



CHAPTER cxxxvi.

An Act to authorise the abandonment of certain authorised and the construction of certain new works at Dover Harbour the raising of further moneys by the Dover Harbour Board and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS the Dover Harbour Board (in this Act referred to as "the Harbour Board") are constituted incorporated and empowered for the purpose of maintaining and improving Dover Harbour by the Harbours and Passing Tolls &c. Act 1861 in conjunction with the Dover Harbour Act 1828 the Dover Harbour Act 1871 the Dover Harbour Act 1873 and the Dover Harbour Act 1891 (which five Acts are in this Act collectively referred to as "the former Harbour Acts"):

And whereas by the Dover Harbour Act 1891 (herein-after referred to as "the Act of 1891") the Harbour Board were authorised to make certain works to form part of Dover Harbour within the meaning of the former Harbour Acts:

And whereas such works or portions thereof have not been commenced and it would be of great local and public advantage if the Harbour Board were authorised to abandon the making thereof and to make the East Pier extension and Spur Breakwater herein-after described to form part of Dover Harbour within the meaning of the former Harbour Acts and this Act and it is expedient that provision be made accordingly:

And whereas by section 25 (Power to create debenture stock) of the Act of 1891 the Harbour Board were authorised subject to and in accordance with the provisions of that Act to raise six hundred and sixty-one thousand seven hundred and thirty-seven pounds for the purposes of the former Harbour Acts by the creation and issue of redeemable debenture stock to an amount not exceeding the amount which they should be so authorised to raise Provided that the Harbour Board should not raise by debenture stock under the powers of that Act any sum in excess of six hundred thousand

A.D. 1898. pounds unless they should have paid off or except for the purpose of paying off a corresponding amount of their mortgage debts existing at the passing of that Act and then amounting together to the sum of sixty-one thousand seven hundred and thirty-seven pounds :

And whereas the Harbour Board have paid off the whole of the said mortgage debts :

And whereas by the same section it was enacted that of such redeemable debenture stock a portion not exceeding four hundred thousand pounds should (if the Harbour Board resolved that the same and the interest thereon should rank before and have priority over the remainder of such redeemable debenture stock and the interest thereon) bear interest at such a rate not exceeding five per centum per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour Redeemable First Debenture Stock" and the remainder should bear interest at such a rate per centum per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour Redeemable Second Debenture Stock" Provided that all Dover Harbour redeemable first debenture stock should bear the same rate of interest and all Dover Harbour redeemable second debenture stock should bear the same rate of interest :

And whereas pursuant to the said section the Harbour Board have raised four hundred thousand pounds by the creation and issue of four hundred thousand pounds Dover Harbour redeemable first debenture stock (being a portion of the redeemable debenture stock which they were so authorised to create and issue) having resolved that such Dover Harbour redeemable first debenture stock and the interest thereon should rank before and have priority over the remainder of such redeemable debenture stock and the interest thereon and should bear interest at the rate of three per centum per annum :

And whereas the Harbour Board have not raised any further moneys by the creation and issue of redeemable debenture stock under the powers in that behalf by such section conferred upon them :

And whereas by the London Chatham and Dover Railway Act 1892 (herein-after referred to as "the Act of 1892") the London Chatham and Dover Railway Company (herein-after referred to as "the Chatham Company") were authorised to make and carry into effect an agreement or agreements with the Harbour Board whereby in consideration of such advantages as should be secured to the Chatham Company by the construction of the piers jetties and other works authorised by the Act of 1891 and the accommodation to be afforded to the Chatham Company by the same and in connexion

therewith that company were authorised, to guarantee from such date or dates and subject to such terms and conditions as might be agreed upon the amount necessary together with the special rate authorised of one shilling in respect of every passenger to or from the Continent landing or embarking in the harbour as defined in the Act of 1891 or such lesser sum as might be agreed on between the Chatham Company and the Harbour Board from time to time to be levied in respect of passengers passing through the harbour and brought by or passing to excursion pleasure or other similar trains of the Chatham Company or the South Eastern Railway Company and the other rates and dues leviable by the Harbour Board to pay by regular half-yearly payments interest or dividends at a rate not exceeding four pounds per centum per annum upon the sum of four hundred thousand pounds of Dover Harbour redeemable first debenture stock and also upon the sum of two hundred and sixty-one thousand seven hundred and thirty-seven pounds Dover Harbour redeemable second debenture stock making together the sum of six hundred and sixty-one thousand seven hundred and thirty-seven pounds authorised by the Act of 1891 to be created and issued by the Harbour Board or so much thereof as might be agreed upon and might for the time being be paid up :

And whereas in pursuance of the powers so granted the agreement set forth in the schedule to this Act dated the twenty-second day of August one thousand eight hundred and ninety-six was made between the Harbour Board of the one part and the Chatham Company of the other part whereby the Chatham Company at the request of the Harbour Board agreed to exercise the powers of guarantee granted to them by the Act of 1892 in manner and upon the terms and conditions therein expressed and it is expedient that the said agreement should be confirmed :

And whereas it is expedient that the Harbour Board be authorised to raise further money to the amount herein-after specified by the creation and issue of debenture stock :

And whereas the Chatham Company subject to the approval of Parliament have agreed for the purpose of enabling the Harbour Board to carry into effect the altered works by this Act authorised to extend their guarantee so as to cover such further money and it is expedient that the Harbour Board should be authorised to make and carry into effect an agreement or agreements with them for that purpose :

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

And whereas plans and sections showing the lines and levels of the East Pier extension and Spur Breakwater authorised by this

A.D. 1898. Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are in this Act respectively referred to as the deposited plans sections and books of reference :

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 :—

Short title. 1. This Act may be cited as the Dover Harbour Act 1898.

Incorporation of Acts. 2. The Lands Clauses Acts and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the construction of the harbour dock or pier (except sections 6 and 8 to 10) with respect to the construction of works for the accommodation of the officers of Customs with respect to lifeboats with respect to the construction of warehouses wharfs and other conveniences with respect to the collection and recovery of rates (except sections 34 to 36 and sections 29 50 52 to 54 82 to 84 99 and 100 of that Act) are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats shall not be in force for the purposes of this Act unless and until the Board of Trade under the hand of a secretary or an assistant-secretary to that Board so require and that no byelaw made by the Harbour Board shall be in force until confirmed by the Board of Trade.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "high water mark" unless the context otherwise requires means high water mark at ordinary spring tides.

Abandonment of certain works authorised by Act of 1891. 4. The Harbour Board shall abandon the making of the following works authorised by the Act of 1891 :—

(A) The pier (in continuation of the existing pier known as and in this Act called "the Admiralty Pier") described in paragraph (A) of sub-section (1) of section 8 of the Act of 1891 :

(B) The portion of the pier (known as and in this Act called "the East Pier") described in paragraph (B) of subsection (1) of section 8 of the Act of 1891 between a point distant four hundred and ten feet or thereabouts in a south-easterly direction

from the landward end of the masonry portion of such pier which is now in course of construction and the authorised point of termination of such pier.

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5. Subject to the provisions and for the purposes of this Act the Harbour Board may enter on take and use all or any of the lands shown on the deposited plans and described in the deposited books of reference.

Power to acquire lands referenced.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Harbour Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

7. The Harbour Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

8. The powers of the Harbour Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

9. Subject to the provisions of this Act the Harbour Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections the following works wholly in the bed of the sea :—

Power to make works.

(A) East Pier Extension.—A variation and extension about one thousand five hundred and ten feet in length in a south-easterly and southerly direction of the pier (being the East Pier) described in and authorised by paragraph (b) of sub-section (1)

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of section 8 of the Act of 1891 commencing at a point in such pier distant four hundred and ten feet or thereabouts in a south-easterly direction from the landward end of the masonry portion of such pier which is now in course of construction :

- (B) Spur Breakwater.—A pier or spur breakwater about one hundred and fifty feet in length commencing at a point distant eight hundred and eighty feet or thereabouts in an easterly direction from the seaward end of the fort at the outer end of the Admiralty Pier.

Limits of deviation.

10. In making the East Pier extension and Spur Breakwater the Harbour Board may deviate from the lines and levels shown on the deposited plans and sections to any extent within the limits of deviation shown thereon. Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade and of the Admiralty.

Power to make subsidiary works.

11. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Harbour Board may in connexion with or for the purposes of the East Pier extension and Spur Breakwater make execute maintain enlarge and alter temporarily or permanently such jetties groynes quays landing-stages wharfs viaducts sheds toll-houses water stations warehouses cranes lifts pontoons and other works and conveniences as they think fit. Provided that the works authorised by this section below high-water mark shall not be commenced without the consent in writing of the Board of Trade and of the Admiralty.

Power to dredge &c.

12. Subject to the provisions of this Act the Harbour Board may in connexion with or for the purposes of all or any of the works to be made under the powers of this Act and within the limits of deviation shown on the deposited plans dredge scour and deepen the foreshore and bed of the sea blast any rock and remove carry away and dispose of any chalk gravel or other substance taken up or collected by means of such dredging scouring or blasting. Provided that the works authorised by this section below high water mark shall not be commenced without the consent in writing of the Board of Trade.

Lights on works during construction.

13. The Harbour Board shall on the several works to be made under the powers of this Act during the whole time of the making and altering or extending thereof exhibit and keep burning from sunset to sunrise at their own expense such lights (if any) as the Board of Trade may require or approve. If the Harbour Board make default in complying with the provisions of this section they shall for each night in which they make such default be liable to a penalty not exceeding twenty pounds.

14. The Harbour Board shall at all times after the completion of any work to be made under the powers of this Act at the outer extremity or other exterior part thereof exhibit and keep burning at their own expense from sunset to sunrise such lights or light (if any) as the Elder Brethren of the Trinity House of Deptford Strond may require or approve. If the Harbour Board make default in complying with the provisions of this section they shall for each night in which they make such default be liable to a penalty not exceeding twenty pounds.

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Permanent
lights.

15. In case of injury to or destruction or decay of any work by this Act authorised or any part of such work the Harbour Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Harbour Board shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

16. If the East Pier extension and Spur Breakwater are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Harbour Board for making and completing the East Pier extension and Spur Breakwater or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion
of works.

17. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work made by the Harbour Board under the authority of this Act on or over through or across tidal lands or tidal water or of the intended site of any such work the Harbour Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Harbour Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

18. If any work made by the Harbour Board under the powers of this Act is abandoned or suffered to fall into decay the Board of Trade may abate and remove it or any part of it and restore the site thereof to its former condition at the expense of the Harbour Board and the amount of such expense shall be a debt due from the Harbour Board to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of works
abandoned or
decayed.

19. All works made under the powers of this Act as well during the making as after the completion thereof and all materials and

Works to be
part of
harbour.

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Provided that during the construction and maintenance of the Admiralty harbour works at Dover authorised by the Naval Works Act 1897 and until such works are finally completed and taken over by the Admiralty no rates or dues shall be demanded or levied by the Harbour Board upon any steamer sailing vessel dredger tug lighter boat or other description of floating plant used in the construction or maintenance of the said works or upon so much of their cargoes as consists of plant machinery appliances or materials for the purposes of such works in respect of the use by any such vessel or cargo as aforesaid of so much of the Admiralty Pier as is comprised within a distance of six hundred and fifty feet from the seaward end of the fort as it exists at the time of the passing of this Act or in respect of the use of the extension of the Admiralty Pier part of which will when constructed form the south-western boundary of Dover Harbour under the jurisdiction of the Harbour Board.

20. The powers and authorities given to the harbour master by the former Harbour Acts or any of them shall and may be exercised within Dover Harbour and within the distance of two hundred yards in every direction seaward beyond the outer limits of Dover Harbour until the harbour about to be constructed by the Admiralty under the Naval Works Act 1897 shall be completed or until such time as the Admiralty may intimate by writing to the Harbour Board but after such completion or the receipt of such intimation such powers and authorities shall not be exercised in the area enclosed within the said Government Harbour beyond the north-eastern side of the East Pier the construction of which is authorised by the Act of 1891 and this Act except in respect of vessels bound for or going out of Dover Harbour when entering or leaving the south-western entrance of the Government Harbour and in the area of water between such entrance and the entrance of Dover Harbour.

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 Authority of
 harbour
 master.

21. The berths alongside the altered portion of the extremity of the Admiralty Pier marked K L on the plan signed in triplicate by the Right Honourable Albert Edmund Earl of Morley Chairman of the Committee to whom the Bill for this Act was referred one of which plans shall be deposited in the Parliament Office one other of which plans shall be deposited at the Admiralty and the other of which plans shall be deposited at the offices of the Harbour Board and alongside the extension of the Admiralty Pier marked L M C on the said plan both to be constructed by the Admiralty shall be at the disposal of the Admiralty whenever the same are required by Her Majesty's ships and shall be kept clear for this purpose on intimation received from the naval authorities and the Harbour Board shall maintain a depth of not less than twenty feet at low water ordinary spring tides alongside the portion marked K L on the said plan and not less than thirty-five feet alongside the portion marked L M C on the said plan.

As to berths
 for Her
 Majesty's
 ships.

22. The Admiralty shall have the right of placing vessels alongside the eastern side of the East Pier whenever necessary for the public service and without payment of any toll.

Rights
 reserved to
 Admiralty.

23. The Harbour Board may apply for the purposes of this Act any money raised by or accruing to them under the former Harbour Acts and not otherwise appropriated and any money for the time being at their disposal.

Application
 of funds.

24. The Harbour Board may and they are hereby authorised to raise in addition to any sum or sums which they are by section 25 of the Act of 1891 authorised to raise any sum or sums not exceeding in the whole one hundred and thirty-eight thousand two hundred and sixty-three pounds which they may from time to time require

Power to
 raise addi-
 tional debenture stock.

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for the purposes of the former Harbour Acts or of this Act and for this purpose the Act of 1891 shall be read and have effect as if the words "eight hundred thousand pounds" had been inserted in the said section 25 instead of the words "six hundred and sixty-one thousand seven hundred and thirty-seven pounds" and as if the purposes of this Act were a purpose of that Act and sections 25 to 42 of the Act of 1891 shall apply accordingly.

Application
of certain
provisions of
Act of
1891.

25. Sections 44 (Passenger dues) and 48 (Power for agreements between Harbour Board and railway companies &c.) of the Act of 1891 shall respectively be read and have effect as if the piers and works therein respectively mentioned were so much of such piers and works as are not by this Act authorised to be abandoned and the East Pier extension Spur Breakwater and other works by this Act authorised to be made.

Section 46 (Byelaws may be written or printed) of the Act of 1891 shall be read and have effect as if the rules byelaws and orders therein mentioned had included all rules byelaws and orders hereafter to be made by the Harbour Board under the powers of this Act and all such rules byelaws and orders made by the Harbour Board under the powers of the former Harbour Acts and this Act or any of them shall apply to and have effect in Dover Harbour as defined by this Act.

Confirmation
of agree-
ment.

26. The agreement between the Harbour Board and the Chatham Company set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto.

Power to
enter into
agreements.

27. The Harbour Board may make and carry into effect an agreement or agreements with the Chatham Company whereby the Chatham Company may in like manner and subject to the same conditions and provisions as are set forth in section 23 of the London Chatham and Dover Railway Act 1892 or such of them as may be found applicable and expedient extend the guarantee by that section authorised to be made by the Chatham Company to a further sum not exceeding the additional capital which the Harbour Board are by this Act authorised to raise for the purposes of their undertaking.

As to
Government
property.

28. In the event of the Harbour Board acquiring any land or property belonging to Her Majesty or any department of Her Majesty's Government the same shall revert to the Government if the Harbour Board fail to construct the works authorised by this Act within the time limited thereby.

Saving
agreement
of 1st May
1871.

29. Nothing in this Act contained shall in any manner affect or interfere with the agreement dated the first day of May one thousand eight hundred and seventy-one and made between the

Harbour Board of the first part and the London Chatham and Dover Railway Company of the second part and the South Eastern Railway Company of the third part with reference to the use of Dover Harbour as the same existed before the passing of the Act of 1891 and the dues to be levied on vessels of the said companies or either of them using the same and goods landed from or embarked thereon.

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30. Notwithstanding anything in this Act contained officers naval and military and officers of the Board of Trade and of the Inland Revenue and non-commissioned officers soldiers and other persons employed on the duty of the War Department and petty officers sailors marines and all persons employed on Admiralty service being in the execution of their duty shall at all times have free ingress passage and egress into on along through and out of the piers works lands and property of the Harbour Board by land and with vessels and otherwise without payment and without being subject to any control.

Naval
military
Board of
Trade officers
and others
to have free
access to
works.

31. In the anticipation or in the event of war with any State it shall be lawful for Her Majesty by proclamation under the Royal Sign Manual to direct that during the continuance of such war or for such period as may be specified in such proclamation the Admiralty shall with respect to Dover Harbour act instead of the Harbour Board in the execution of the former Harbour Acts and of this Act and shall further with respect to Dover Harbour have such powers for closing or regulating the use of the same and for erecting temporary or permanent works or otherwise as Her Majesty may be pleased to confer and as may be specified in such proclamation and from and after such time as may be specified for the purpose in any such proclamation and if no time be specified therein from and after the date of such proclamation all matters to be done in pursuance of those Acts by or by order of the Harbour Board shall during the continuance of such war or during the period specified in such proclamation be done by or by order of the Admiralty and those Acts shall during such continuance or period be read and construed as if the Admiralty were thereby empowered to act in the execution of the same instead of the Harbour Board and the Admiralty may also during such continuance or period exercise such further powers as Her Majesty may have been pleased to confer and to specify in such proclamation.

Admiralty in
case of war
to have
charge of
harbour.

32. Nothing in this Act contained shall authorise the Harbour Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's

Saving rights
of the Crown
in the fore-
shore.

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 most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of that Board on behalf of Her Majesty (which consent that Board may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving other rights of the Crown.

33. Nothing in this Act contained shall authorise the Harbour Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods or either of them without the consent in writing of the same commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent those commissioners are hereby respectively authorised to give) nor shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of Crown under 29 & 30 Vict. c. 62.

34. Nothing in this Act contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Costs of Act.

35. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Harbour Board.

The SCHEDULE.

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AN AGREEMENT made this 22nd day of August 1896 between the DOVER HARBOUR BOARD of the one part and the LONDON CHATHAM AND DOVER RAILWAY COMPANY of the other part.

WHEREAS by the Dover Harbour Act 1891 the Dover Harbour Board are authorised to make and maintain certain piers and works therein specified and for that purpose were empowered from time to time to raise any sum or sums not exceeding in the whole six hundred and sixty-one thousand seven hundred and thirty-seven pounds which they might from time to time require by the creation and issue of redeemable debenture stock to an amount not exceeding the amount which they should be so authorised to raise at such price and generally on such terms and conditions not being inconsistent with the provisions of that Act as the said Harbour Board might determine Provided always that the said Harbour Board shall not raise by debenture stock under the powers of that Act any sum in excess of six hundred thousand pounds unless they should have paid off or except for the purpose of paying off a corresponding amount of their mortgage debts existing at the date of the passing of that Act and then amounting to the sum of sixty-one thousand seven hundred and thirty-seven pounds And the said Act provided that of such stock a portion not exceeding four hundred thousand pounds should if the Harbour Board should resolve that the same and the interest thereon should rank before and have priority over the remainder of such stock and the interest thereon bear interest at such a rate not exceeding five per cent. per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour Redeemable First Debenture Stock" and the remainder should bear interest at such rate per cent. per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour Redeemable Second Debenture Stock" And that all Dover Harbour redeemable first debenture stock should bear the same rate of interest and all Dover Harbour redeemable second debenture stock should bear the same rate of interest And further that all debenture stock created and issued thereunder should be redeemable at the option of the Harbour Board at such time (not exceeding sixty years from the time of first raising the money in respect of which such stock should be issued) and upon such terms and in such manner as the Harbour Board should by resolution passed before the creation of such stock declare and that the Harbour Board should not create any debenture stock thereunder until they should have passed a resolution specifying that such stock was redeemable at the option of the Harbour Board and the time at which and the terms upon which and the manner in which the same should be redeemable :

And whereas by the London Chatham and Dover Railway Act 1892 the Company were authorised (inter alia) to make and carry into effect an agreement or agreements with the said Dover Harbour Board whereby in consideration of such advantages as should be secured to the Company by

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the construction of the piers jetties and other works authorised by the herein-before recited Dover Harbour Act 1891 and the accommodation to be afforded to the Company by the same and in connexion therewith the Company might guarantee from such date or dates and subject to such terms and conditions as might be agreed upon the amount necessary together with the special rate authorised of one shilling in respect of every passenger to or from the Continent landing or embarking in the harbour as defined in the said Dover Harbour Act 1891 or such lesser sum as might be agreed between the Company and the Harbour Board from time to time to be levied in respect of passengers passing through the harbour as before defined and brought by or passing to excursion pleasure or other similar trains of the Company or the South Eastern Railway Company and the other rates and dues leviable by the Harbour Board to enable the Harbour Board to pay by regular half-yearly payments interest or dividend at a rate not exceeding four pounds per centum per annum upon the sum of four hundred thousand pounds of Dover Harbour redeemable first debenture stock and also upon the sum of two hundred and sixty-one thousand seven hundred and thirty-seven pounds Dover Harbour redeemable second debenture stock authorised to be created and issued by them as aforesaid or so much thereof as might be agreed upon and might for the time being be paid up Provided always that such guarantee should only operate and take effect so long as the net revenues of the Harbour Board from all sources should at any time or times not be sufficient to pay the stipulated interest or dividend on the said stock and that during the continuance of such guarantee and during the construction and after the completion of the piers and works authorised by the herein-before recited Dover Harbour Act 1891 the Harbour Board should be bound to levy the said special rate of one shilling or such lesser sum in respect of excursion pleasure or other similar traffic as might from time to time be agreed upon between the Company and the Harbour Board as aforesaid and to apply all moneys received in respect thereof towards payment of the interest or dividend so guaranteed and should furnish to the Company every half-year accounts of the moneys received in respect of such special rate or otherwise and applicable in payment of the said guaranteed interest or dividend and should during the continuance of such guarantee duly and efficiently provide and maintain the piers jetties works and conveniences which the Company by any agreement made under the provisions of the Act now in recital might stipulate should be provided and maintained for the accommodation of their traffic and of the steamers by means of which the same was carried on :

And whereas the total amount of capital now due in respect of the mortgage debts mentioned in the herein-before recited Dover Harbour Act 1891 is the sum of fifty-one thousand three hundred and twenty-seven pounds :

And whereas the Company have at the request of the Harbour Board agreed to exercise the power of guarantee given to them by the herein-before recited London Chatham and Dover Railway Act 1892 to the extent and upon the terms and conditions herein-after appearing :

Now it is hereby agreed as follows :—

1. The Harbour Board will in accordance with the provisions of the herein-before recited Dover Harbour Act 1891 forthwith create and issue four hundred thousand pounds redeemable first debenture stock and will when called upon by the Company so to do create and issue two hundred and

sixty-one thousand seven hundred and thirty-seven pounds redeemable second debenture stock at such date and price and upon such terms as shall be agreed upon between the Harbour Board and the Company.

2. The Company will guarantee the interest not exceeding three per cent per annum upon the amount of redeemable first debenture stock so to be issued and also the interest of such redeemable second debenture stock at such rate as shall be agreed upon between the Harbour Board and the Company.

3. The Harbour Board will in consideration of such guarantee and before the issue of such redeemable first debenture stock assign to the Company the whole of their income or revenue including the income arising from the said special rate of one shilling known as the passenger tax and also including the tolls and dues from time to time leviable by and payable to the Harbour Board in respect of the harbour and the working and use thereof and in connexion therewith and the rents in respect of all real and leasehold estate now and from time to time to become due and payable to the Harbour Board after deducting therefrom the working expenses and other necessary outgoings in respect of the harbour and such estate together with the annual amounts required by the Dover Harbour Act 1891 sections 38 and 52 to be set aside for the redemption of the debt and for the reserved fund for extraordinary damage to the Admiralty Pier.

4. The Harbour Board will not during the continuance of the said guarantee without the consent of the Company alienate or charge any property the income whereof is included in the assignment hereby agreed to be made to the Company and will not without the consent of the Company reduce the amount of any of the tolls or dues hereby assigned.

5. The Harbour Board will apply the moneys arising from the issue of the said redeemable first debenture stock so far as the same will extend in payment off of the mortgage debts mentioned in section 25 of the herein-before recited Dover Harbour Act 1891 and of the sum now due to their bankers for moneys paid to Sir John Jackson in respect of a contract dated the eleventh day of March one thousand eight hundred and ninety-three and made between the Harbour Board and Sir John Jackson for the completion of the works now in progress at Dover Harbour and of the sums from time to time to become due in respect of the same contract and in discharge of the money payable to the engineers under whom the works included in such contract are being carried on and also of all legal and other necessary expenses incurred in or otherwise properly connected with the said works.

6. The Harbour Board shall at the request of the Company and under and in accordance with the provisions of the Dover Harbour Act 1891 create and issue such amount or amounts of redeemable second debenture stock as will with the herein-before mentioned issue make up the total amount of six hundred and sixty-one thousand seven hundred and thirty-seven pounds authorised to be raised as aforesaid. The moneys arising from such further issue or issues shall be applied in the first instance in payment of the balance of any liabilities to the discharge of which the amount raised on redeemable first debenture stock is applicable under clause 5 and which such amount is not sufficient to pay. And in the next place in erecting the jetties shown by

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the colour blue and in reclaiming the land shown by the colours pink and yellow on the plan hereunto annexed and signed by the chairman of the Company and the register of the Harbour Board and making the reclaimed land suitable for the Company's proposed Marine Station and when and so soon as such land shall be reclaimed the Harbour Board will at the request of the Company grant to them a lease for a term of nine hundred and ninety-nine years at the yearly rent of ten pounds of the part coloured pink of the reclaimed land and also the land adjacent thereto coloured green on the said plan and such lease shall contain covenants on the part of the Company—

- (A) To use such land for the purpose of a railway station and their railway only in connexion with their local and continental traffic and not for the erection of any building not connected therewith ;
- (B) That the harbour master collector of harbour dues and the servants and workmen of the Harbour Board shall have right of access over the said land to and from the said jetties for all harbour purposes and for the repair and maintenance of such jetties provided that such access does not interfere with the proper use of the said station and railway ;
- (C) Notwithstanding the lease proposed to be granted to the Company the Company will during the continuance of such lease permit all passengers and other persons landing from or embarking on vessels lying at the said jetties with the sanction of the Harbour Board to pass to and from such jetties through the said station in such direction and in such manner as shall from time to time be agreed upon between the Harbour Board and the Company ;
- (D) To pay the rent and usual rates and taxes payable by tenants ;
- (E) To keep the sea wall between the said land and the sea in proper repair :

The Company shall have power to connect any of their lines of railway which may be on the land demised with any lines to be laid down by the Harbour Board on the said jetties or either of them and generally to execute such works as may be necessary to secure the proper use of such jetties in connexion with the Company's railway and at their own expense to erect such sheds roofs or coverings on the said jetties as they may think desirable for the convenience of passengers and the lease shall contain the usual power to the lessors to enter on non-payment of rent or breach of covenants and also a provision that notwithstanding anything in the lease contained the Harbour Board shall be entitled to levy the same dues both in respect of vessels entering the harbour or using the jetties and on goods landed on or embarked from the said jetties as they now are or shall at any time or times hereafter be entitled to levy upon vessels entering the said harbour and using any of their other quays and also upon goods landed on or embarked from such other quays.

7. The said assignment mentioned in clause 4 hereof shall be subject to all rights powers and remedies by the Dover Harbour Act 1891 reserved granted or given to or vested in the Crown or Her Majesty's Government or any Government or other official authority or the holders of debenture stock issued under such Act or any other persons or companies whatever and subject also to all other provisions of the said Act and to all the powers of Her Majesty's Government conferred by the lease of the Admiralty Pier to the Board dated twenty-fifth March one thousand eight hundred and ninety-two.

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8. The Company will apply all moneys received by them from the Harbour Board under the provisions of this agreement in or towards payment from time to time of the interest so guaranteed by them as aforesaid upon the debenture stock so to be created and issued and will at the end of each year hand over the surplus (if any) after payment of such interest to the Harbour Board Provided always that the surplus of any year shall in the first instance be applicable in or towards making up the deficiency (if any) of any other year.

9. The Harbour Board and the Company shall each render to the other half-yearly accounts duly audited of their receipts and payments in connexion with all matters the subject of this agreement.

10. The Company shall have power to employ at their own expense an auditor to make an annual audit of the accounts of the Harbour Board and the Board will afford every reasonable facility for such audit.

In witness whereof the Dover Harbour Board and the London Chatham and Dover Railway Company have hereunto affixed their common seals the day and year first above written.

The common seal of the Dover Harbour Board was hereto affixed in the presence of

L.S.

JAMES STILWELL

Register of Dover Harbour.

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

L.S.

JOHN MORGAN

Secretary.

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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