CHAPTER cclvi.

An Act for forming a deep water harbour at Dover; and for other purposes. A.D. 1882. [18th August 1882.]

WHEREAS the Dover Harbour Board (in this Act called 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 following Acts (that is to say) :— 24 & 25 Vict. c. 47.

An Act of the ninth year of the reign of King George the Fourth (chapter thirty-one local and personal) intituled "An Act for "more effectually maintaining and improving the harbour of "Dover in the county of Kent":

The Dover Harbour Act 1871: and 34 & 35 Vict. c. clxvi.

The Dover Harbour Act 1873: 36 & 37 Vict. c. ccxxxv.

(which Act of the reign of King George the Fourth is in this Act referred to as the Dover Harbour Act 1828 and which four Acts are in this Act referred to collectively as the former Harbour Acts):

And whereas it would be of great local and public advantage if a deep water harbour by means of additional piers and works were made at Dover and the Harbour Board are desirous to undertake the making thereof on being authorised to do so and it is expedient that provision be made accordingly:

And whereas it is expedient that the Harbour Board be authorised to enter into agreements relative to the use of the harbour and of their piers and works with the South-eastern Railway Company the London Chatham and Dover Railway Company and other companies:

And whereas it is expedient that provision be made for preventing the works hereby contemplated from interfering with injuring or prejudicing the present or any future Government works at Dover or the public service carried on thereat:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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And whereas plans and sections describing the lines situations and levels of the works intended to be authorised by this Act with a book of reference thereto 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 titles of Acts.

1. The Act in this Act referred to as the Dover Harbour Act 1828 may be cited for all purposes by that short title and this Act may be cited as the Dover Harbour Act 1882.

Repeal of s.2 of Act of 1871 and incorporation of general enactments.

2. Section two of the Dover Harbour Act 1871 is hereby repealed and the following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with that Act and this Act) are hereby incorporated with and shall be part of that Act and of this Act (that is to say):

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (in this Act referred to as the Lands Clauses Acts) (except the provisions thereof with respect to the purchase of land otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

10 & 11 Vict. c. 27.

Sections seven eleven to seventeen twenty to twenty-four twenty-nine and thirty-seven to forty-eight all inclusive fifty fifty-two fifty-three fifty-four eighty-two eighty-three eighty-four ninety-nine and one hundred of the Harbours Docks and Piers Clauses Act 1847: Provided that sections sixteen and seventeen shall not be in force unless and until the Board of Trade in writing under the hand of one of their Secretaries or Assistant Secretaries so require and that no byelaws made by the Dover Harbour Board shall be in force until they have been confirmed by the Board of Trade;

10 & 11 Vict. c. 16.

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners except section eighty-four.

Interpretation.

3. In this Act the expression "high-water mark" means high-water mark at ordinary spring tides the expression "Admiralty" means the Lord High Admiral of the United Kingdom or the commissioners for executing the office of Lord High Admiral the expression "the South-eastern Company" means the South-eastern Railway Company and the expression "the Chatham Company" means the London Chatham and Dover Railway Company and in

this Act and (for the purposes of this Act) in enactments incorporated with this Act the term "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.

Power to purchase lands referenced by agreement.

4. Subject to the provisions of this Act the Harbour Board may by agreement purchase use and hold the lands delineated on the deposited plans and described in the deposited book of reference.

Power to purchase additional lands by agreement.

5. The Harbour Board may from time to time for any purpose of this Act purchase by agreement any lands in addition to lands delineated on the deposited plans and described in the deposited book of reference and may hold the same not exceeding in the whole at one time twenty acres.

Power to agree for easements &c.

6. The Harbour Board may take by agreement and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them any term estate easement interest right or privilege in over affecting or belonging to lands at a yearly rent or otherwise but in the case of a person not enabled otherwise than by the Lands Clauses Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in those Acts for which purpose any term estate easement interest right or privilege as aforesaid shall be deemed lands within those Acts.

Power to retain sell &c. lands.

7. Notwithstanding anything in the Lands Clauses Acts the Harbour Board may retain hold and use for such time as they think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands vested in them at the passing of this Act or acquired by them under this Act and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Power for Harbour Board to make new works.

8. Subject and according to the provisions of this Act the Harbour Board may make and maintain in the parishes of Saint Mary-the-Virgin Dover and Guston both in the county of Kent and on the foreshore and bed of the sea there and in the lines and according to the levels shown on the deposited plans and sections a deep water harbour by means of the works shown on the deposited plans which comprise the following (that is to say) :—

(A) A pier in continuation of the existing pier known as the Admiralty Pier extending eastwards for five hundred and

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fifty feet or thereabouts and terminating in the bed of the sea;

(B) A pier or breakwater commencing on the sea shore east of the landward end of the Castle Jetty at Dover and extending southwards for one thousand nine hundred feet or thereabouts and terminating in the bed of the sea;

(C) A breakwater commencing in the bed of the sea eight hundred feet or thereabouts south of the termination of the pier or breakwater (B) and extending thence southwards one thousand two hundred feet or thereabouts and then continuing south-westwards for two thousand one hundred feet or thereabouts and terminating in the bed of the sea six hundred feet or thereabouts from the termination of the pier (A).

Works not to be commenced without sanction of Board of Trade.

9. No portion of the works mentioned in the preceding section shall be commenced without the previous consent of Her Majesty's Government to be signified under the hand of a Secretary to the Board of Trade.

Power to deviate from levels &c. subject to approval of Board of Trade.

10. In making the piers and works to be constructed under the powers of this Act the Harbour Board may subject as herein-after provided deviate from the levels shown on the deposited sections to any extent not exceeding ten feet and from the lines shown on the deposited plans to any extent within the limits of deviation marked thereon: Provided that no deviation of any works authorised by this Act shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Power to make subsidiary works.

11. Subject and according to the provisions of this Act and within the limits of deviation marked on the deposited plans the Harbour Board may from time to time in connexion with or for the purposes of the piers and works to be constructed under the powers of this Act make execute maintain enlarge alter and remove temporarily or permanently such jetties groins quays wharfs viaducts sheds graving docks warehouses cranes lifts pontoons roads approaches and conveniences as they think fit.

Power to dredge &c.

12. Subject to the provisions of this Act the Harbour Board may from time to time in connexion with or for the purposes of the piers and works to be constructed under the powers of this Act and within the limits of deviation marked on the deposited plans dredge scour and deepen the foreshore and bed of the sea within the said limits of deviation and remove carry away and dispose of any chalk gravel or other substance collected by means of that dredging or scouring.

Lights on works.

13. The Harbour Board shall on the several piers and works by this Act authorised during the whole time of the constructing and altering or extending thereof exhibit and keep burning at their own expense such lights if any as the Board of Trade from time to time require or approve.

Permanent lights.

14. The Harbour Board shall at all times after the completion of each of the piers by this Act authorised at the outer extremity or other exterior part thereof exhibit and keep burning from sunset to sunrise such lights or light as the Elder Brethren of the Trinity House of Deptford Strond from time to time direct.

Period for completion of works.

15. If the piers and works to be constructed under the powers of this Act 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 for the making thereof or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Survey of works by Board of Trade.

16. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Harbour Board on in 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 from the Harbour Board.

Abatement of works abandoned or decayed.

17. If any pier or work constructed by the Harbour Board under 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.

Works to be part of harbour.

18. The piers and works by this Act authorised as well during the making as after the completion thereof and all materials and things provided or had by the Harbour Board for the purposes thereof are hereby vested in the Harbour Board and the Harbour Board and their officers and servants shall have all such powers authorities and rights in respect thereof as if the same had been made provided and had by them by virtue or for the purposes of the former Harbour Acts and those piers and works and the whole area of land and water comprised within the external boundary thereof shall for the purposes of charging demanding and receiving dues and for all other purposes be part of Dover Harbour within the meaning of the former Harbour Acts and this Act.

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Authority of harbour-master.

19. Section 21 of the Dover Harbour Act 1871 is hereby repealed and the powers and authorities given to the harbour master by the Dover Harbour Act 1828 shall and may be exercised within the harbour and within the distance of two hundred yards in every direction seawards beyond the outer limits of the harbour.

Application of corporate funds and other money.

20. 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.

Power to borrow.

21. The Harbour Board may from time to time borrow at interest on the security of such part of their property as is not comprised in or used in connexion with their harbour undertaking and also on the security of the net revenues of the harbour undertaking any sum or sums not exceeding in the whole eight hundred thousand pounds they may from time to time require for the purposes of their former Acts or of this Act and may mortgage charge or assign such property and revenues as aforesaid or any part thereof to secure repayment of the money borrowed with interest accordingly.

Priority of charges for borrowed money over other debts.

22. All money borrowed by the Harbour Board under this Act shall have priority against the Harbour Board and their revenue and property from time to time over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act but this priority shall not affect any claim against them or their property in respect of any rentcharge for the time being granted by them or in respect of any rent or sum reserved by or payable under any lease granted or made to them.

Application of income and money borrowed.

23. All money received by the Harbour Board from dues under the Dover Harbour Act 1871 and this Act and all money borrowed by them under this Act shall be applied and disposed of in carrying into execution the purposes of their former Acts and this Act and for that purpose their former Acts and this Act shall be read and have effect together as one Act and the term "this Act" used in any of their former Acts shall include the present Act: Provided that money borrowed shall be applied only to purposes to which capital is properly applicable.

Saving for existing mortgages.

24. Neither the repeal of enactments nor any other thing in this Act shall affect any mortgage grant liability right title or obligation made accrued or acquired before the passing of this Act and every such mortgage as aforesaid shall continue charged on the same dues and revenue and shall continue to have the same priority and every such grant liability right title and obligation as aforesaid shall remain and be enforceable as if this Act had not been passed.

Sinking fund for payment of money borrowed on mortgage.

25. The Harbour Board shall within twelve months after borrowing any moneys and thenceforth annually on the same day set apart as a sinking fund for the payment thereof such a sum as will with accumulations at compound interest be sufficient to pay within a period (not exceeding sixty years from the time of borrowing) the principal moneys so borrowed and such sums shall be accumulated in the way of compound interest by investing in Exchequer bills or Government securities or in any other securities in which trustees are by law for the time being authorised to invest trust moneys.

Application of sinking fund.

26. The Harbour Board may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Power to re-borrow.

27. If the Harbour Board pay off any part of any money borrowed by them on mortgage under this Act otherwise than by means of the sinking fund they may re-borrow the same and so from time to time: Provided always that all moneys so re-borrowed shall be repaid within the period prescribed in the case of the original loan.

For appointment of a receiver.

28. The mortgagees of the Harbour Board may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Annual return to Board of Trade with respect to sinking fund.

29. The registrar of the Harbour Board 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 Board of Trade 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 or any interest thereon has 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 the registrar shall be liable to a penalty of not exceeding twenty pounds. If it appear to

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the Board of Trade by such return or otherwise that the Harbour Board 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 or any interest thereof to any purposes other than those authorised by this Act the Board of Trade 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 Board of Trade out of the High Court of Justice in England.

Provision as to loan by Public Works Loan Commissioners.

30. Nothing in this Act shall operate to empower the Harbour Board to borrow any loan from the Public Works Loan Commissioners: Provided that if the Public Works Loan Commissioners advance any loan to the Harbour Board under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same :—

(1) That loan and the security therefor shall not have priority over any loan previously borrowed by the Harbour Board under this Act nor the security therefor except so far as the creditors consent to such priority under the Public Works Loan Act 1875 or otherwise but shall have priority over any loan subsequently borrowed by the Harbour Board in pursuance of this Act and the security therefor;

38 & 39 Vict. c. 89.

(2) The amount which the Harbour Board are authorised by this Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Tonnage dues payable forthwith.

31. Tonnage dues under this Act shall become and be due and payable in respect of a vessel immediately on the vessel entering the harbour.

Passenger dues.

32. The Harbour Board may demand and take a sum not exceeding one shilling in respect of every person carried or about to be carried as a passenger in any steam or other vessel between Dover and any port or place on the Continent and embarking or landing in the harbour as it will from time to time exist during the construction and after the completion of the piers and works hereby authorised or at any of such piers or works.

Recovery of dues.

33. The Harbour Board may recover in a court of competent jurisdiction any dues payable to them under this Act and any arrears of tolls rates or dues payable to them under any of the former Harbour Acts and the demand required by section twenty-six of the Dover Harbour Act 1828 or by section forty-four of the Harbours Docks and Piers Clauses Act 1847 shall not be requisite

except in cases where proceedings for recovery are taken under those sections respectively.

Byelaws may be printed.

34. Notwithstanding anything contained in any of the former Dover Harbour Acts or this Act it shall not be necessary that any rules byelaws or orders already made or hereafter to be made by the Harbour Board under the powers of their former Acts or this Act should be painted on boards but all those rules byelaws and orders shall be printed in legible characters and be affixed in some conspicuous place near or adjoining the harbour.

Power for agreements between Harbour Board and railway companies &c.

35. The Harbour Board may from time to time enter into and carry into effect agreements with the South-eastern Company and the Chatham Company or any other railway company (in this section referred to as the contracting party) with respect to the matters following or any of them (that is to say):—

With respect to the use by the contracting party of the piers and works authorised by this Act or any of them or any part thereof;

With respect to the use by the contracting party of Dover Harbour as it exists at the passing of this Act and as it will from time to time exist before and after the completion of the piers and works by this Act authorised;

With respect to the dues to be demanded and taken from the contracting party in Dover Harbour as it exists and will exist as aforesaid and in or on the piers and works by this Act authorised as and when in part or wholly completed and in the water area within the same or any part thereof and with respect to the compounding for or commutation of dues by payment of fixed annual or other sums of money or otherwise;

With respect to the erection of works for the accommodation of the contracting party and the payment in whole or in part by the contracting party of the cost thereof either by a sum in gross or by rent or annual payment or by special dues or otherwise;

With respect to contribution by the contracting party towards or guarantee of part of the cost of the piers and works by this Act authorised;

Provided that no agreement for the exclusion or preferential use by the contracting party of Dover Harbour or any part thereof shall be valid unless sanctioned by the Board of Trade.

Power to South-eastern Company and Chatham Company to subscribe or guarantee interest on

36. The South-eastern Company and the Chatham Company may with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at a general meeting specially convened for the purpose from time to time subscribe and lend to the Harbour Board for the purposes of the works authorised by this Act any sum or sums which they think fit not exceeding

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moneys lent to the Harbour Board.

in the whole by each company one hundred and fifty thousand pounds and may for that purpose apply any moneys which they are already authorised to raise and which may not be required by them for the purposes of their respective undertakings or the said company respectively may guarantee to the Harbour Board or any person or persons or company or companies lending money to the Harbour Board under the powers or for the purposes of this Act not exceeding in the whole by each company one hundred and fifty thousand pounds interest dividends annual or other payments on or in respect of the money to be raised under the powers of this Act.

Power to South-eastern Company to raise additional capital.

37. For the purposes of the subscription to the Harbour Board for the purposes of the works authorised by this Act the South-eastern Company may from time to time raise additional moneys not exceeding in the whole one hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of these modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

8 & 9 Vict. c. 16.

The distribution of the capital of the company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for nonpayment of calls;
The remedies of creditors of the company against the shareholders;
The consolidation of the shares into stock;
The general meetings of the company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) of the Companies Clauses Act 1863 shall extend and apply to the South-eastern Company and to the additional moneys which they are by this Act authorised to raise.

26 & 27 Vict. c. 118.

New shares or stock to be subject to same incidents as existing shares or stock.

38. The capital in new shares or stock created by the South-eastern Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now

existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Power to borrow on mortgage.

39. The South-eastern Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole fifty thousand pounds but no part thereof shall be borrowed until the shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the South-eastern Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the South-eastern Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

40. All mortgages or bonds granted by the South-eastern Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the South-eastern Company.

Debenture stock.

41. The South-eastern Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Consolidation Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the South-eastern Company shall rank pari passu with the interest of all mortgages at any

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time after the passing of this Act granted by the South-eastern Company and shall have priority over all principal moneys secured by such mortgages.

For appointment of a receiver.

42. Every provision in any Act passed before the present session of Parliament whereby the South-eastern Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the South-eastern Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the South-eastern Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power for Chatham Company to raise additional capital.

43. For the purposes of the subscription to the Harbour Board for the purposes of the works authorised by this Act the Chatham Company may from time to time raise additional moneys not exceeding in the whole one hundred thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and mutatis mutandis sections

33 34 and 35 of the second award of the arbitrators under the London Chatham and Dover Railway (Arbitration) Act 1869 shall extend and apply to the Chatham Company and to the additional moneys which they are by this Act authorised to raise.

32 & 33 Vict. c. cxvi.

Shares not to be issued till one-fifth par thereof shall have been paid.

44. The Chatham Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to the same incidents as other shares or stock.

45. The capital in new shares or stock created by the Chatham Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Chatham Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Chatham Company.

Dividends on new shares or stock.

46. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Chatham Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

New shares issued under this Act and any other Acts of part or present sessions may be of same class.

47. Subject to the provisions of any Act already passed by which the Chatham Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session whether before or after the passing of this Act by which the Chatham Company may be authorised to raise capital by new shares or stock the Chatham Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to borrow.

48. The Chatham Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole fifty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Chatham

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Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Chatham Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Chatham Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

49. Every provision in any Act passed before the present session of Parliament whereby the Chatham Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Chatham Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Chatham Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

50. All mortgages and bonds granted by the Chatham Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall

affect any priority of the interest of any debenture stock at any time created and issued by the Chatham Company.

Debenture stock.

51. Subject to the provisions of Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Chatham Company may create and issue debenture stock in respect of the sums authorised by this Act to be raised by mortgage.

Application of moneys by South-eastern and Chatham Companies.

52. All moneys raised under this Act by the South-eastern Company or the Chatham Company shall be applied for the subscription to the Harbour Board for the purposes of the works authorised by this Act and to no other purposes whatsoever.

Saving agreement of 1st May 1871.

53. Nothing in this Act shall in any manner affect or interfere with the agreement dated the first May one thousand eight hundred and seventy-one and made between the Dover 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 the existing harbour 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.

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

54. Notwithstanding anything in this Act officers naval and military and officers of Customs and of the Board of Trade 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 and vessels or goods under seizure by the officers of revenue for offences against the revenue shall not be liable to any due.

Admiralty in case of war to have charge of harbour.

55. In the anticipation or in the event of war with any State it shall be lawful for Her Majesty by proclamation under Her 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 the said 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 the said

A.D. 1882.

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.

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

56. And whereas it is necessary that the Dover Pier Battery 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 intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Harbour Board to enter upon use or interfere with the said battery or 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 said Harbour Board.

Saving rights of the Crown in the foreshore.

57. Nothing contained in this Act 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 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 other rights of the Crown.

58. Nothing in this Act 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 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 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 Her heirs or successors. A.D. 1882.

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

59. Nothing contained in this Act 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 twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Expenses of Act.

60. 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.

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