

[41 & 42 VICT.] *Ramsgate Improvement Act, 1878.* [Ch. cxciii.]



CHAPTER cxciii.

An Act to extend the District of the Improvement Commissioners and the Urban Sanitary Authority for the District of Ramsgate; to enable them to make a new road; to provide for the severance of Ramsgate from the jurisdiction of the Town and Port of Sandwich; and for other purposes. A.D. 1878.
[22d July 1878.]

WHEREAS an Act was passed in the first and second years of the reign of Her present Majesty, intituled "An Act for better paving, lighting, watching, and improving the parish of Ramsgate in the county of Kent, and for regulating the police thereof," and by such Act Commissioners (herein-after called the Commissioners) were appointed for carrying into execution the powers and authorities of that Act within the limits thereof, which consisted (with the exceptions therein mentioned) of the parish of Ramsgate, and they have accordingly put in force such powers and authorities:

1 & 2 Vict.
c. lxx.

And whereas the Commissioners are the urban sanitary authority for the district of Ramsgate, which, is (with the exceptions aforesaid) co-incident in extent with the parish of Ramsgate:

And whereas the population of Ramsgate and of the neighbourhood thereof situate in the parish of Saint Lawrence has largely increased and is still increasing, and it is expedient for sanitary and other purposes that the limits of the district of the Commissioners should be extended, and that the provisions in that behalf in this Act contained be made:

And whereas it is expedient that the Commissioners be enabled to construct a new road connecting the East and West Cliffs, and other works as herein-after mentioned, and that they should in connexion therewith be authorised to acquire certain lands:

And whereas the parish, town, or vill of Ramsgate now forms part of the liberties of the town and port of Sandwich (which is one of the Cinque Ports) and is subject to the jurisdiction thereof, and it is

A.D. 1878. — expedient that provision be made for severing the same therefrom, except the jurisdiction of the court of quarter sessions :

And whereas it is expedient that the powers herein-after contained should be conferred upon the Commissioners for the improvement and better government of the district as extended by this Act, and that power to borrow money for the purposes of this Act and the other powers herein-after contained should be conferred upon the Commissioners :

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

38 & 39 Vict. c. 55. And whereas an estimate has been prepared by the Commissioners for the purchase of land for and the execution of the works by this Act authorised, and such estimate amounts to the sum of sixty-one thousand pounds, and such works 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 Commissioners, at a meeting held on the third day of December one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Kent Coast Times, a local newspaper published or circulating in the district, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient to promote the Bill for this Act :

And whereas such resolution was published twice in the said Kent Coast Times, and in respect of matters under the control of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State :

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 Commissioners at a further special meeting held in pursuance of a similar notice on the twelfth day of February one thousand eight hundred and seventy-eight, being not less than fourteen days after the deposit of the Bill in Parliament :

38 & 39 Vict. c. 55. And whereas the owners and ratepayers of the existing district, by resolution in the manner provided by Schedule III. annexed to the Public Health Act, 1875, consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines, situation, and levels of the works authorised by this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works and within the limits of deviation as defined on the plans, have been deposited with the clerk of the

peace for the county of Kent, and are in this Bill referred to as the deposited plans, sections, and book of reference: A.D. 1878.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

PART I.

PRELIMINARY.

1. This Act may be cited as the *Ramsgate Improvement Act*, Short title.
1878.

2. The following Acts and parts of Acts, so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act; (that is to say,) Incorporation of general Acts.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof; the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except section 84, and the following sections of the Towns Police Clauses Act, 1847, (that is say,) 8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
10 & 11 Vict. c. 16.
10 & 11 Vict. c. 89.

Sections 10, 11, 12, 15, 16, 17, 18, 19, and 20.

And the said Acts and parts of Acts shall respectively apply to the acquisition of lands for the purposes of this Act and to the Commissioners as if they were a company, and to the construction of works authorised by this Act as if the same were a railway.

3. In this Act—

“The Improvement Act” means an Act for better paving, lighting, watching, and improving the parish of Ramsgate in the county of Kent, and for regulating the police thereof, passed in the first and second years of the reign of the Queen: Interpretation of terms.
1 & 2 Vict. c. lxx.

“The Commissioners” means the Commissioners for carrying into execution the powers of the said Act and of this Act, as the case may require:

“The urban sanitary authority” means the Commissioners acting as the urban sanitary authority for the existing district of Ramsgate or the extended district, as the case may require:

“The existing district” means the district of the Commissioners and the urban sanitary authority as it now exists, and for the

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purposes of Part III. of this Act it shall also mean the parish, town, or vill of Ramsgate:

“The extended district” or “the district,” used without any qualification, means the district of the Commissioners and of the urban sanitary authority as extended by this Act:

“The added area” means so much of the parish of Saint Lawrence and such parts of the sea shore or extra-parochial land as are by this Act added to the existing district:

“The district fund” and “the general district rates” mean respectively the district fund and the general district rate for the existing district or the extended district, as the case may require, and where not otherwise expressly provided:

38 & 39 Vict.
c. 55.

“The Public Health Act” means the Public Health Act, 1875, and any Act amending the same:

“Person” includes a corporation.

8 & 9 Vict.
c. 20.

In the Railways Clauses Consolidation Act, 1845, for the purposes of this Act—

The expression “the railway,” “the centre of the railway,” and “the work” respectively mean the road and works and the boundaries of works by this Act authorised.

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the terms “superior courts” or “court of competent jurisdiction,” or any other like term, shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt, and not a debt or demand created by statute.

Commence-
ment of Act.

4. Save as is herein-after expressly provided, this Act shall come into operation on the first day of October one thousand eight hundred and seventy-eight, which date is herein-after referred to as the commencement of this Act.

Deposit of
plan of dis-
trict.

5. A plan of the district as extended by this Act, signed in duplicate by the Chairman of the Committee of the House of Commons, to whom the Bill for this Act was referred, shall within one week after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the clerk to the Commissioners at his office in the Town Hall in Ramsgate.

Inspection
and copies of
plan of dis-
trict.

6. Copies of the plan of the district deposited with the clerk to the Commissioners, or any extract therefrom certified by him to be

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a true copy, shall be received by all courts of justice or elsewhere as *prima facie* evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Commissioners, and all persons so liable shall be entitled to a copy of or extract from such plan certified by the clerk to the Commissioners, on payment of a reasonable fee for every such copy or extract.

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PART II.

EXTENSION OF DISTRICT, &c.

7. From and after the commencement of this Act, and subject to the provisions of this Act, the existing district is hereby extended so as to comprise the area included within the boundary described in the First Schedule to this Act annexed, and the added area shall for all sanitary purposes cease to be included in or form part of any rural sanitary district.

Extension of district.

8. From and after the commencement of this Act all the powers and provisions of the Improvement Act, and all other enactments and provisional orders, orders, and regulations and byelaws made by the Commissioners, acting as commissioners, or as the local board or urban sanitary authority (subject to the power of the Commissioners from time to time to alter, amend, or repeal the same) which are immediately before the commencement of this Act in force within or applicable to the existing district, shall, as amended by this Act, apply to and be in force in and shall be exercised and executed by the Commissioners within the extended district, and the Commissioners shall be the urban sanitary authority for the extended district, and shall exercise and execute therein, to the exclusion of any other sanitary, highway, or police authority, all the powers, authorities, and duties of the Commissioners and of an urban sanitary authority under the Public Health Act, 1875, or otherwise; and, so far as may be necessary for the purpose of giving effect to this Act, sections one hundred and fifty-four to one hundred and sixty-four (both inclusive), sections one hundred and seventy-two and one hundred and seventy-three of the Improvement Act, shall be read as if so much of the parish of Saint Lawrence as is included in the extended district had been inserted in such sections respectively in addition to the parish of Ramsgate; and notwithstanding anything to the contrary contained in the Improvement Act, that Act shall extend to the estates and hereditaments formerly belonging or reputed to belong to Sir William

Application of provisions of Improvement Act, &c. to extended district.

38 & 39 Vic
c. 55.

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A.D. 1878. — Curtis, Baronet, deceased, and now belonging or reputed to belong to Charles William Curtis, his heirs or assigns.

Amending
Improve-
ment Act,
&c. as to
election of
Commis-
sioners.
29 & 30 Vict.
c. 107.

39 & 40 Vict.
c. cxviii.

9. The Improvement Act and the Provisional Order of the Secretary of State for the Home Department, dated the twenty-first day of June one thousand eight hundred and sixty-six, and confirmed by the Local Government Supplemental Act, 1866, (No. 4), and the Provisional Order of the Local Government Board, dated the twenty-first day of June one thousand eight hundred and seventy-six, confirmed by the Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act, 1876, shall be altered and amended as follows; that is to say,

The number of the Commissioners shall be increased from the present number of twenty-four to thirty-two. The first eight additional Commissioners shall be elected by the ratepayers of the added area, and such election shall take place on the fourth Monday next after the passing of this Act, or within seven days after such Monday. After such first election the successors of such first eight Commissioners shall be elected by the ratepayers of the extended district:

Two of such first eight Commissioners shall retire from office at the usual election and retirement of Commissioners to take place in each successive year commencing in one thousand eight hundred and seventy-nine: Provided that any such Commissioner so going out of office may be forthwith re-elected if then qualified.

Save as in this Act is expressly provided, the election of the said eight Commissioners by the ratepayers of the added area, the retirement from office of such Commissioners, and the election from time to time of their successors by the ratepayers of the extended district, shall in all respects be governed by the provisions relating to the election and retirement from office of Commissioners in the said Improvement Act and Provisional Orders and this Act respectively contained: Provided that for the purpose of the first election under this section, the added area shall be deemed to be a township within the meaning of the 7th section of the Act of 58 Geo. III. c. 69, and the vestry meeting for such election shall be held at the Town Hall of Ramsgate, and the rotation list to determine the retirement of the eight Commissioners to be first elected shall be formed within four months after the passing of this Act, and for all subsequent elections of Commissioners the extended district shall be deemed to be a township within the meaning of the said 7th section of the Act aforesaid, and the meetings for such election shall be held at the Town Hall of Ramsgate, and the chairman

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of the Commissioners for the time being shall be the chairman of such meetings if he shall be present thereat. A.D. 1878.

10. Sections 14, 15, 16, and 17 of the Improvement Act are hereby repealed, and the provisions of the Public Health Act, 1875, section 199, and Schedule I. in such section referred to, are hereby adopted in lieu thereof: Provided that if at any election of chairman there should be an equality of votes for any two or more Commissioners, then the names of the Commissioners for whom an equality of votes shall be so given shall be written on separate slips of paper and put into a box, and the clerk to the Commissioners shall draw out one of such names, and the Commissioner whose name shall be so drawn shall be the chairman. Repealing certain sections of Improvement Act. 38 & 39 Vict. c. 55.

11. From and after the commencement of this Act all powers, rights, and duties exerciseable by or attaching to the Thanet rural sanitary authority under the Public Health Act, 1875, within the added area, shall cease to be exerciseable by or to attach to that authority within the added area; and all liabilities and obligations attaching to or incurred by that authority under the said Act within or for the benefit of the added area, subject as herein-after provided, shall be transferred and attach to and shall be discharged and satisfied by the Commissioners as herein-after prescribed. Any dispute or difference arising as to the transfer of such liabilities and obligations shall be determined on the application either of the Commissioners or of the Thanet rural sanitary authority by the Local Government Board, whose decision shall be binding and conclusive; and the Local Government Board are hereby empowered to adjust accounts and also to apportion any liabilities and property incurred and acquired by and unappropriated balance of rates in the hands of the rural sanitary authority for the use and benefit not only of the added area but also for other portions of their district, and any order to be made by the Local Government Board under this section may contain any provisions which the Board may deem necessary for effecting the object in view. The provisions of Part IX., sections 293 to 296, both inclusive, of the Public Health Act, 1875, shall, so far as applicable, apply to any such appeal to the Local Government Board and to any proceedings had thereon. Powers, &c. of Thanet rural sanitary authority within the added area to cease. 38 & 39 Vict. c. 55.

12. From and after the commencement of this Act the officers and constables of the Kent county constabulary shall cease to act in or for the added area, and property situate in the added area shall cease to be assessed or to contribute to so much of the county rate as is levied for or applicable to the purposes of the said county constabulary. Constabulary to cease to act for the added area.

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Recovery of arrears of rates in added area.

13. All arrears existing at the commencement of this Act of rates leviable or recoverable in the added area for the purposes of the Thanet rural sanitary authority, the said county constabulary, or the highways of the parish of Saint Lawrence, may be levied and collected as if this Act had not been passed.

General provision as to property of Commissioners and Thanet rural sanitary authority in added area.

14. All property, real and personal (including things in action), vested in or belonging to the Commissioners, as Commissioners or as the urban sanitary authority of the existing district at the commencement of this Act, for the benefit of the existing district, shall, except the gas undertaking and the water undertaking of the urban sanitary authority of the existing district, and all arrears of rates due at the commencement of this Act, be vested in and belong to the Commissioners for the benefit of the extended district, and as to the said gas undertaking and water undertaking and the profits thereof respectively, and all such arrears of rates, subject to all debts and liabilities charged thereon respectively for the benefit of the ratepayers of the existing district.

As to rights of Thanet rural sanitary authority in hospital.

15. Notwithstanding the provisions contained in this part of this Act, with respect to the powers and rights of the Thanet rural sanitary authority exerciseable within the added area, nothing herein contained shall take away or affect such powers and rights in respect of the hospital for infectious diseases, erected within the added area under an indenture dated the first day of February in the year one thousand eight hundred and seventy-eight, and made between the mayor, aldermen, and burgesses, acting by the council as the urban sanitary authority of the borough of Margate in the county of Kent, of the first part, the guardians of the poor of the Isle of Thanet union in the said county, acting as the rural sanitary authority of the said union, of the second part, and the local board, being the urban sanitary authority of the district of Ramsgate, in the said county, of the third part, and the amounts to be paid under such agreement by the Commissioners as the urban sanitary authority of the district of Ramsgate shall be increased in proportion to the rateable value of the added area, and the proportion payable by the said rural sanitary authority shall be correspondingly diminished, and the amount of such payment shall, in case of difference between the Commissioners and the said rural sanitary authority, be determined by the Local Government Board: Provided that the number of members of the joint committee for the erection and management of the said hospital, to be nominated by the Commissioners or the said urban sanitary authority, shall be increased to a number to be agreed upon between the said Commissioners and the rural sanitary authority, and the number of such

members nominated by the said rural sanitary authority shall be correspondingly reduced, and, failing such agreement, the number shall be determined by the Local Government Board: Provided also, that in the event of any other matter or question arising between the Commissioners and the said Thanet rural sanitary authority, in respect of the said agreement and hospital consequent upon the passing of this Act, the same shall be settled and determined by the Local Government Board.

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16. The clerk, and all other officers and servants of the Commissioners as such or as the urban sanitary authority, shall continue to be the clerk, officers, and servants of the Commissioners, and shall hold their offices and situations by the same tenure as they held the same before the commencement of this Act.

Officers of
Commission-
ers continued.

17. The civil and criminal jurisdiction of the justices of Kent, and their power to levy rates under the Lunatic Asylum Acts and county rates other than for police purposes, shall continue over such added area as heretofore, notwithstanding its addition to the existing district; and whereas, if any such charter of incorporation be granted as is by this Act contemplated, such part of the lands and hereditaments in the said added area as shall be included in the new borough so to be constituted will cease to be liable to the payment of any rates to the county of Kent, unless provision is made to the contrary; and whereas those rates are now charged by way of mortgage with large sums of money, and it is just that the said lands and hereditaments should still be liable to their proportion of the said mortgage debt; therefore, notwithstanding this Act and any such incorporation as aforesaid, the said land and hereditaments of and when they are included in the new borough shall remain liable to the payment of a fair and equal portion with the other rateable lands in the said county of the said mortgage debts and of the interest thereof remaining unpaid at the time of such incorporation, and the justices of the said county shall from time to time at their discretion, when they shall think that the amount accrued due has become sufficiently large, levy and raise upon and from the rateable property of the inhabitants of the said lands and hereditaments of the said added area so included in the said borough such sums of money on account of the instalments of principal and interest then due or accruing due as shall in their opinion from time to time be in proportion to the annual value of the rateable property of the said lands and hereditaments as compared with the rateable annual value of the remainder of the county then liable to the payment of the said mortgage debt, and the said justices shall have the same powers and remedies for making,

Land within
the added
area to
contribute
towards
existing
county debt.

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levying, and recovering the said rates as they now or for the time being may by law have for making, levying, and recovering the county rates from parishes lying partly within the said jurisdiction of the justices of the said county, subject to all rights and remedies of appeal and otherwise to which county rates are or may be liable.

PART III.

SEVERANCE FROM SANDWICH.

Repealing certain Acts on severance of existing district from Sandwich.

18. In case of a charter of incorporation being granted to the inhabitants of the existing district or of the extended district, then, from and after the granting of a commission of the peace for the existing or extended district, the Act of the 51st year of King George III. cap. 36, and section 135 of the Act of the session holden in the 5th and 6th years of King William IV. cap. 76, and section XI. of the Act of the session holden in the 6th and 7th years of King William IV. cap. 105, shall be repealed so far as the same concern or affect the existing district, and thenceforth no justices of the town and port and borough of Sandwich, and no justice appointed under the said Act of the 51st year of King George III. cap. 36., shall have any jurisdiction or authority in respect of the existing district.

District to remain under jurisdiction of Sandwich court of quarter sessions.

19. And whereas under and by virtue of the said Act of the 5th and 6th years of the reign of King William IV. cap. 76, section 134, it was enacted that the court of quarter sessions of the peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or such of the said towns or ports and ancient town to which His Majesty should grant a separate court of quarter sessions, should have jurisdiction over offences and matters committed, arising, and happening as well within the boundaries of such towns and ports and ancient town respectively as within the ancient members and liberties not being corporate of the same respectively, and that the recorders, clerk of the peace, and coroners of the said towns and ports and ancient town respectively, or of such of them to which His Majesty should grant a separate court of quarter sessions of the peace respectively, should and might have and exercise the same jurisdiction, powers, and authorities within all places within or subject to the jurisdiction of such courts respectively, or within the said towns and ports and ancient town respectively of which they were or might be appointed recorders, clerks of the peace, or coroners: And whereas by the statute 6th and 7th William IV. cap. 105, section 10, it was enacted that the non-corporate members and liberties of the towns and ports of

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Hastings, Sandwich, Dover, and Hythe, and the ancient town of Rye, should and might be chargeable and charged by the courts of general or quarter sessions of the peace holden for the same respectively with a due proportion of the expenses of such towns and ports and ancient town respectively, and the non-corporate members and liberties thereof, to the payment of which expenses rates in the nature of county rates are applicable, and the same should and might be assessed and levied in the manner in which rates of that description were assessed and levied before the passing of the said Act, and a due proportion of inhabitant householders to serve as grand jurors and jurors of the courts of general or quarter sessions of the peace of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the said ancient town of Rye, should be summoned by the clerks of the peace of the said towns and ports and ancient town from the non-corporate members and liberties thereof respectively, and the attendance of such jurors should be enforced and their defaults punished in the manner by the said Act directed with respect to jurors in boroughs: And whereas a court of quarter sessions of the peace was shortly after the passing of the last-mentioned Act duly granted to the said town and port and borough of Sandwich, and the existing district is subject to the jurisdiction of the said court and is subject to be charged and assessed by such court with a due proportion of the expenses of the said town and port and borough, and the liberties thereof, to the payment of which expenses rates in the nature of county rates are applicable, and jurors from the existing district are subject to be summoned from the existing district in manner mentioned in the last-mentioned Act to serve at the said court of quarter sessions: Be it enacted that, in case of a grant of a charter of incorporation to the inhabitants of the existing district, the jurisdiction and authority of the said court and of the officers mentioned in the said Act of 5 and 6 William IV. chapter 76, section 134, shall continue and be exercised over the existing district or such part thereof as may be comprised in such charter notwithstanding the incorporation thereof, in like manner in all respects as such jurisdiction and authority are now exercised over the existing district, and in case such charter shall be granted to the inhabitants of the extended district, then from and after the grant of such charter the jurisdiction of the said court of quarter sessions and all the powers and authorities thereof, and of the several officers mentioned in the said Act of 5 and 6 William IV. chapter 76, section 134, shall, notwithstanding the grant of any such charter, be exercised over the extended district, or so much and such part thereof as may be incorporated under and by virtue of such charter, in like man-

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A.D. 1878. ner in all respects as such jurisdiction, powers, and authorities are now exercised over the existing district.

Power to compensate officers or persons.

20. It shall be lawful for the Commissioners of Her Majesty's Treasury to award to any officers or persons who may sustain, by reason of the passing of this Act or of any such charter or grant, any loss of fees, emoluments, or advantages accruing from offices holden by them, such compensation in a gross sum or by way of annuity or otherwise as, having regard to the tenure and nature of such respective offices, such Commissioners deem just and proper, and all compensation so to be awarded as aforesaid shall be certified by the said Commissioners of the Treasury to the Commissioners who shall pay the same, subject to the provisions of this Act, out of the general district rates or by borrowing the amount required for that purpose as herein-after provided.

Saving rights of Lord Warden.

21. Nothing in this Act shall affect any jurisdiction, power, or authority of the Lord Warden of the Cinque Ports, or any of the officers of the Cinque Ports, or other persons, under any Act relating to the adjustment of salvage, or any jurisdiction, power, or authority of the Court of Admiralty of the Cinque Ports, or of any of the officers of such court, or the rights of the said lord warden, to or in respect of flotsam, jetsam, and lagan.

PART IV.

NEW ROAD.

Power to make new road, &c. according to deposited plans.

22. Subject to the provisions of this Act, the Commissioners may make and maintain the new road herein-after mentioned and shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take, and use such of the said lands delineated on the deposited plans and described in the deposited book of reference as they may deem necessary for such works, and also for the purpose of securing sites for the erection of suitable buildings to the front of such new road, and may stop up all highways, roads, and ways within the limits of deviation defined on the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for the purposes of this Act the sites of the highways, roads, and ways so stopped up, so far as the same are bounded on both sides by lands of the Commissioners. The road above referred to is—

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A new road wholly in the parish of Ramsgate, commencing on the East Cliff at or near the junction of Victoria Parade and Augusta Road, and terminating on the West Cliff at or near the western end of Nelson Crescent. A.D. 1878.

23. The Commissioners may cause such part of the new road made by them to be laid out for a carriage-way and footways respectively as they think proper. Power to set out carriage-way and footway.

24. For the purpose of the new road herein authorised, the Commissioners may stop up the street called Albion Hill in the parish of Ramsgate and appropriate the site thereof. Power to stop up Albion Hill.

25. Where under this Act the Commissioners stop up any street or place permanently, all rights of way over and all liability to repair the street shall thereupon be absolutely extinguished, and where under this Act they stop up any street temporarily, all rights of way over the street shall be suspended until they re-open the street. Extinction of rights of way over streets stopped up, &c.

26. Where any street or ground abutting on any street and dedicated to public use or open to the passage of the public becomes, in consequence of the construction of the said new road or of any improvement effected by the Commissioners under the powers of this Act, no longer required for public use or for approach to any property adjoining thereto, the same is hereby vested in the Commissioners, freed and discharged from the public use thereof: Provided that, if any land be injuriously affected by such street or ground being so vested in the Commissioners, the Commissioners shall pay to the owner and occupier of such land such compensation as shall be agreed on between such owner and occupier and the Commissioners, or, failing their agreement, such compensation as shall be ascertained in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands. Streets dis-used vested in Commissioners for sale.

27. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Commissioners in connexion with the new road and works by this Act authorised, or any of them, 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 said new road, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said new road or of crossing under or over the same, or any of them, or otherwise, and the Commissioners may from time to time ap- 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. Power to make subsidiary works.

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appropriate such parts of the lands acquired by them under this Act, as they may think fit, for the erection thereon of public drinking fountains, monuments, urinals, and other public conveniences.

Power to deviate vertically or laterally.

28. In making the said new road the Commissioners, for the purpose of causing it to communicate in a direct line or at a more convenient angle or level with any street adjoining or leading thereto, may deviate vertically to such an extent as may be necessary for that purpose from the levels defined on the deposited sections, and for any other purpose to any extent not exceeding seven feet therefrom, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Commissioners may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Alterations consequent on changing levels of streets to be made at expense of Commissioners.

29. Where, by reason of the execution of any of the works by this Act authorised, the levels of any street are raised or otherwise changed, or any alteration of any step, door, or entrance into any house or building or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street is rendered necessary, the alteration shall be made by and at the expense of the Commissioners out of the moneys applicable under this Act to the new road.

Damage to buildings to be compensated for.

30. Where, by reason of the alteration of the level of any street by this Act authorised, any house, building, or premises are damaged or otherwise injuriously affected, the Commissioners shall, out of the moneys applicable under this Act to the new road, make good the damage done and pay to the owner and occupier of such house, building, or premises, such compensation as shall be agreed on between the owner and occupier and the Commissioners, or, failing agreement, such compensation as shall be determined in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

Power to alter and divert sewers, &c.

31. The Commissioners from time to time may alter and divert, either temporarily or permanently, all sewers, mains, and pipes within the existing district which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby such compensation as shall be agreed on between such person and the Commissioners, or, failing agreement, as shall be determined in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

32. The Commissioners from time to time may appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being part of their estates as Commissioners or as the urban sanitary authority.

A.D. 1878.

Commissioners may use their own lands for purposes of Act.

33. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands on the deposited plans or in the deposited book of reference, the Commissioners may, after ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county of Kent, and such certificate shall be kept by such clerk of the peace along with the other documents to which they relate, and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate, and the Commissioners may take the lands in accordance with such certificate.

Errors and omissions in plans, &c. to be corrected by justice, who shall certify the same.

34. The Commissioners shall, not less than eight weeks before they take in the existing district fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such house, and the Commissioners shall not enter upon, take, or use any such house until they have obtained the certificate of a justice, not being one of the Commissioners, that it has been proved to his satisfaction that the Commissioners have so made known their intention.

Notice to be given of taking houses of labouring classes.

35. Before so taking fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, the Commissioners shall (unless the Commissioners and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, not being one of the Commissioners, and the Commissioners may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on

Commissioners to procure accommodation for persons of the labouring classes to be displaced.

A.D. 1878.

such lands erect labouring class dwellings, and may hold and demise or sell the same, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Compulsory purchase of lands.

36. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years after the commencement of this Act.

Period for completion for works.

37. If the works shown on the deposited plans and authorised by this Act are not completed within eight years from the commencement of this Act, then on the expiration of that period the respective powers by this Act granted to the Commissioners for executing the works not so completed, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed.

Commissioners may sell or lease lands not required for purposes of Act.

38. Subject to the provisions of this Act, the Commissioners may from time to time, if and when they think fit, sell, lease, exchange, or otherwise dispose of all or any part of any lands acquired by them under the authority and not required for the purposes of this Act, or they may lay out the same for building purposes and sell or exchange the same, or, at their option, they may demise or grant upon lease for any yearly rent with or without fine for such estate, term, or interest, not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Commissioners think fit, (and in case of sale in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form,) all or any part of such lands; and the Commissioners may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind on terms or gratuitously any contract or agreement for sale or lease and the consideration or rent fixed thereby, and accept surrender of any lease and rent fixed thereby, and either before or after such conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession, subject to any such lease or agreement of or concerning any such land, and execute and do all deeds and things necessary to effect the several purposes aforesaid: Provided that nothing in this Act contained shall authorise or be deemed to authorise the Commissioners to erect any erection or building between the lands numbered 1 and 14 respectively on the deposited plan in the parish of

[41 & 42 VICT.] *Ramsgate Improvement Act*, 1878. [Ch. cxcii.]

Ramsgate so as in any manner to obstruct the sea view as it at present exists from any of the messuages or houses situate in Wellington Crescent or Albion Place, and the Commissioners shall not take more of the gardens or inclosures numbered respectively 2 and 9A on the said deposited plan than shall be required to make and maintain the road and other works and conveniences for road purposes only by this Act authorised.

A.D. 1878.

39. And whereas in the construction of the works by this Act authorised it may happen that portions only of some of the lands, houses, and buildings shown on the deposited plans will be sufficient for the purposes of the same, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section 92 of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, houses, and buildings described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act, may, if such portions can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Commissioners the portions only of the premises so required without the Commissioners being obliged or compellable to purchase the whole or any greater portions thereof, the Commissioners paying for the portions required by them and making compensation for any damage sustained by the owner thereof or other persons interested therein by severance or otherwise.

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

8 & 9 Vict. c. 18.

40. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with, either for the purposes of the new road or for any other purpose, any property vested in or under the management of the Board of Trade, without the consent in writing of that Board testified by one of their secretaries or assistant secretaries, and no byelaws or regulations to be framed under this Act shall apply to any property vested in or under the management of the Board of Trade without the like consent.

Saving property vested in Board of Trade.

41. The Commissioners may by agreement purchase and take on lease any property vested in the Board of Trade required for the purpose of any public improvement within the district, and the Board of Trade, if they think fit, may sell and demise any such property for such consideration and upon such terms and conditions as may be agreed upon between the Board of Trade and the Commissioners.

As to purchase and sale of property of Board of Trade for purposes of Improvement.

A.D. 1878.
Detailed
plans, &c. of
new road to
be approved
by rate-
payers.

42. Before proceeding to put in force the powers of this part of this Act, detailed plans and sections showing the actual mode in which it is intended to construct the said road shall be submitted to and approved by a resolution of the ratepayers of the extended district, passed in accordance with the provisions contained in the Improvement Act, and this Act, with respect to the election of Commissioners: Provided that in the event of the ratepayers, after two meetings called for such purpose, failing to approve of such plans and sections, then the Commissioners may, subject to the approval of the Local Government Board, proceed to put in force the powers of this part of this Act.

PART V.

MISCELLANEOUS.

Regulating
places for
music and
other public
entertain-
ments.

43. No house, room, garden, or place within the extended district shall be kept or used for public dancing or music without a license first had and obtained from the justices of the peace acting within the liberty of Sandwich, or other justices for the time being acting within the existing or extended district (which said license such justices are hereby authorised and empowered at their discretion to grant) on their general annual licensing day, and under the hands and seals of a majority of the justices then assembled; and any house, room, garden, or place kept and used for any such purposes as aforesaid without such license first had and obtained, shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall, on conviction by any two justices, be liable to a penalty not exceeding ten pounds for every day on which he shall so offend: Provided always, that in order to give public notice what places are licensed pursuant to this Act there shall be affixed and kept up in some conspicuous place on the door or entrance of any house, room, garden, or place kept or used for any of the said purposes, and so licensed as aforesaid, an inscription in large capital letters of such dimensions as shall be prescribed in such license in the words following: "Licensed pursuant to Act of Parliament," and no such house, room, garden, or place kept or used for any of the said purposes, although licensed as aforesaid, shall be opened for any of the said purposes except between the hours stated in the license, and the affixing and keeping up of such inscription as aforesaid and the said limitation in point of time shall be inserted in and made conditions of every such license, and in case of any breach of any of the said conditions of any such license such license shall be liable to be forfeited and

revoked by the justices of the peace acting within the liberty of Sandwich, or the justices for the time being acting within the existing or extended district at any general annual licensing day, or some adjournment therefrom, or to be suspended and temporarily revoked until the next general annual licensing day by two justices in petty sessions assembled in any case in which it shall be proved to the satisfaction of such justices that more than one breach of such conditions has occurred since the granting of such license; provided also, that it shall be lawful for every person who shall think himself aggrieved by any order of such justices to appeal therefrom to the High Court of Justice (which Court shall have power to hear and determine the same) whose order therein shall be final.

A.D. 1878.

44. Subject to the provisions of this Act, the Commissioners may from time to time make, repeal, amend, or alter such byelaws as they may think fit for the good government and management of any house, room, garden, or place licensed under this Act for public dancing or music and for the prevention of disorderly conduct therein, and may impose penalties for the breach or non-observance thereof, not exceeding five pounds for each offence.

Commissioners may make byelaws, &c.

45. The Commissioners may from time to time grant licenses empowering any person or persons to carry on the business of hawkers, marine store dealers, ticket porters, and shoeblacks within the extended district; and any person other than a certificated pedlar who without such license, or contrary to the conditions on which such license is granted, shall carry on such business as aforesaid within the extended district, shall be subject to a penalty not exceeding forty shillings. For the purposes of this section the term marine store dealer shall mean a person dealing in, buying, and selling anchors, cables, sails, or old junk, old iron, metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods or marine stores of any description, and the term "ticket porter" shall mean any person plying for hire as messenger, or for hire carrying or conveying parcels or luggage by hand or in or on any wheelbarrow, truck, or other vehicle drawn or propelled by any person or persons.

Commissioners may grant licenses.

46. The Commissioners may demand and take, in respect of any licenses granted by them in pursuance of this Act, any sum not exceeding one shilling in the case of a shoeblack, two shillings and sixpence for every ticket porter, and in every other case five shillings.

Terms of granting licenses.

47. With respect to such hawkers, marine store dealers, ticket porters, and shoeblacks, and their licenses, the Commissioners may

Power to make byelaws as to

A.D. 1878.

marine store
dealers and
others.

from time to time make byelaws for all or any of the following purposes ; namely,

For regulating the applications for such licenses, and the form and contents and signature thereof, and the registration thereof :

For regulating the duration of every such license and providing for the suspension or revocation thereof by the Commissioners :

For requiring every person so licensed to give notice to the Commissioners in case of his changing his place of abode or his place of carrying on his business either to a different building or to a different or additional part of the same building :

For requiring every person so licensed as a hawker or marine store dealer to keep exhibited outside his place of business his name and occupation and any other particulars :

For requiring every person so licensed as a marine store dealer to enter in a book the description and the price of every article purchased or acquired by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars, and for securing free access to every such book to the Commissioners, their officers and servants, and persons authorised by the Commissioners to inspect the same.

Licenses may
be suspended
or revoked.

48. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making it in the opinion of such justice expedient that such license should be suspended or revoked.

Penalty on
persons
carrying on
business of
marine store
dealer with-
out license.

49. If any person after the expiration of one month from the commencement of this Act, and after notice served upon him by the Commissioners, carries on while unlicensed the business of such marine store dealer as aforesaid, he shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such offence continues after the time when the penalty of twenty pounds is incurred.

Commis-
sioners may
contribute to
expenses of
band.

50. The Commissioners may, if they think fit, contribute in any year any sum not exceeding one hundred and fifty pounds towards the expenses of maintaining a public band, subject to such terms and conditions as they may from time to time determine.

Power to
remove ob-

51. The Commissioners may take down and remove any gate, barrier, railing, fence, post, rail, or other thing forming or causing

[41 & 42 VICT.] *Ramsgate Improvement Act*, 1878. [Ch. cxciii.]

any impediment or obstruction to the free use by foot passengers, vehicles, and ordinary carriage traffic of any street as defined by the Public Health Act within the extended district; any compensation to be paid in respect of the removal of any such gate, barrier, railing, fence, post, rail, or other thing shall be settled by arbitration under the provisions of the Lands Clauses Consolidation Acts.

A.D. 1878.
—
structions in streets.

52. The Commissioners may provide, supply, erect, and maintain bathing machines, bathing stages, vessels, floats, platforms, and other structures, apparatus, and things for affording facilities and accommodation of an improved character for the use of the public for sea-bathing purposes, and they may take such charges for the use of the same as they may think proper, provided that a list of such charges be publicly exhibited at the place or station where such bathing stages, vessels, floats, platforms, and other structures and apparatus are placed, moored, or used; and the Commissioners may, if they think fit, demise or let the same respectively from year to year or for any longer term not exceeding seven years upon such terms and conditions as they may think fit, and the Commissioners may make byelaws and regulations for the use of the same: Provided that, in the event of any damage or injury being done to any private property or interests by the exercise by the Commissioners of the powers conferred on them by this section of this Act, compensation shall be paid by the Commissioners in respect of such damage or injury, which may be settled by agreement or, failing agreement, under the Lands Clauses Consolidation Acts.

Commis-
sioners may
provide
bathing
stages, &c.

53. The Commissioners from time to time may make and when made may repeal, amend, or alter such byelaws, and may make such new byelaws in lieu thereof or in addition thereto as they may think fit —

Commis-
sioners may
make bye-
laws.

For regulating the business of hawkers, ticket porters, and shoeblacks, and the places in and the times during which such business may be carried on, and the charges to be made by ticket porters and shoeblacks.

And may impose penalties for the breach or non-observance thereof, not exceeding five pounds for each offence and for each and every day on which such offence shall continue.

54. Nothing in this Act contained shall authorise the making of any byelaw repugnant to law or to this Act.

As to bye-
laws under
this Act.

All byelaws made by the Commissioners under this Act shall be so framed as to allow of part only of the maximum penalty thereby imposed being inflicted.

A.D. 1878.

All byelaws made by the Commissioners under this Act shall be made subject to the provisions of the Public Health Act with respect to byelaws.

PART VI.

FINANCIAL.

As to existing debts of Commissioners and of Thanet rural sanitary authority in added area.

55. Save as in this Act is expressly provided, all debts and liabilities of the existing district to which it is liable at the commencement of this Act shall continue to be a charge thereon, and on the rates, tolls, and duties leviabie therein by the Commissioners acting as such, and as the urban sanitary-authority, and shall be paid and discharged by them accordingly, and shall not be a charge on the added area nor be paid out of the rates, tolls, and duties levied therein by the Commissioners; and any debt or liability of the Thanet rural sanitary authority (if any) incurred in respect of the added area and transferred to the Commissioners shall be a charge on the added area only, and the rates, tolls, and duties levied therein by the Commissioners, acting as commissioners or as the urban sanitary authority of the extended district, and shall be paid and discharged by the Commissioners accordingly.

As to expense of sewers, &c. in added area.

56. The expense of executing any works of sewerage or drainage by the Commissioners in the added area shall be exclusively charged upon the added area and the rates leviabie therein by the Commissioners, acting as such or as the urban sanitary authority, and shall be charged on and paid by them out of those rates only: Provided that the expense of executing any outfall works for the joint benefit of the existing district and the added area shall be charged on and defrayed by the extended district.

Providing for payment of moneys by existing district and added area.

57. Where under this Act any money or expense is to be paid out of or borne by or charged upon the existing district or the added area, or the rates, tolls, and duties leviabie therein respectively by the Commissioners, the Commissioners may from time to time levy and raise within the existing district or the added area, as the case may be, as part of and by way of addition to the general district rate leviabie therein, such sum or sums as may be required for payment of such money or expense, and the principal and interest, or principal or interest, of any moneys borrowed in respect thereof.

Costs of execution of Act.

58. All costs, charges, and expenses from time to time incurred by the Commissioners in or about the execution of the purposes of this Act shall, save as otherwise expressly provided, be a charge on the general district rates or district fund of the extended district.

Certain regulations of Public

59. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public

[41 & 42 VICT.] *Ramsgate Improvement Act*, 1878. [Ch. cxci.]

A.D. 1878.

Health Act, 1875, and in calculating the amount which the board may borrow under the Public Health Act, 1875, any sums which they may borrow under this Act shall not be reckoned.

Health Act, 1875, as to borrowing not to apply.

60. The Commissioners may from time to time borrow at interest such moneys as they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate the amounts by this Act authorised.

Power to borrow.

61. The moneys to be borrowed by the Commissioners under the authority of this Act shall not in connexion with the following purposes exceed the following sums; that is to say,

Limitation of borrowing powers.

With respect to the new road, sixty-one thousand pounds;

With respect to the sum agreed upon or ascertained and determined as the compensation to be paid to officers and persons as in this Act provided, such sum as may be so agreed upon or determined in respect thereof;

With respect to the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, such sum as shall be certified by the taxing officer who shall tax and certify the same;

With respect to the amount (if any) to be paid under the provisions of this Act to the Thanet rural sanitary authority, such sum as may be agreed upon or as may be ascertained and determined in respect thereof;

And with respect to the other purposes of this Act, such sum as the Local Government Board shall approve, not exceeding five thousand pounds.

Provided always, that in case further moneys shall be required for any of the aforesaid purposes the Local Government Board may, at the request of the Commissioners, authorise them to borrow such further sums of money as the Local Government Board may from time to time think fit.

62. For securing the repayment of moneys borrowed under the authority of this Act the Commissioners may from time to time, subject to the provisions of this Act, mortgage the district fund and general district rates of the extended district or the district rates to be paid in the existing district, or the added area only as this Act and occasion may require, and after having paid off otherwise than by instalments or by the sinking fund any moneys so secured may re-borrow the amounts so paid off, and so from time to time: Provided that all moneys so re-borrowed shall be repaid within the unexpired portion of the period provided by this Act for the repayment of borrowed money; provided also, that moneys

Power to mortgage district fund and general district rates.

A.D. 1878. — which have been repaid by means of moneys received by the Commissioners in respect of the sale of surplus lands shall not be re-borrowed.

10 & 11 Vict.
c. 16. to
apply to
mortgages.

63. The sections of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners, shall be applicable to the mortgages to be made by the Commissioners under this Act, provided that they shall pay off such mortgages by equal annual instalments of principal, or of principal and interest, spread over seventy years, or by a sinking fund; provided also, that the sum to be set apart yearly by the Commissioners as a sinking fund for the repayment of the moneys raised on mortgage shall be such sum as will with accumulations at compound interest be sufficient to pay off the moneys so raised within seventy years, but it shall not be obligatory to commence such repayment by instalments or to set apart or appropriate any moneys to or for the purposes of the said sinking fund until the expiration of two years after the borrowing of the same.

Application
of sinking
fund.

64. The Commissioners may apply the sinking fund to be so created in paying off from time to time the principal moneys borrowed under this Act, and whenever the Commissioners shall have paid off any of such moneys by means of the sinking fund the Commissioners shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the sums herein-before required to be set apart as aforesaid, a sum equal to the annual interest of the principal moneys so paid off: Provided always, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then remaining outstanding, the Commissioners may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such period discontinue the payment to the sinking fund of the yearly sum herein-before required to be set apart.

Annual
return to
Local Go-
vernment
Board with
respect to
sinking fund.

65. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board and verified by statutory declaration if so required by them, showing the amount which has been paid off by instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and any.

interest which may have accumulated on such fund during the year have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may, after hearing the Commissioners, if desirous of being heard, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

A.D. 1878.

66. The mortgagees may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver.

As to appointment of a receiver.

67. The amount of principal in arrear to authorise the appointment of a receiver under this Act shall not be less than one thousand pounds.

Receiver for mortgagees.

LOANS UNDER LOCAL LOANS ACT, 1875.

68. The Commissioners, if they think fit, may borrow any moneys which they are by this Act authorised to borrow and which they have not borrowed and secured in manner herein-before provided under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall, subject to the provisions of this Act, be a charge upon and shall be paid out of the local rate as defined by the Local Loans Act, 1875, and also the district fund. Every such loan shall be discharged within seventy years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if the Commissioners shall so think fit: Provided always, that if the Commissioners at any time think fit to form any such sinking fund, the first payment to be made into the same need not be paid until the expiration of two years from the date of the loan in respect of which or part of which the same is formed, and all sums paid into the same shall be, as soon as may be, invested by the Commissioners

Power to borrow under 38 & 39 Vict. c. 83.

[Ch. cxciii.] *Ramsgate Improvement Act*, 1878. [41 & 42 VICT.]

A.D. 1878. in any manner in which trustees are by law for the time being authorised to invest any trust moneys.

Existing mortgages to have priority.

69. All mortgages granted by the Commissioners, acting as Commissioners or as the urban sanitary authority, prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall, during the continuance thereof and as to the rates or property comprised therein, have priority over all mortgages or other securities to be granted by virtue of this Act.

Moneys to be paid to treasurer of Commissioners.

70. All moneys from time to time borrowed by the Commissioners under this Act, and all moneys from time to time received by or for the use of the Commissioners under this Act, shall forthwith, after the receipt thereof, be paid to the treasurer of the Commissioners.

PART VII.

GENERAL.

Separate account for new road.

71. The Commissioners shall keep a separate account in respect of the new road and showing all moneys from time to time expended thereon or received in respect thereof.

Application of moneys borrowed.

72. All moneys borrowed by the Commissioners under this Act shall be appropriated to purposes for which they are authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment. All money received by the Commissioners, either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to such works or objects as aforesaid, or the same may, in the discretion of the Commissioners, be applied towards the reduction of the debt owing by the Commissioners in respect of such works or towards the increase of the sinking fund in respect thereof.

Existing charges to have priority.

73. Nothing in this Act shall prejudicially affect any charge on the estates of the Commissioners and the district fund account and general district rates, or any of them, by way of annuity or mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge and all the like rights and remedies in respect of the property subject to the charge, as if this Act had not been passed, and all such charges created before the commencement

[41 & 42 VICT.] *Ramsgate Improvement Act*, 1878. [Ch. cxcii.]

of this Act shall, during the subsistence thereof, have priority over any annuity, certificate, mortgage, debenture, or debenture stock granted under this Act. A.D. 1878.

74. In respect of any general district rate levied under the authority of this Act for the purposes of this Act, any land used by the London, Chatham, and Dover Railway Company as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof. Partial exemption from rating of London, Chatham, and Dover Railway Company.

75. Nothing in this Act shall extend to prejudice, alter, or take away any of the rights, privileges, or powers vested in the London, Chatham, and Dover Railway Company under or by virtue of any Act or Acts of Parliament relating to that Company or otherwise howsoever. Saving rights of London, Chatham, and Dover Railway Company.

76. If any person against whom the Commissioners have any claim or demand becomes bankrupt, or takes proceedings in liquidation, the clerk to the Commissioners in all proceedings in relation to the estate of such bankrupt or liquidating debtor may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the clerk and not of the Commissioners. Proof of debt in bankruptcy.

77. The costs, charges, and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Commissioners in the first instance out of the district fund or general district rates, and ultimately out of money borrowed under and subject to the provisions of this Act, and such costs shall include the costs of and incidental to complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter 91, with respect to the Bill for this Act, and all matters relating thereto as taxed by the taxing officer of the House of Lords or of the House of Commons. Expenses of Act.

A.D. 1878.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

BOUNDARIES of the District as extended by the foregoing Act.

A boundary line commencing at a point in the parish of Saint Lawrence, in the Isle of Thanet in the county of Kent, on the westerly side of the Sandwich and Margate turnpike road where such road is intersected by the boundary of the parish of Saint Lawrence, and proceeding thence in a south-easterly direction along the boundary line dividing the parish of Saint Lawrence on the south from the parishes of Saint John the Baptist and Saint Peter the Apostle, on the north to the base of the cliff, thence continuing seawards to a point distant five hundred yards from the base of the cliff, measured forward in a direct line with the line dividing the parishes of Saint Peter the Apostle and Saint Lawrence at the junction of those parishes at the base of the cliff, thence continuing in a southwardly and westwardly direction following the coast line of the parish of Saint Lawrence, the parish of Ramsgate, and again the parish of Saint Lawrence, at an uniform distance of five hundred yards from the base of the cliff and the pier walls of Ramsgate Harbour, to a point five hundred yards south of and opposite to a road terminating upon or near the cliff in the parish of Saint Lawrence three hundred and eighty yards or thereabouts westward of the farm known as Little Cliff's End, thence continuing in a northwardly direction to and along the western side of the last-mentioned road to its junction with the Sandwich and Margate turnpike road, and thence continuing in a northwardly direction along the western side of the said turnpike road to the point of commencement of the said boundary line hereinbefore described.

THE SECOND SCHEDULE.

Describing Lands, Houses, and Buildings of which portions only may be required to be taken.

Number on Plan.	Description of Property.
2	Wellington Crescent garden and enclosure.
3	House, gardens, and out-buildings.
5	Private road.
9A	Albion Place garden.
154	House and gardens.
201	House, garden, and out-buildings.
202	House and garden.
210	Garden.
232	Private road.