



CHAPTER lxvi.

An Act to extend the borough of Hythe in the county of Kent ; and to enable the mayor, aldermen, and burgesses thereof to construct new Waterworks, Streets, and Sewers ; and to make further provisions for the drainage and improvement of the borough ; and for other purposes.

A.D. 1874.

[30th June 1874.]

WHEREAS the borough of Hythe in the county of Kent is a municipal borough, subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough, in this Act called "the Corporation :

And whereas the Corporation, by the council of the borough, are the sanitary authority for the borough :

And whereas by a Local Act (38 Geo. III. cap. 16.), intituled "An Act for paving, repairing, cleansing, lighting, and watching the highways, streets, and lanes in the town and port of Hythe and liberty thereof in the county of Kent, and for removing and preventing nuisances and annoyances therein," certain Commissioners were constituted to put the Act into execution, with powers to levy rates and borrow on the credit of the same any sums not exceeding in the whole two thousand pounds :

38 G. 3.
c. 16.

And whereas the said Commissioners put the said Act in execution, and for the purposes thereof have from time to time borrowed and now owe on bond the sum of one thousand seven hundred pounds :

And whereas it is expedient that the property and the debts of the Commissioners be transferred to the Corporation, and that the Commissioners be dissolved, and the said Local Act be repealed :

And whereas it is expedient that the said borough be extended and divided into wards :

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And whereas the Corporation now owe on mortgage of their corporate estates one thousand two hundred pounds, and no more :

And whereas the Corporation have from time immemorial levied and still levy a due on coals landed within the stade and upon the seashore, or brought into the existing borough, and it is expedient that such dues be abolished :

47 G. 3.
(sess. 2.)
c. 70.

And whereas by the Act (47 George III. c. 70.) intituled “ An Act for maintaining and preserving a military canal and road, made from Shorncliffe in the county of Kent to Cliff End in the county of Sussex, and for regulating the taking of rates and tolls thereon,” the said canal, road, cuts, and works connected therewith (all of which are herein-after included in the expression “ the said canal,”) were vested in certain Commissioners, to be by them maintained, regulated, and managed, and provisions were made for the public use of the said canal for navigation :

30 & 31 Vict.
c. 140. (*Pub.*)
35 & 36 Vict.
c. 66. (*Pub.*)

And whereas, subject to the lease herein-after mentioned, the said canal is now vested in Her Majesty's Principal Secretary of State for the War Department, who under the powers of “ The Royal Military Canal Act, 1867,” as amended by “ The Royal Military Canal Act, 1872,” is enabled from time to time to sell, convey, or demise, to any persons or body willing and competent to purchase or take a demise of the same, with or without payment of any consideration money, and upon such terms and conditions as he may think fit, all or any part or parts of the said canal, and he has by virtue of those powers demised and leased the channel of that part of the canal between Shorncliffe in the county of Kent and Cliffe End in the county of Sussex, which lies between the Royal Military Lock, in the river Rother, and the outlet at Seabrook, and all the towing-path and other land, with the buildings, if any, thereon on the towing-path side of and adjoining such part as aforesaid (except the exercising field at Hythe), to trustees in trust for the lords, bailiff, and jurats of Romney Marsh and their successors, for the term of nine hundred and ninety-nine years, for the purposes and with the rights and privileges mentioned in the said lease :

And whereas a portion of the said canal runs through the borough, and it is expedient that the Corporation be authorised to divert into their sewers all sewers and drains which discharge, and all sewage which flows into such portion, or into any stream or cut communicating therewith, and to cleanse such portion, and if they think fit, to convert the same into ornamental waters or to fill up the whole or any part thereof, and for the better enabling them so to do, that they should be authorised to purchase or take a demise of such portion, and that all necessary powers be given to

the said Secretary of State, the said lords, bailiff, and jurats, and the Corporation, to effect the purposes aforesaid : A.D. 1874.

And whereas there are now vested in the Corporation as part of their corporate estates certain waterworks, and it is expedient that they be vested in the Corporation as the sanitary authority of the borough, and that the Corporation be authorised to make and maintain the new waterworks, streets, and improvements of streets, new sewer and channel, and other works by this Act authorised :

And whereas it is expedient that further borrowing powers and other powers be conferred upon the Corporation, and that further and better provision be made for the management and regulation of the borough :

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

And whereas estimates have been prepared by the Corporation for the purchase of land for, and the execution of, the following works by this Act authorised, and such estimates are as follows ; namely,

For waterworks and water supply, eight thousand pounds :

For street improvements, seven thousand pounds :

For new sewers, channel, and drainage works, ten thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of the fifty-seventh section of " The Local Government Act, 1858 :"

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of December one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Kentish Express, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the Kentish Express, a newspaper circulating in the borough, and has received the approval of the Local Government Board, and 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 council, at a further special meeting held in pursuance of a similar notice, on the eighth day of January one thousand eight

A.D. 1874. hundred and seventy-four, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in "The Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of those works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Kent (and are in this Act referred to as the deposited plans, sections, and book of reference) :

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

Short title.

1. This Act may be cited as "The Hythe Improvement and Waterworks Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Acts, 1847 and 1863," section 17 (works below high-water mark not to be executed without the consent of the Lords of the Admiralty,) of "The Railways Clauses Consolidation Act, 1845," and the provisions of that Act, with respect to the temporary occupation of lands near the railway during the construction thereof, and section 13 (lights on works), section 18 (abatement of work abandoned or decayed,) and section 19 (survey of works by Board of Trade), of "The Railways Clauses Act, 1863," (as far as they are applicable for the purposes of, and not varied by, or inconsistent with this Act,) are hereby incorporated with this Act ; and in construing the provisions of "The Railways Clauses Consolidation Act, 1845," and of "The Railways Clauses Act, 1863," for the purposes of this Act, the expressions "the railway," "the centre of the railway," and "the work," shall respectively mean the works and the boundaries of works by this Act authorised.

Interpretation of terms.

3. In this Act,—

"The borough" means the municipal borough of Hythe, as extended by this Act :

- “ The Corporation ” means the mayor, aldermen, and burgesses of the borough :
- “ The council ” means the council of the borough :
- “ The commissioners ” means the commissioners constituted by the recited Act of 38 George III., chapter 16 :
- “ The existing borough ” means the borough as existing at the passing of this Act :
- “ The borough fund ” and “ the borough rate ” mean respectively the borough fund and the borough rate of the borough :
- “ The Public Health Acts ” means “ The Public Health Act, 1848,” “ The Local Government Act, 1858,” and Acts amending the same :
- “ The Sanitary Acts ” means the several Acts so defined in “ The Public Health Act, 1872 ” :
- “ The lords, bailiff, and jurats,” means the lords, bailiff, and jurats of the level of Romney Marsh, or their successors :
- “ The Municipal Corporations Acts ” means the Act of the session of the fifth and sixth years of King William the Fourth, “ to provide for the regulation of municipal corporations in “ England and Wales,” and Acts amending the same, or otherwise relating to municipal corporations in England :
- “ The recited Act ” means the said Local Act, 38 George III., chapter 16 :
- “ Owner ” includes reputed owner :
- “ Owner or occupier ” used without any specific application in provisions relating to supply of water, means owner or occupier of any building or land to which the Corporation are authorised to supply water :
- “ Water fittings ” means communication pipes and other pipes, valves, cocks, cisterns, and other apparatus used or intended for supply of water to a consumer for domestic or other purposes, and for that purpose placed or intended to be placed in or about the buildings or lands of the consumer :
- “ The canal ” means so much of the Royal Military Canal, and road, towing-path, and works connected therewith, and of the lands, buildings, rights, easements, and appurtenances held or enjoyed therewith, as lies within the borough, together with the outlet of the said canal at Seabrook in the county of Kent :
- “ Street ” includes any highway, and any square, street, road, public bridge (not being a county bridge), lane, footway, or thoroughfare, and any public place, court, alley, or passage, whether a thoroughfare or not, and any part thereof respectively :

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Terms to which meanings are assigned in enactments 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 :

“Court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term “superior courts” shall include any court of competent jurisdiction.

Repeal of
recited Act.

4. The Commissioners are hereby dissolved, and the recited Act is hereby repealed, but nothing in this section shall affect any right, title, obligation, or liability acquired or accrued before the passing of this Act, or any remedy or proceeding in respect thereof, and the same may be enforced and carried on by or against the Corporation, instead of by or against the Commissioners, as if this section had not been enacted, and as if the Corporation instead of the Commissioners had been parties or privy thereto.

Commissioners property transferred to Corporation.

5. All lands, pipes, meters, lamps, lamp posts, works, erections, buildings, rights, and easements, moneys, securities, deeds, contracts, agreements, papers, books, plans, property, chattels, choses in action, effects, claims, and demands, rights, and remedies whatsoever which immediately before the passing of this Act were vested in the Commissioners, or any person on their behalf, or of or to which the Commissioners or any person on their behalf were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever, shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same respectively were at the time of the passing of this Act vested in the Commissioners or any person on their behalf, and may be held, recovered, used, and enjoyed accordingly.

Conveyances,
&c. to remain in force.

6. Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, resolutions, and proceedings made or entered into before the passing of this Act to, with, in favour of, or by, for, or on behalf of the Commissioners or any person on their behalf, and now in force, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like manner to all intents and purposes, as if this Act were not passed, or as if the Corporation instead of the said Commissioners had been party or privy thereto.

7. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Commissioners before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary may be maintained, prosecuted, or continued by, in favour of, or against the Corporation in like manner to all intents and purposes as if this Act were not passed, or as if the Corporation instead of the Commissioners were parties to such action, suit, prosecution, or proceeding.

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Actions, &c.
not to abate.

8. All rates, dues, and rents which immediately before the passing of this Act are due and payable, or accruing due and payable to the Commissioners, shall from and after the passing of this Act be payable to and may be collected and received by the Corporation in like manner as any rates under this Act may be collected and recovered by the Corporation.

Rates due at
passing of
Act to be
recoverable.

9. All persons who immediately before the passing of this Act owe any sum of money to the Commissioners or to any person on their behalf shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation, and all debts and moneys which immediately before the passing of this Act are due or owing by or recoverable from the Commissioners, or for the payment whereof the Commissioners are, or but for this Act would be, liable shall be paid with all interest (if any) due or to accrue thereon, or be recoverable from the Corporation.

Debts due to
and by the
commis-
sioners to be
paid to and
by the Cor-
poration.

10. All byelaws, rules, regulations, notices, and orders made by the Commissioners under any Act of Parliament and in force on the passing of this Act, may be repealed, altered, or varied as if they had been made under the powers of the Public Health Acts, and shall continue in full force until the same be so repealed, altered, or varied, and such regulations, rules, notices, orders, and all penalties and forfeitures thereby respectively imposed, and all penalties and forfeitures incurred under the recited Act, shall be enforced, recovered, and applied in like manner and in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by or under those Acts.

Regulations,
&c. to remain
in force.

11. All books and other documents directed or authorised to be kept by the Commissioners by any Act of Parliament, and which if the recited Act were not repealed would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Books to be
evidence.

12. The borough shall comprise the district described in the first schedule to this Act.

Extension of
borough.

- A.D. 1874.** **13.** The powers, authorities, and duties of the Corporation as a municipal body, and of the Corporation acting by the council as the sanitary authority for the district of the existing borough, shall extend to and throughout the borough.
- Authority of Corporation, &c. extended.**
- Jurisdiction, &c. of recorder and of borough justices extended.** **14.** The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder and of the coroner of the existing borough, and of the justices of the peace appointed for the existing borough, whether acting in general or quarter sessions, or in petty sessions, or out of sessions, or otherwise, shall extend to and throughout the borough, and the whole of the foreshore between the eastern and western limits of or adjacent to the borough.
- Wards, &c. in extended borough.** **15.** The borough shall be divided into four wards, having the names and boundaries set forth and described in Part I. of the second schedule to this Act, and the regulations in Part II. of the same schedule respecting the number, elections, and rotation of aldermen and councillors and other matters shall have effect.
- Saving for 22 Vict. c. 35.** **16.** Notwithstanding anything in this Act, the provisions of "The Municipal Corporation Act, 1859," (relating to the division of boroughs into wards,) and of any enactment substituted for or amending the same, shall continue to apply to the borough.
- Parts added to existing borough exempt from highway rates, &c.** **17.** From and after the passing of this Act all lands, houses, and hereditaments within so much of the several parishes of Saltwood, Newington, and Cheriton as is included within the borough shall be exempt from all county rates and from all highway rates to be made in respect of those several parishes, and from all rates to be made by the respective sanitary authorities (as such) of those parishes.
- Arrears of county rates.** **18.** All arrears existing at the passing of this Act of county, highway, and sanitary rates, leviable within the districts by this Act added to the existing borough, may be levied and collected as if this Act had not been passed.
- Land brought within borough by this Act to contribute towards existing county debt.** **19.** And whereas the lands and hereditaments to be added to the borough will cease to be liable to the payment of rates to the county of Kent: And whereas those rates are now charged by way of mortgage with the principal sum of one hundred and ninety-nine thousand seven hundred and fifty-one pounds, payable by annual instalments with interest, and it is just that the said lands and hereditaments should still remain liable to their proportion of the said mortgage debt: Therefore, notwithstanding this Act, the said lands and hereditaments 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; 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 so added to the 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 land 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, 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.

20. The borough plan and ward plan mentioned in the first and second schedules to this Act, signed 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 with and shall be deemed part of the deposited plans.

Deposit of
borough and
ward plans.

21. This Act, except where otherwise expressed, shall apply exclusively to the borough.

Limits of
Act.

22. The limits of this Act for the purpose of the provisions of "The Town Police Clauses Act, 1847," with respect to public bathing, shall include the whole of the foreshore between the eastern and western limits of or adjacent to the borough.

Limits of
Act with
respect to
public
bathing.

23. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts and Public Health Acts respectively, and other Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts and Public Health Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act, were vested in, imposed on, or

Act to be
executed by
council.

A.D. 1874. — enjoyed by them by or under the Municipal Corporations Acts and Public Health Acts respectively.

Validity of meetings.

24. Every meeting of the council or of any committee of the council shall be presumed to have been duly convened and held, and all members attending any such meeting shall be presumed to have been duly qualified; and every question at any such meeting shall be determined by a majority of votes of the members attending such meeting, and actually voting on the question.

Power to make new streets and improvements.

25. Subject to the provisions of this Act, and to the powers of deviation hereby given, the Corporation may, if they think fit, in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the works and improvements and do the things following; (that is to say,)

1. The widening in the parishes of Saltwood and Saint Leonard Hythe of a road leading from Saltwood Green in a south-westerly direction to Saint Bartholomew's Barn, and from thence in a south-easterly and easterly direction to the hill known as Tanner's Hill :
2. A new road in the parishes of Saltwood and Newington, commencing at the top of Tanner's Hill, at the end of the said road No. 1, and in continuation thereof, and terminating at the junction of Black House Hill with the new road leading to the Hythe station of the Hythe and Sandgate railway now in course of construction :
3. A new road in the parishes of Saint Leonard Hythe and Saltwood, commencing in the High Street, Hythe, at its junction with the road leading to Tanner's Hill, and terminating at the junction of the road herein-before described as No. 2 road, where it crosses the garden of a cottage called Spring Grove Cottage, and the widening of the road at the above-mentioned junction of High Street and the road leading to Tanner's Hill :
4. A new road in the parish of Saint Leonard Hythe, commencing in the High Street of Hythe aforesaid, near Douglas House yard and stables, and going in a south-easterly direction over the Royal Military Canal by a bridge, with all necessary piers and abutments, and terminating in the road leading from Stade Street to Twiss Road, nearly opposite Number 11 Martello Tower :
5. The widening in the parishes of Saint Leonard, Hythe, and Newington, of the road known as Twiss Road, from East

Street, Hythe, and Newington, near the Bell Inn, to Fort Twiss : A.D. 1874.

6. The widening wholly in the parish of Saint Leonard, Hythe, of the High Street, Hythe, on the southern side thereof, at the corner, opposite the residence of Henry Bean Mackeson :
7. A new road in the parish of Saint Leonard, Hythe, commencing in Market Street, Hythe, near the Red Lion Hotel, passing across the canal by a bridge, with all necessary piers and abutments, and terminating in Saint Leonard's Road, Hythe, on the south side of the canal :
8. A new main sewer, commencing in the public road leading from Sandgate to Hythe, at the bridge which carries the said road over the Seabrook stream, at Seabrook in the parish of Cheriton, and terminating in the parish of West Hythe at a point on the south side of the road leading from Hythe to Dymchurch, sixteen chains or thereabouts to the east of Cade or Keddow's House :
9. A new channel from the Royal Military Canal, commencing in the parish of West Hythe at a point seven and a half chains or thereabouts westward of the boundary which separates the parishes of Saint Leonard, Hythe, and West Hythe, and passing through the parish of West Hythe in a south and south-easterly direction to the sea, and terminating by an outlet into the sea at a point eighteen chains or thereabouts westward of the boundary separating the parishes of Saint Leonard, Hythe, and West Hythe in the parish of West Hythe, at low-water mark, equinoctial spring tides.

The said works will be situate wholly in the county of Kent.

26. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation in connexion with the new streets and improvements of streets 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 new streets or improvements of streets, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new or improved streets, or any of them, or of crossing under or over the same, or any of them, or otherwise, and may, in connexion with and for the purposes of the said new sewer and channel, make and maintain all necessary junctions, flaps, penstocks, sluices, overflows, storm out-falls, gulleys, ventilations, machinery, and other works.

Power to
make sub-
sidiary
works.

A.D. 1874.

Power to deviate vertically or laterally.

27. In making the new streets and improvements of streets, and the new sewer and channel, the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Extinction of rights of way over streets stopped up, &c.

28. Where under this Act the Corporation stop up any street 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.

Power to alter and divert sewers, &c.

29. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains, and pipes within the borough 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 compensation in that behalf, the compensation to be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

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

30. Where by reason of the execution of any of the works by this Act authorised the level of any street is 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 Corporation out of the moneys applicable under this Act to street improvements.

Damage to buildings to be compensated for by Corporation.

31. Where by reason of the alteration of the level of any street, or the execution of any other work by this Act authorised, any house, building, or premises be damaged or otherwise injuriously affected, the Corporation shall, out of the moneys applicable under this Act to street improvements, make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as is agreed on between the owner and occupier and the Corporation, or failing their agreement, such compensation shall be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

Alterations of gas and water pipes, &c.

32. In making the new streets and improvements of streets, and the new sewer and channel, the Corporation may raise, sink, or

otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any new or improved street, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

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33. 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 any improvement effected by the Corporation under the powers of this Act and shown on the deposited plans no longer required for public use or for approach to any property adjoining the same, the same is hereby vested in the Corporation 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 Corporation they shall pay to the owner and occupier of such land such compensation as shall be agreed on between such owner and occupier and the Corporation, or failing their agreement such compensation shall be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

Streets dis-
used vested
in Corpora-
tion for sale.

34. All buildings from time to time erected or altered to or towards the front of any street made, widened, extended, or improved under the powers of this Act, shall be erected or altered in such line to the street and in accordance with such elevation fronting to or towards the street as the Corporation appoint or approve; and if the owner, lessee, or occupier of any building which on the making of any such new street, or on the widening, extending, or improving of any such street, acquires a frontage to the street, make any door or entrance opening upon or communicating with the street, or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation.

Elevation of
buildings
fronting
streets to be
as Corpora-
tion approve.

35. The existing waterworks, and all the lands, property, and effects belonging thereto and connected therewith, shall vest in the Corporation acting by the council as the sanitary authority of the borough.

Existing
waterworks
to vest in
council.

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Power for
Corporation
to make
waterworks.

36. Subject to the provisions of this Act, the Corporation may make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the well or pumping shaft, reservoir, lines of pipes, and other waterworks shown on the deposited plans, among which are comprised the following; (that is to say,)

A well or shaft and pumping engine or engines, a service and storage reservoir, and other buildings and works in that part of a field in the said parish of Saltwood known as "Isabel Meadow," which lies to the north of the Hythe and Sandgate branch of the South-eastern Railway :

An aqueduct, conduit, or main pipe or pipes leading out of the said shaft into the said reservoir, and passing thence to and terminating in the present service reservoir of the Corporation near Tanner's Hill in the same parish :

An enlargement of the said present service reservoir at Tanner's Hill aforesaid :

Together with all proper approaches, works, and conveniences connected therewith, and may take, use, get, and appropriate for the purposes of their waterworks undertaking all springs, streams, and waters found in, on, or under any lands held by them for the purposes of their waterworks undertaking.

Limits of
lateral
deviation.

37. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made, and when in any road no such limits are shown the boundaries of such road shall be deemed to be such limits.

Limits of
vertical
deviation.

38. In the construction of the waterworks authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections in the case of the reservoir to any extent not exceeding five feet upwards or seven feet downwards, and in the case of other works to any extent not exceeding three feet upwards or three feet downwards : Provided always, that the Corporation shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown in each case on the deposited sections.

Applying
certain pro-
visions of
Waterworks

39. Provided always, that the sections numbered respectively 30, 31, 32, 33, and 34 of "The Waterworks Clauses Act, 1847," shall extend and apply to all lands beyond the borough not dedicated

to public use, (as well as to streets, bridges, sewers, drains, and tunnels,) and for this purpose shall be read and have effect as if throughout those sections those lands were mentioned or referred to in addition to the streets, bridges, sewers, drains, and tunnels, and the owners of such lands were mentioned or referred to in addition to the persons under whose control or management the street, bridge, sewer, drain, or tunnel may be, and the surveyors of such owners were mentioned or referred to, in addition to the clerk, surveyor, or other officer of those persons; and those sections shall have a separate application to the said lands, and their owners, and the surveyor of those owners.

A.D. 1874.
 Clauses Act,
 1847, to
 private lands
 beyond
 borough.

40. The Corporation shall not do or permit any act whereby the ponds in the American Garden attached to the glebe lands of Saltwood, or the water contained in the said ponds, or any or either of them, shall be diminished, interfered with, or prejudicially affected.

For the pro-
 tection of
 certain
 ponds.

41. If the waterworks shown on the deposited plans and authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed or in relation thereto shall cease to be exercised, except as to any part thereof then completed, but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

Period for
 completion of
 works.

42. The water to be supplied by the Corporation need not be constantly laid on under pressure, nor shall the Corporation be bound to keep any of their pipes at all times charged with water, or at any time to lay on or supply water at a greater pressure than that afforded for the time being by the pipes of the Corporation communicating with the service reservoir from which the supply is taken.

Pressure
 need not be
 constant, &c.

43. The Corporation shall, at the request of the owner or occupier of any private dwelling-house, or part of a private dwelling-house in any street in which any pipe of the Corporation shall be laid, or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at

Rates at
 which water
 is to be sup-
 plied for
 domestic
 purposes.

A.D. 1874. rates not exceeding the yearly rates herein specified, according to the annual rackrent or value of such dwelling-house or part of a dwelling-house; (that is to say,)

At a rate per centum per annum not exceeding six pounds :

For waterclosets and baths as follows ; (that is to say,)

For every additional watercloset beyond one in any dwelling house, any sum not exceeding five shillings a year :

For every bath, any sum not exceeding ten shillings per annum :

Provided always, that the Corporation shall not be obliged to furnish any supply of water for a less sum than twopence per week.

Where several houses supplied by one pipe each to pay.

44. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe : Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not liable to pay arrears of water rate.

45. In case any consumer of the Corporation shall leave the premises where such water has been supplied without paying to the Corporation the rate due from him, the Corporation shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the Corporation or with the former tenant to pay or exonerate him from the payment of such arrears ; but the Corporation shall supply water to such incoming tenant upon the usual terms and conditions upon being required by him so to do.

Supply of water by measure.

46. The Corporation may by agreement supply by measure or otherwise water to any person within the borough for any purpose other than domestic purposes on such terms and conditions as they and he agree.

Supply to houses partly used for trade, &c.

47. The Corporation shall not be bound to supply with water otherwise than by measure any building used as a dwelling-house whereof any part is used as a warehouse or for any trade or manufacturing purpose.

48. The Corporation may by agreement with the owner or occupier of any building or lands not within the borough, and not within the water limits of any local board or other public body authorised and able and willing to supply water, or of any water company incorporated or empowered by Act of Parliament, supply water to him for domestic or other purposes by measure or otherwise on such terms and conditions as the Corporation and he agree; but the Corporation shall not in any case supply water beyond the borough so as to interfere with a proper supply for all purposes within the borough.

A.D. 1874.

Power for Corporation to supply water beyond the borough.

49. The Corporation may from time to time agree with any sanitary authority or public body, or any company empowered to supply water, for the supply by the Corporation to the authority, body, or company, of water in bulk or otherwise for public, sanitary, private, or other purposes; but the Corporation shall not under any such agreement supply water so as to interfere with a proper supply for all purposes to the inhabitants of the borough.

Powers for agreements with sanitary authorities, &c.

50. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; (that is to say,)

Regulations for preventing waste of water.

- (1.) The Corporation may from time to time make such regulations as they think fit for those objects; provided that such regulations shall have no validity unless and until they shall have been approved by the Local Government Board:
- (2.) The Corporation shall not be bound under any agreement or otherwise to supply or continue to supply water to any person unless their regulations are duly observed by him:
- (3.) The Corporation, if any person does not observe their regulations, may, if they think fit, after twenty-four hours notice in writing, and by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, ball-tap, cock, cistern, or other receptacle belonging to or used by any person supplied by them, and the power of entry given by section 15 of "The Waterworks Clauses Act, 1863," and the provisions of that section relative thereto, shall extend and apply to entry for the purposes of such repair, replacement, or alteration, and the expenses thereof shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them in any court of competent jurisdiction.

A.D. 1874.

Power for
Corporation
to supply
water fittings.

51. The Corporation, by agreement with any owner or occupier, may provide new water fittings, or make, or alter, or add to any existing water fittings, and all such fittings shall be and remain the property of the Corporation until payment in respect thereof has been duly made, and shall so long be exempt from distress and from execution under any legal process against the owner or occupier, and shall not be disposed of in any manner without the consent of the Corporation, and the amount payable to the Corporation in respect thereof shall be recoverable as water rent is recoverable; and if the same is not paid the Corporation may enter and remove the fittings and discontinue the supply of water to the owner or occupier.

Provision for
waste or
undue con-
sumption of
water.

52. If any person supplied with water by the Corporation wilfully or negligently suffers any pipe, valve, ball-tap, cock, cistern, or other receptacle for water supplied by the Corporation to be out of repair so that the water supplied to him by the Corporation is wasted or unduly consumed, he shall for every such offence be liable to a penalty not exceeding five pounds; and the Corporation may, after twenty-four hours notice in writing, enter and make such repairs as may be necessary to prevent waste or undue consumption, and the expenses of such repairs shall be recoverable summarily from the offender or from the owner or occupier.

Penalty for
affixing tubes
to Corpora-
tion's pipes
without their
consent.

53. If without the consent of the Corporation the owner or occupier of any building supplied by the Corporation with water otherwise than by meter affix, or permit or suffer to be affixed, to any of the mains or other pipes of the Corporation, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes, for the purpose of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever, he shall for every such offence be liable to a penalty to the Corporation not exceeding five pounds.

For pre-
venting
frauds and
waste of
water.

54. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, the Corporation may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from

every person so offending, the amount of all damage sustained by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf. A.D. 1874.
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55. If and whenever any house, building, or premises which shall have been supplied with water by the Corporation shall be unoccupied, the Corporation, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner, by serving the notice on him or leaving the same at his usual place of abode, (or if the owner or his usual place of abode be not known to the Corporation, by affixing the same for three days on some conspicuous part of such house, building, or premises,) may enter into such house, building, or premises, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any water fittings or other works the property of the Corporation. Corporation
may remove
pipes from
unoccupied
premises on
giving notice
to the owner.

56. Her Majesty's Principal Secretary of State for the War Department, and the lords, bailiff, and jurats of Romney Marsh, or either of them, according to their respective estates and interests in the canal, may transfer to the Corporation, and the Corporation may purchase or take a demise of and hold the canal, or any part or parts thereof, and any land adjoining and belonging thereto, upon such terms and conditions as may be mutually agreed upon in that behalf, and the said Secretary of State and the lords, bailiff, and jurats, or either of them, according to their respective estates and interests therein on the one hand, and the Corporation on the other hand, may enter into and fulfil agreements for that purpose accordingly. Canal may
be trans-
ferred to
Corporation.

57. From and after such transfer, or with the consent of the Secretary of State and lords, bailiff, and jurats, before such transfer shall be effected, the Corporation may divert into their sewers all sewers and drains discharging themselves, and all sewage flowing into the canal, and may cleanse, scour, and embank and throw bridges over the same, and may lay out as public grounds, or otherwise lay out, turf, plant, and ornament and otherwise improve the banks, roads, and approaches thereof, and the land adjoining and belonging thereto, and make new roads and walks thereon, and approaches thereto, and convert the same into ornamental water and grounds, or fill up or cover over the whole or any part thereof, and execute and do all such works and things as may be requisite for the purposes aforesaid, or any or either of them. Corporation
may cleanse
canal and
convert into
ornamental
waters.

A.D. 1874.

Penalty for
fouling
canal.

58. Every person who shall commit any of the following offences ;
(that is to say,)

Every person who after the Corporation shall have diverted from the canal the sewers and drains communicating therewith, shall cause or knowingly suffer any sewers or drains, or sewage from any land or building, or the waters from any sink, steam engine, or boiler, or other filthy water belonging to him, or under his control, to communicate with or flow into the canal :

Every person who after the passing of this Act shall cause or knowingly suffer any sewers, drains, sewage water, or filthy water newly to communicate with or flow into the canal :

Every person who shall bathe in the canal except with the permission of the Corporation :

Every person who shall throw or knowingly cause to be thrown or deposited, or to fall into or upon the canal, any carcase, offal, stones, gravel, rubbish, dirt, filth, refuse, cinders, clinkers, or ashes :

Every person who shall wash or cleanse any cloth, wool, leather, skin of any animal, clothes, or other thing in the canal :

Every person who shall wilfully injure the banks, or any trees, shrubs, plants, bridges, fences, or other property or thing in, upon, or connected with the canal, or any land adjoining and belonging thereto :

shall for every such offence be liable to a penalty not exceeding five pounds: Provided that nothing in this section shall interfere with any rights which the lords, bailiff, and jurats may possess under the said lease or otherwise.

Power to
make bye-
laws.

59. The Corporation may, but only with the consent of the lords, bailiff, and jurats in writing, unless they agree to waive the same, and subject to the provisions with respect to byelaws contained in section one hundred and fifteen (byelaws of local board not to be in force till confirmed by Secretary of State), and section one hundred and sixteen (byelaws to be printed, &c.) of "The Public Health Act, 1848," as amended by "The Local Government Board Act, 1871," from time to time make byelaws for all or any of the following purposes ; (namely,)

With respect to fishing and bathing in the canal :

For fixing the parts of the canal in which, the days and hours on and during which, and the terms and conditions upon which any persons may fish, or any persons of either sex may bathe in the canal :

For securing that the fishing and bathing-places and any erections connected therewith respectively be under due control of the servants of the Corporation, and for determining their duties :

For providing security against accidents to persons fishing or using the bathing-places :

For preventing damage, disturbance, interruption, and indecent and offensive language, behaviour, and nuisances at the bathing-places.

With respect to pleasure boats, private and let for hire, on the canal :

For fixing the parts of the canal to be used by pleasure boats :

For appointing and regulating the places where and the terms and conditions upon which pleasure boats let for hire shall be and be let for hire :

For fixing the days and hours during which pleasure boats may be used or let for hire :

For licensing and limiting the number of pleasure boats let for hire :

For appointing and regulating the number of persons and oars and sails which pleasure boats may carry or use :

For preventing misconduct of persons letting, using, attending, or managing pleasure boats :

For fixing the rates and fares to be paid for pleasure boats let for hire, and securing the due publication of such rates.

With respect to public pleasure grounds :

For protection of the public pleasure grounds for the time being belonging to the Corporation :

For prevention of the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object on any wall, railing, fence, tree, lamp post, walk, pavement, or seat, or elsewhere in the said grounds :

For preservation of order and good conduct among persons frequenting the said grounds :

For the prevention or restraint of acts or things tending to the injury or disfigurement of the said grounds, or anything in or on the same, or to interference with the use of the said grounds by the public for purposes of exercise and recreation :

The expression " public pleasure grounds " includes, for the purpose of this section, the canal and land adjoining and belonging thereto, and all ornamental grounds and waters, public walks, pleasure

A.D. 1874.

grounds, places of public resort or recreation belonging to or under the control of the Corporation, and all approaches thereto respectively.

Power to
Corporation
to test water
of wells.

60. If the Corporation or their inspector of nuisances or the medical officer of health of the borough have reasonable ground to suspect that the water of any well or pump is unfit for use for domestic purposes, demand may be made by such inspector or medical officer on the occupier or any person having custody of the premises in which the said well or pump is situate of admission to take water from the well or pump between the hours of ten in the morning and four in the afternoon for the purpose of analysing such water, and if admission be refused, any justice of the borough may, (on oath before him of suspicion of such unfitness, and after reasonable notice in writing being given to such occupier or person of the intended application to such justice,) by order under his hand require such occupier or person to admit such inspector or officer, and if no person occupying or having the custody of such premises can be found, such justice may and shall, (on oath of such suspicion and of the fact that no person having custody of the premises can be found,) by order under his hand authorise the said inspector or medical officer to enter the premises between the hours aforesaid to take a sample of such water, and such sample shall be analysed by a competent analyst, and if upon analysis the same be found to be so unfit, any justice may, upon the application of the Corporation and on oath of the said analyst that it is so unfit, order the said well or pump to be disused, and the Corporation may thereupon remove the said pump and permanently fill up and cover over the said well and the receptacle for water with which the said pump was connected, and neither the said well nor receptacle shall again be opened or used without the consent of the Corporation.

Power to
take lands.

61. Subject and according to the provisions of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans, and described in the book of reference, and any easement, right, or privilege in or over the same.

Correction of
errors as to
lands.

62. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference be discovered, the following provisions shall have effect; that is to say,

The Corporation may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction:

A.D. 1874.

If it appear to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description :

The certificate shall be deposited with the clerk of the peace for the county of Kent, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference :

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act, in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description :

A copy of, or an extract from, such certificate, purporting to be under the hand of the clerk of the peace aforesaid, (which copy or extract he shall give when required under his hand to any person interested,) shall be conclusive evidence of such correction.

63. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of the following periods ; (that is to say,)

Limitation of time for compulsory purchase of lands.

For the purposes of the waterworks, after the expiration of three years :

For the purposes of the new streets, street improvements, and new sewer and channel, after the expiration of five years.

64. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act), from time to time, for all or any of the purposes of this Act, by agreement, acquire in fee, either by purchase or by way of exchange or otherwise, any land, not exceeding in the whole five acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which shall be deemed necessary by the Corporation, and may appropriate all or any part thereof for all or any of the purposes of this Act.

Power to acquire additional lands by agreement.

65. The consideration for any such acquisition may be either money or land, or any yearly sum or rentcharge or other rent, or a mixed consideration of money and land, and on any exchange the Corporation may give or take any money for equality of exchange.

Consideration for such acquisition.

66. The persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release lands, may agree to make, and may make, such exchanges, and may grant in fee any such

Persons under disability may exchange, &c.

A.D. 1874. — easement, power, or privilege as aforesaid, and the several provisions of the same Act, and of “The Lands Clauses Consolidation Acts Amendment Act, 1860,” so far as the same are respectively applicable in that behalf, shall extend and apply to such grants and to such easements, powers, or privileges, and to any rentcharge created on any sale of lands.

Corporation may use their own lands for purposes of Act.

67. The Corporation 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 corporate estates.

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

68. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may lay out for building purposes all or any part of any lands vested in them at the passing of this Act, or acquired by them under and not required for the purposes of this Act, and may sell or exchange, and absolutely dispose of or otherwise at their option, demise, or grant, upon building or other leases, 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 Corporation 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 Corporation 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 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 such lands), of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid.

Consent of Treasury to sale, &c. of lands.

69. No sale, exchange, or absolute disposition, nor any lease of any lands now vested in or hereafter acquired by the Corporation, shall be made without the consent of the Commissioners of Her Majesty's Treasury, signified in writing under the hands of any two of them, except such leases as the Corporation are or would be authorised to grant by virtue of the Municipal Corporations Acts without such consent.

70. The Corporation may lay out, drain, sewer, pave, gravel, turf, plant, ornament, and otherwise improve any lands now vested in them, or which may be acquired by them under the powers of this Act, and shall not be required for the purposes thereof, and appropriate the same, or any part thereof, for the purposes of public walks and pleasure grounds, or places of public resort or recreation.

A.D. 1874.
Power to provide public pleasure grounds.

71. All principal moneys from time to time received by the Corporation as net proceeds of any sale or other disposition, lease, or grant, or by way of fine on the lease of any lands acquired under the powers of this Act, or with moneys by this Act authorised to be raised, shall from time to time be applied in paying off moneys borrowed for the purposes for which the said lands from which such principal moneys arise were acquired, and the borrowing powers of the Corporation shall be reduced to the extent of the moneys so paid off.

Application of moneys received on sale, &c. of lands.

72. From and after the passing of this Act, all powers possessed by the Corporation to levy dues on coals landed within the stade or upon the seashore, or brought within the borough, shall cease, without prejudice to the recovery of any dues accrued but not paid before the passing thereof.

Coal dues abolished.

73. And whereas previous to the passing of this Act the dues leviable by the Commissioners on all coal and coke brought into the existing borough, and the paving rate leviable by the Commissioners, were appropriated to the payment of expenses incurred, or payable for sanitary purposes within the existing borough, and such dues and rate are by this Act abolished: And whereas with respect to the parts added to the existing borough such expenses would, previous to the passing of this Act, be payable out of a rate liable to the same exemptions to which the general district rate leviable under the Public Health Acts is liable, and it is expedient and just that such expenses should not be defrayed out of the borough rate, but out of the general district rate to be levied by the Corporation after the passing of this Act: Therefore, notwithstanding anything in "The Public Health Act, 1872," contained, all the expenses incurred or payable by the Corporation as the sanitary authority of the borough, under the Sanitary Acts, shall be paid out of the general district rates which after the passing of this Act will be leviable by them under the Public Health Acts.

Expenses under Sanitary Acts to be paid out of general district rates.

74. All expenses incurred by the Corporation in carrying into effect the provisions of this Act (except such of them as are to be paid out of borrowed moneys), shall be paid out of the general district rates, and all moneys received by the Corporation under the

Current expenses of carrying out Act to be paid out of general district rates, and money received there-

A.D. 1874.

under to be
paid to credit
of general
district fund.

Corporation
may collect
borough rate
with and in
same manner
as they collect
general district
rates.

Owner
instead of
occupier
may be rated
in certain
cases.

Power to
borrow on
borough fund
exclusively.

Application
of money
borrowed
on borough
fund ex-
clusively.

Sinking fund
for payment
of money
borrowed on
credit of
borough
fund.

powers of this Act, other than borrowed moneys, and moneys received on the sale and by way of fine on the lease of lands, shall be carried to the credit of the general district fund.

75. The Corporation may, if they think fit, assess, levy, collect, and recover the borough rate in the same manner as and with and under the same provisions (except as to exemptions from and reductions in the assessment), with which they assess, levy, collect, and recover the general district rates.

76. The Corporation may, if they think fit, in respect of any premises assessable to the borough rate, rate the owner from time to time, instead of the occupier, where the rateable value of such premises does not exceed eight pounds; provided that where the owner, instead of the occupier, is so rated, he shall be allowed an abatement or deduction of fifteen pounds per centum from the amount of the rate; and if he shall give notice to the Corporation in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable premises of which he is the owner, whether the same be occupied or not, the Corporation shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen pounds per centum from the amount of the rate during the time he is so rated.

77. The Corporation may from time to time, in addition to any existing mortgage of the Corporation, borrow at interest on the credit of the borough fund any sum or sums not exceeding in the whole the sum of five thousand pounds.

78. All moneys so to be borrowed by the Corporation on security of the borough fund shall be applied to the following purposes and in the following order; (that is to say,)

In paying the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act:

In discharging according to their several priorities the moneys due and owing by the Commissioners on mortgage or bond:

In discharging the simple contract debts due by the Commissioners.

79. The Corporation shall, on the first day of January one thousand eight hundred and seventy-eight, and thenceforth annually on the same day, set apart out of the borough rate, as a sinking fund for the payment of the money borrowed under this Act on the credit of the borough fund, one thirtieth part of the moneys so borrowed, to be accumulated by way of compound

interest by investing in Exchequer bills or Government securities, until thereby or otherwise the whole of such money has been fully paid, and the Corporation shall from time to time apply such sinking fund in repayment of such principal moneys. A.D. 1874.

80. The Corporation, in addition to any sums they may from time to time borrow under the powers of this Act upon the security of the borough fund exclusively or under the powers of the Sanitary Acts, or any or either of them, may from time to time borrow at interest by virtue of this Act on the security of the general district fund and rates, and all property from time to time vested in them as a sanitary authority, any further sum or sums not exceeding in the whole the sum of thirty thousand pounds, and in calculating the amount which the Corporation may borrow under those Acts, or any or either of them, any sums which they may borrow under this Act shall not be reckoned. Powers to Corporation to borrow.

81. The moneys to be borrowed by the Corporation under the powers of this Act on the security of the general district fund and rates and property from time to time vested in them as a sanitary authority, shall be applied only in carrying into execution the powers of this Act not herein-before specifically provided for. Application of borrowed moneys.

82. The sums to be expended by the Corporation on capital account shall not, in connexion with the following purposes, exceed the following sums; (that is to say, Limitation of capital expenditure.

In connexion with waterworks, eight thousand pounds :

In connexion with new streets and street improvements, seven thousand pounds :

In connexion with new sewers, channel, and drainage works, ten thousand pounds.

83. The Corporation shall keep separate accounts in respect of the following matters; namely, Separate accounts.

Waterworks :

Street improvements :

Sewerage.

84. Where any expenditure under this Act is incurred for purposes common to two or more accounts, the Corporation, as they think fit, may apportion the same between such accounts. Apportionment between accounts of expenditure for common purposes.

85. The Corporation shall, on the first day of January one thousand eight hundred and seventy-eight, and thenceforth annually on the same day, set apart out of the general district rates, as a sinking fund for the payment of the money borrowed under this Act on the security of the general district fund and rates, and Sinking fund for payment of money borrowed on credit of general district fund.

A.D. 1874. — property vested in them from time to time as a sanitary authority, one sixtieth part of the principal moneys borrowed on that security, after giving credit for moneys received in respect of the sales of land acquired under the powers of this Act, to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities, and the Corporation shall from time to time apply the sinking fund in repayment of such principal moneys until thereby or otherwise the whole of such principal moneys have been fully paid, and the sinking fund shall in each case be set apart out of the respective fund or account on which the money in respect whereof it is set apart is charged.

Application
of sinking
funds.

86. Whenever any of the principal moneys borrowed on the security of the borough fund or of the general district fund, and rates and property from time to time vested in the Corporation as a sanitary authority, have been paid off by means of the sinking fund set apart for the purpose under the provisions of this Act, the Corporation shall thenceforward, until the whole of the principal moneys whereof the moneys so paid off form part have been paid off, pay into such sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated to such sinking fund, a sum equal to the annual interest of the principal moneys so paid off; provided that whenever and so long as the yearly income arising from such sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, and to be paid off by means of such fund, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods, discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

87. The town clerk 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 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 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 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 Govern-

ment Board by such return or otherwise that the Corporation have failed 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 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 Court of Queen's Bench. A.D. 1874.

88. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money, or of any part thereof. Protection of lenders from inquiry.

89. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of this Act, they may re-borrow the same, and so from time to time. Power to re-borrow.

90. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund, and borough rate, or any of them, by way of mortgage or otherwise subsisting at the passing of this Act, and every 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 his charge, as if this Act had not been passed, and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage or charge granted or created under this Act. Saving for existing charges.

91. When any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and no method is herein provided for the ascertaining, determining, and recovering the same respectively, they shall respectively be ascertained, determined, and recovered as compensation, damages, costs, charges, and expenses are by the Public Health Acts to be ascertained, determined, and recovered. Compensation, &c. not otherwise provided for, to be ascertained and recovered in mode prescribed in Public Health Act.

92. When any damages or charges are by this Act directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges may be settled and determined by the justice before whom the offender is convicted, and may be levied by distress. Damages and charges in cases of dispute to be settled by justice.

A.D. 1874.

Recovery
and applica-
tion of
penalties, &c.

93. All penalties and forfeitures imposed by this Act or any byelaw thereunder shall be recovered and applied in like manner as penalties and forfeitures are by the Public Health Acts recoverable and applicable, and the information or complaint for any offence may be made as in those Acts authorised, or by any inspector of nuisances or other officer appointed by the council.

Offences on
the foreshore.

94. Any person who shall upon any part of the foreshore lying between the eastern and western limits of or adjacent to the borough do any act or thing which if done within the borough would be an offence cognizable by the recorder or coroner, or by a justice or two justices of the borough, shall be liable and may be dealt with as though such act or thing had been done within the borough, and such recorder, coroner, justice, or justices shall have jurisdiction accordingly.

Power to
order prose-
cutions, &c.

95. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

Punishment
of abettors,
&c.

96. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing or procuring such act or thing to be done, or the aiding or abetting the doing thereof, shall be punishable in like manner, if the nature of the case permits, and if an intention to the contrary does not appear in this Act.

Evidence of
previous con-
viction.

97. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court; and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Warrant of
commitment
not to be
void from
defect, &c.

98. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it be therein alleged that the person therein named has been convicted, and there be a good conviction to sustain the same.

Demand of
payment by
Corporation
or their
officers.

99. Every demand by the Corporation of any money to be paid to them may be made by their collector or any other person from time to time authorised in that behalf by the Corporation.

Corporation
not ex-
empted from
indictment.

100. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

101. And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty, or vested in Her Majesty's Principal Secretary of State for the War Department for the public service, should be preserved intact and free from all obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Corporation to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the Corporation.

A.D. 1874.
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 Saving rights of Her Majesty's Principal Secretary of State for the War Department.

102. Nothing contained in this Act shall authorise the Corporation 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 Her Majesty's Woods, Forests, and Land Revenues, 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 such Commissioners are hereby respectively authorised to 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, her heirs or successors.

Saving rights of the Crown.

103. Nothing contained in this Act shall authorise the Corporation 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 most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade 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, her heirs or successors.

Saving rights of the Crown in the foreshore.

104. Nothing in this Act shall take away, alter, or interfere with any rights or claims of Her Majesty in right of Her Crown, or of the Corporation, to the foreshore lying between the eastern and western limits of or adjacent to the existing borough.

Saving rights of the Crown and Corporation to the foreshore.

A.D. 1874.

For the pro-
tection of the
sanitary
authority of
Sandgate.

105. And whereas by reason of the extension of the existing borough certain of the waterworks of the Sandgate sanitary authority will be brought within the borough: Therefore the following provisions shall have effect; (that is to say,)

For the purpose of enabling the sanitary authority of the district of Sandgate to maintain such of their mains and pipes as are now laid along roads which will by the operation of this Act be brought within the borough, the provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes shall apply, and in construing those provisions for the purposes of this section the expression "the undertakers" shall mean the said sanitary authority, and the limits of the special Act shall mean the roads within the borough in which such mains and pipes are now laid:

Such of the waterworks of the said sanitary authority as are by reason of this Act brought within the borough shall be assessed to the general district rates in the proportion of one fourth part only of the full net annual value of such works ascertained by the rate for the relief of the poor made next before the making of such assessment.

Saving
rights of
Corporation.

106. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the jurisdictions, franchises, estates, rights, interests, powers, privileges, or authorities of, or claimed by, the Corporation.

Saving
rights of
lords, bailiff,
and jurats.

107. Nothing in this Act contained shall authorise the Corporation to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, vested in or exercised by the lords, bailiff, and jurats, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the lords, bailiff, and jurats, without their previous consent, signified at a grand or petty lath or ordinary or special meeting of the lords, bailiff, and jurats, which consent the lords, bailiff, and jurats are hereby authorised to give, subject to such special or other conditions as they shall see fit to impose on the Corporation.

Expenses of
Act.

108. All the expenses preliminary and of and incident to the preparing for, obtaining, and passing of this Act, shall be paid by the Corporation out of the borough fund.

SCHEDULES referred to in the foregoing Act.

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 THE FIRST SCHEDULE.

MUNICIPAL LIMITS OF BOROUGH AS EXTENDED.

The existing municipal borough and so much of the parishes of Saltwood, Newington, and Cheriton as lies between the boundary of the existing borough and the following line ; (that is to say,)

A line commencing at the boundary of the existing borough, on the east side of Fort Twiss, at high-water mark ordinary spring tides, and running thence eastward along the line of the said high-water mark to the boundary of the district under the jurisdiction of the Sandgate Local Board of Health ; then following the boundary of the said Sandgate local board to the high road leading from Hythe to Sandgate, thence running along the boundary of that road (but so as to include the same) to the Seabrook stream ; then following the same stream northward to a bridge over which the road leading from Seabrook to Horn Street passes, and under which bridge the said stream flows, and so as to include the said stream and bridge and the bed and banks of the said stream ; running thence from the said bridge along and so as to include the said road leading through Horn Street towards Cheriton Church, as far as the turning leading to Underhill ; then following the road (and so as to include the same) from the above turning, through the Casement Bank to Dibgate Farmyard as far as the junction of the parish boundaries of Newington, Saltwood, and Cheriton ; then following the boundary which separates the parish of Saltwood from the parish of Newington in a westerly direction to the main road from Bargrave to Hythe ; then following the said boundary towards Blackhouse Hill, and down Blackhouse Hill to the point where that boundary leaves the said hill ; then following the centre of the road down that hill as far as the point where the footpath leading from the same hill leaves the said road in a westerly direction ; then following and including that footpath to the stream in the Saltwood Valley ; then following and including the said footpath to the road leading from Tanner's Hill to Saltwood Village ; then crossing the last-mentioned road and proceeding along the side of it (but excluding the road) as far as the fence on the south-east side of the village pond ; then turning to the south-west along the road No. 1 in the deposited plans, and including the same road as far as the public footpath, nearest to Balgowan House, leading in a north-westerly direction, and following and including the same footpath

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to the Blind Lane; thence proceeding along the said Blind Lane, and including to same, to the north-west corner of the Upper Turnpike Field; then following a continuation of the said lane so far as the point where it is joined by the public footpath leading southwards towards the site of the turnpike gate, now removed, and proceeding along and including that footpath as far as the present borough boundary, which line is shown in the borough plan.

The portion of the said parishes so included is coloured pink on the borough plan.

THE SECOND SCHEDULE.

PART I.

Names and Boundaries of the Wards forming extended Borough.

EAST WARD.

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,) all such parts of the parishes of Saltwood, Newington, and Cheriton as lie within the borough, and is coloured pink on the ward plan.

MIDDLE WARD.

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,) such part of the parish of Saint Leonard, Hythe, as lies on the east side of a line commencing in the public road at the top of Church Hill at the junction of the boundary of the parishes of Saint Leonard, Hythe, and Saltwood, and following the said road down Church Hill, across Bartholomew Street, down Great Conduit Street, across High Street, down Mount Street, and across Chapel Street in a direct line to the Royal Military Canal, being all in the parish of Saint Leonard, Hythe, and is coloured green on the ward plan.

WEST WARD.

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,) such part of the parish of Saint Leonard, Hythe, as lies on the west side of the line herein-before referred to, and such part of the parish of West Hythe as lies on the north side of the Royal Military Canal, which said ward is coloured brown on the ward plan.

MARINE WARD.

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,) such parts of the parishes of Saint Leonard, Hythe, West Hythe, and Aldington, as lie on the south side of the Royal Military Canal, which said ward is coloured blue on the ward plan.

PART II.

A.D. 1874.

Regulations respecting Number of Aldermen, Councillors, &c.

1.—The borough shall have four aldermen and twelve councillors.

2.—Each ward shall return three councillors.

All the councillors shall go out of office on the 2nd day of November 1874.

The first election of councillors for the several wards shall be held on the 2nd day of November 1874, before the mayor of the borough, or before some person or persons to be appointed by him.

All the aldermen shall go out of office on the 9th day of November 1874.

The first aldermen of the borough shall be elected by the councillors on the 9th day of November 1874, and the councillors shall immediately after the first election of aldermen assign one of such aldermen to each ward.

All the retiring aldermen and councillors shall, if duly qualified, be eligible for re-election.

The first mayor of the borough shall be elected on the 9th day of November 1874, from and out of the aldermen and councillors of the borough.

Subject to the regulations of this schedule all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.