second third fourth and fifth parts are hereinafter sometimes collectively called "the railway companies").

WHEREAS by section 12 of the London Chatham and Dover Railway Act 1898 the Chatham Company were authorised to stop up (1) the level crossing over the Dover Pier Branch Railway of the Chatham Company at the Cross Wall in the borough of Dover and (2) the

level crossing over the railway of the Chatham Company and of the joint committee at Hawkesbury Street in Dover aforesaid on effect being giving to the award of the arbitrator on an inquiry to be held as therein mentioned :

And whereas the joint committee were authorised by section 33 of the South Eastern Railway (Various Powers) Act 1882 with the consent of the Corporation to stop up and discontinue the use for public traffic any of the level crossings of their said Deal and Dover Railway in the said borough :

And whereas by the Dover Corporation Act 1901 it was provided amongst other things that the Corporation might make and maintain the four several new streets referred to and authorised by section 5 of the said Act within certain limits of deviation and with power to make certain subsidiary works in connection with the said new streets and that the Corporation so soon as they should have become owners in possession of the land and houses on both sides of any of the streets or parts thereof respectively mentioned in section 10 might 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 should be by the said 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 and by section 12 that if the Corporation and the railway companies should make and conclude an agreement as to the terms and conditions under which the new streets numbered 1 and 2 in section 5 should be constructed then and in such case the provisions of section 12 of the London Chatham and Dover Railway Act 1898 as to the holding of the inquiry aforesaid should cease to have effect and on the completion of the said streets the Chatham Company might stop up and abolish the level crossings in Crosswall and Hawkesbury Street as fully and effectively in all respects as they might have done on effect being given to the award of the arbitrator under such inquiry and the conditions and effect of such stopping up and abolition respectively were fully detailed in the same section and the next following section And by section 14 that the Corporation on the one hand and the railway companies (in the said Act defined as including any committee of the companies and their joint board) or any of them on the other hand might 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 the said Act and with respect to contributions towards the expense of constructing and maintaining the said new streets and any such agreement might provide for the raising by the railway companies of the necessary moneys for such contributions And section 17 contained various provisions for the protection of the railway companies And by section 27 power was given to the

A.D. 1912. Corporation to make a tramway as therein particularly described on the new street numbered 1:

And whereas by the Dover Corporation Act 1906 (section 4) the period limited by the aforesaid Act of 1901 for the compulsory purchase of lands for the street works authorised by that Act was extended for five years from the 20th day of July 1906 and the period limited for the completion of the street works authorised by the Act of 1901 was extended for seven years from the same date and the period limited for the completion of the tramway authorised by that Act was extended to three years from the completion of the Street Work No. 1 authorised by that Act:

And whereas by the Dover Corporation Act 1911 (section 4) the period limited by the Act of 1901 for the compulsory purchase of lands for the street works authorised by that Act as extended by the said Act of 1906 was further extended for five years from the 2nd day of June 1911 and by section 5 the period limited for the completion of the street works authorised by the Act of 1901 as extended by the Act of 1906 was further extended for seven years from the same date and the period limited for the completion of the tramway authorised by the Act of 1901 as extended by the Act of 1906 was further extended for three years from the completion of the Street Work No. 1 authorised by the Act of 1901:

And whereas negotiations between the parties hereto have been on foot for several years but the Corporation and the railway companies have not heretofore been able to effect any agreement under the powers conferred upon them by the hereinbefore recited Acts and the Corporation have not therefore been able to construct the new street works aforesaid but the managing committee are now constructing a new railway station at the Admiralty Pier in Dover and the Corporation are desirous of constructing new streets and street works in addition to the new street and street works by the said Acts already authorised:

And whereas the Corporation are promoting a Bill in the present session of Parliament to obtain power to make and maintain in the lines and according to the levels shown on the deposited plans and sections the new streets and Street Works Nos. 1 2 and 3 particularly referred to in section 5 of the said Bill within the limits of deviation mentioned in section 6 and to obtain power to stop up and discontinue for public traffic the respective streets or parts thereof mentioned in section 10 freed from all public and other rights of way or passage or other rights in over or affecting the same:

And whereas by section 12 of the same Bill it is provided that 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 works authorised by the intended Act and also as to the sale exchange and appropriation of lands and buildings acquired under the provisions of the intended Act or belonging to them respectively for wharves sidings shops warehouses stores and buildings and with respect to contributions towards the expenses of constructing and maintaining the said new streets and street works and any such agreement may provide for the raising by the railway companies of the necessary moneys for such contribution:

And whereas the Corporation are the owners of or have obtained or are seeking power to acquire the lands coloured green on the plan signed on the 19th day of February 1912 by W. C. Hawke on behalf of the Corporation and by P. C. Tempest on behalf of the railway companies (hereinafter called "the signed plan") and on the plan hereto annexed:

And whereas the companies or the joint committee are the owners of the lands coloured yellow and yellow hatched green on the said plans which or some of which will be required for the sites of the new streets aforesaid or the works connected therewith:

And whereas in consideration of the premises the railway companies have agreed to withdraw their opposition to the intended Act and the several parties to this agreement in pursuance of their statutory powers and of every other power them thereunto enabling have determined to make and conclude this agreement in manner hereinafter appearing:

Now it is hereby agreed as follows:—

1. When the said intended Act shall have received the Royal Assent and when the Corporation have decided to proceed with the construction of the new Streets No. 1 (hereinafter called "the viaduct") and No. 2 authorised by the Act of 1901 and the new streets authorised by the intended Act of 1912 they will forthwith take steps without delay to acquire the lands necessary for the construction of the new streets and tramway and will construct the same in accordance with the provisions of the said Acts of 1901 1906 1911 and the intended Act of 1912 and the deposited plans and sections with viaducts arches and bridges as therein provided and with all necessary viaducts bridges junctions retaining walls buttresses girders abutments embankments arches sewers drains culverts works and conveniences connected therewith and with all proper rails posts wires machinery and works connected with the tramway in the lines and according to the levels shown on the plans and sections deposited relating thereto subject to the limits of deviation by the said Acts respectively authorised Provided that if the Corporation shall not commence the construction of the viaduct and the new Street No. 2 authorised by the said Act of 1901 within two years of the date of the Royal Assent to the said intended Act of 1912 the railway companies shall be at liberty to

A.D. 1912. — withdraw from this agreement and the same shall thereupon become void.

2. The viaduct shall have a width of forty-five feet in the clear between the parapet walls and shall be carried over the railway of the Chatham Company at Limekiln Street by a bridge with a headway of not less than fourteen feet six inches above the level of the rails and a clear span not less than that now existing and over the Dover and Deal Railway and also over the land on the western side thereof as hatched green and coloured yellow and hatched green in the said plan annexed hereto by a bridge with a headway of not less than fourteen feet six inches above the level of the rails and a clear span measured at right angles to the centre line of the railway of not less than sixty-five feet for the purpose of affording rail access to and from the land coloured green on the said plan on the western side of the viaduct. The railway companies shall not have any right of user of any arches as distinct from bridges being part of the construction of the viaduct but they may as and when they think fit construct at their own expense stairways or other means of access to the viaduct subject to the approval of the Corporation which shall not be unreasonably withheld from any part of their land adjacent to or adjoining the viaduct.

3. The Corporation shall dedicate the new streets made by them for public traffic and shall adopt the same and for ever hereafter keep them and the arches and bridges carrying the same in repair save that the managing committee shall maintain and keep in repair the structures of the said two bridges over the railways of the Chatham Company and joint committee but not the road paths or tramways or other lines running over such bridges or either of them and the Corporation shall afford to the managing committee all reasonable and proper facilities for carrying out the repair or renewal of the structures of the said two bridges over the said railway or either of them and shall consent to the lines of tramway over the bridges or either of them being stopped taken up or diverted for such times only as may be necessary for effecting such repairs or renewal without payment of compensation therefor but the work of repair or renewal shall be carried out with all possible dispatch and not more than one line of tramway over the said bridges or either of them shall be stopped up or diverted at any one time unless it shall be absolutely necessary.

4. For the purposes of the new streets and street works authorised by the said hereinbefore recited Acts the parties hereto other than the Corporation shall (subject as hereinafter provided) allow the Corporation subject to any easements affecting the same to enter upon and use so much of all those the ten several pieces or parcels of land coloured yellow and the piece or parcel of land coloured yellow hatched green on the said plan annexed hereto as may be required

for such purposes as and when the same shall be so required and will respectively on the completion of the said streets and works convey to the Corporation subject as aforesaid such parts of the same lands as may be permanently required for the purposes of the said streets and works in fee simple by way of exchange And also all necessary rights and easements for the construction of the authorised works or any of them in on or under the lands belonging to the companies or joint committee adjoining the lands hereby agreed to be conveyed And the Corporation will convey or cause to be conveyed by way of exchange to any of the other parties hereto as the managing committee shall direct in fee simple free from incumbrances but subject to the easements (if any) affecting the same respectively all those the five several pieces or parcels of land coloured green on the said plans Also the two pieces or parcels of land hatched green and the said piece of land coloured yellow hatched green on the said plan annexed hereto the railway companies will pay to the Corporation by way of contribution towards the expense of constructing and maintaining the said new Streets Nos. 1 and 2 and street works the sum of £40,000 in the following instalments viz. the sum of £10,000 upon completion of the conveyances and exchange aforesaid and the further sum of £30,000 upon the sealing by the Corporation of the contract for the construction of the viaduct authorised by the Act of 1901 And the companies may raise the necessary moneys for making such contributions as aforesaid and subject to the payment of these two sums the railway companies shall not be liable to contribute to the maintenance by the Corporation of the new roads authorised by the Act of 1901 and numbered 1 and 2 respectively or the viaducts upon which the same shall be constructed except as hereinbefore expressly provided The Corporation and the railway companies respectively shall pay all costs charges and expenses of and in relation to these presents and the conveyances by them of the lands referred to in this agreement so to be exchanged as incurred by them respectively and the title to any lands so conveyed shall be accepted by the party or person or persons or corporation to whom or to which they are conveyed and neither the Corporation nor the railway companies shall be entitled to investigate or make any requisition or objection in respect of the prior title Provided that the Corporation shall undertake and discharge on behalf of the railway companies any obligations which the railway companies or some or one of them may incur in respect of the provision of dwellings for persons of the labouring class displaced by the railway companies or some or one of them in exercise or discharge of powers or duties under the Act of 1901 and the intended Act of 1912 or these presents and the Corporation hereby indemnify the railway companies and their and each of their respective estate and effects from all liability in respect thereof.

A.D. 1912.

5. The said bridges over the railways of the Chatham Company and joint committee and all other the works to be done by the Corporation so far as they affect the railways and works of the other parties hereto or any of them or any rights powers or property hereby agreed to be granted to any of such other parties shall be constructed and carried out with the best materials and in the best and most approved manner according to plans sections elevations and specifications to be previously submitted to and approved by the engineer for the time being of the managing committee and shall be carried out under his supervision and to his reasonable satisfaction in all respects and no work shall be done or permitted by the Corporation in such manner as to interfere unnecessarily or unreasonably with the free uninterrupted and safe use of the said railways or any of them. It is hereby agreed and declared that the companies and the joint committee or any of them shall at all times be at liberty to obstruct the passage of light and air over the lands coloured green in the said annexed plan to the arches under the new streets or viaducts abutting thereon to the intent that the Corporation shall not acquire any rights of light or air in respect of such arches. Provided that neither the railway companies nor any of them shall without the consent of the Corporation (which shall not be unreasonably withheld) place or display on any portion of the said pieces of land or on any building or structure that may be erected thereon any advertisement or sky-sign overlooking or that may be visible from the viaduct the said new Street No. 2 or Oxenden Street.

6. So soon as the Corporation shall have completed and opened for public traffic the new streets authorised by the Act of 1901 and numbered 1 and 2 therein the railway companies shall be at liberty to stop up and close the level crossings at Crosswall and Hawkesbury Street and at Elizabeth Street Round Tower Street Council House Street and Great Street. And the Corporation hereby agree to give their consent under the South Eastern Railway (Various Powers) Act 1882 and the Dover Corporation Act 1901 to the stopping up of the above-mentioned level crossings at such time as the said new streets shall have respectively been completed or opened for public traffic as aforesaid. Provided that the existing footbridges at Crosswall Hawkesbury Street and Elizabeth Street shall be maintained by the railway companies at their own expense with the approaches thereto to the reasonable satisfaction of the Corporation and shall at any time hereafter if the Corporation so require be lengthened and extended by the railway companies at their expense together with the approaches thereto to the like satisfaction. And the Corporation shall afford all necessary facilities for the erection of such extended and lengthened footbridges. And that the public shall have free and unrestricted access to and user of the said footbridges. And further that the

Corporation and the Dover Gas Company may retain their sewers mains pipes electrical wires conductors and apparatus respectively under the railway companies' railways where level crossings or streets shall be stopped up under this agreement or under any statute relating thereto and shall have the unrestricted right to use the same and liberty to enter in or under the lands of the companies and joint committee at all reasonable times for the purpose of repairing or renewing altering or adding to the same subject to the observance of such regulations and conditions as the engineer for the time being of the managing committee may from time to time make for the protection of the traffic on the said railways and the restoration by the Corporation or the Dover Gas Company to the like satisfaction of any damage resulting to the property of the railway companies caused by the repair renewal alteration or laying down of any additional sewers mains pipe or apparatus Section 13 of the Dover Corporation Act 1901 shall be repealed.

7. The Corporation at their own expense will cause such parts of the following highways namely Elizabeth Street Oxenden Lane Paradise Street Paradise Passage Round Tower Lane Round Tower Passage Round Tower Street Council House Street Oxenden Street Bulwark Street and Great Street as are coloured green on the signed plan to be stopped up in order that the railway companies may enjoy the whole of the land coloured green and hereby agreed to be conveyed to them free from any rights of the public in respect thereof.

8. Notwithstanding anything shown upon the deposited plans the Corporation shall not construct such part of the new Street No. 1 authorised by the intended Act of 1912 over any part of the land coloured green on the said plans which lies between the south end of Bulwark Street and the point where it joins Great Street adjoining the east side of the Dover and Deal Railway without first obtaining the consent of the railway companies who shall be relieved of any obligations to erect overbridges or to construct bridges viaducts crossings or other means of communication between Bulwark Street and Beach Street. Provided nevertheless that the Corporation may at their own expense construct a viaduct or a bridge to connect the two portions of the said new Street No. 1 of such height dimensions and character as may be agreed between the Corporation and the managing committee.

9. The managing committee shall appoint such inspectors signalmen and watchmen as in the opinion of the engineer may be required for the protection of the railways or any of them or of the traffic thereon during the construction of any bridge over the railways which by these presents is to be constructed by the Corporation or the railway companies and the cost of any additional employment occasioned as aforesaid shall be borne by the Corporation in the case of a bridge

A.D. 1912. constructed by the Corporation or by the railway companies in the case of a footbridge being lengthened extended or altered by the railway companies or some or one of them as aforesaid.

10. If by reason of the execution or failure of any of the works of the Corporation or any act or omission of the Corporation or their contractors or any person in their respective employment the said railways or any of the works (including the railway workshops abutting on Snargate Street) of any of the parties hereto (other than the Corporation) shall sustain any injury or damage during construction of the said works the same shall forthwith be made good by the Corporation at their own expense and in the event of their failing so to do the managing committee may make good the same and recover the expense thereby incurred from the Corporation.

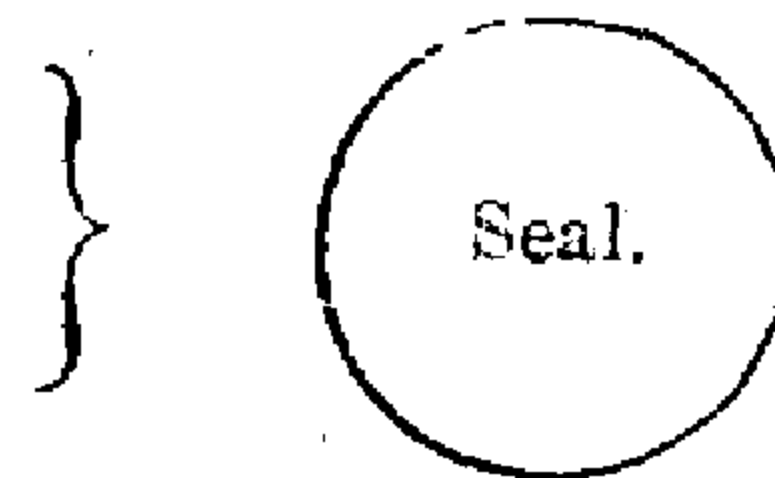
11. This agreement shall be scheduled to the said intended Act now being promoted by the Corporation and the said intended Act shall be so amended as to enable the Corporation to carry into effect all the provisions herein contained.

12. This agreement is made subject to the approval of Parliament and to such restrictions as either House of Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein it shall be in the option of any party hereto to withdraw from the same and thereupon this agreement shall become void.

13. If any difference shall arise between the parties to this agreement or as to the construction of the same or the rights duties or liabilities of any party thereunder it shall be settled by arbitration in manner provided by the Arbitration Act 1889.

In witness whereof the said parties to these presents have hereunto respectively caused their corporate or common seals to be hereunto affixed the day and year first above written.

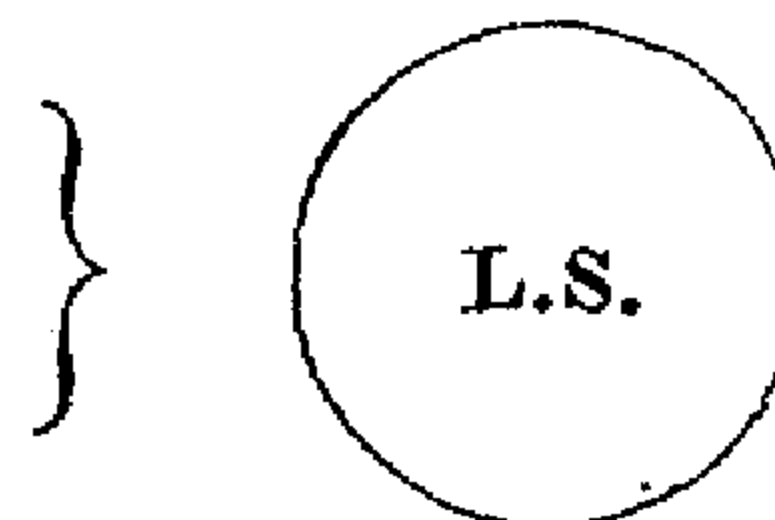
The corporate seal of the mayor aldermen and burgesses of the borough of Dover was affixed in the presence of



(Sd.) WILLIAM BROMLEY Mayor.

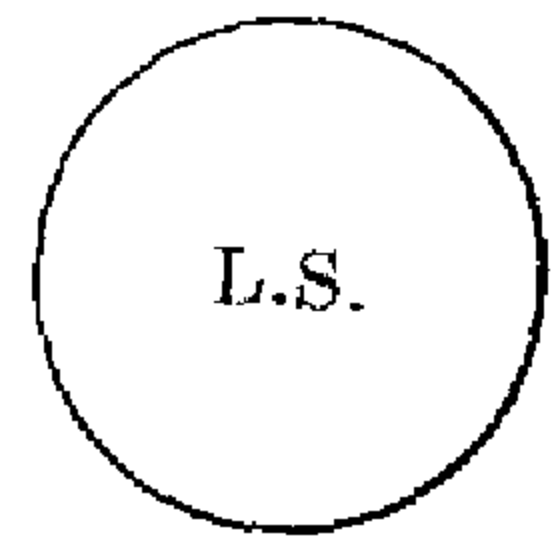
(Sd.) R. E. KNOCKER Town clerk.

The common seal of the South Eastern Railway Company was hereunto affixed in the presence of



C. SHEATH Secretary.

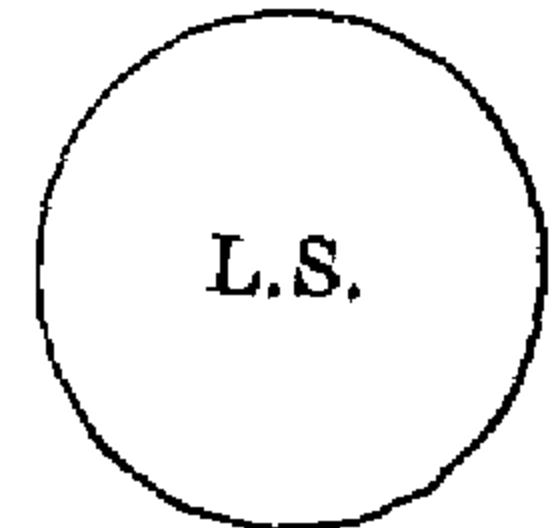
The common seal of the London Chatham and
Dover Railway Company was hereunto affixed in
the presence of



A.D. _____

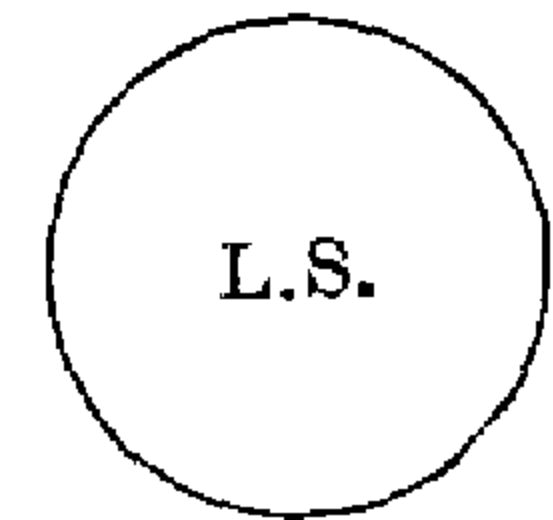
L. W. LIVESEY Secretary.

The common seal of the South Eastern and Chat-
ham Railway Companies Managing Committee was
hereunto affixed in the presence of



C. SHEATH Secretary.

The common seal of the South Eastern and London
Chatham and Dover Joint Committee was here-
unto affixed in the presence of



C. SHEATH Secretary.

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