



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 94.

An Act for repealing an Act passed in the Thirty-second Year of His present Majesty's Reign, for improving the Navigation of the River *Medway*, from the Town of *Maidstone*, through the several Parishes of *Maidstone*, *Boxley*, *Allington*, and *Aylesford*, in the County of *Kent*; and for the better and more effectually improving the Navigation of the said River. [22d June 1802.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for improving the Navigation of the River Medway from the Town of Maidstone, through the several Parishes of Maidstone, Boxley, Allington, and Aylesford, in the County of Kent*, certain Persons therein described were appointed Trustees for improving the Navigation of the River *Medway* between the Locks in the Town of *Maidstone* and the lower Part of the Orchard then in the Occupation of *George Hunt* the younger, on the West Side of the said River below *Aylesford Bridge*, and for carrying the said Act into execution: And whereas the said Trustees

[Loc. & Per.] 17 Z were,

32 G.3.c.105.

were, for the more expeditious Performance of the several Works requisite for that Purpose, authorized to borrow such Sum or Sums of Money as they should think proper, not exceeding in the whole the Sum of Eight thousand Pounds, on Mortgage of the Tolls, Rates, or Duties by the said Act granted: And whereas the said Trustees have proceeded in the Execution of the said Act, and have made considerable Progress therein, and executed many of the Works thereby directed, and for that Purpose have borrowed and expended the whole of the said Sum of Eight thousand Pounds, and also incurred several considerable Debts which they are unable to discharge: And whereas the said Trustees cannot effectually improve the Navigation of the said Part of the River *Medway* under the Powers and Provisions of the said Act, whereby the Persons interested in the said Navigation of the said Part of the River *Medway* will be deprived of the Benefits and Advantages that would arise from the complete Execution of the said Act, and the Persons who have lent Money under the said Act will be much injured: And whereas the Purposes of the said Act would be better effected if, instead of the same being executed by Trustees as aforesaid, the Powers, Provisions, and Authorities requisite for that Purpose were vested in and executed by a Company of Proprietors: And whereas the several Persons possessed of Mortgages granted under the said recited Act on the Credit of the said Tolls, Rates, or Duties are willing and desirous to become Members of such Company, and that the several Sums due to them on such Mortgages should be made Part of the Capital Stock of the said Company: And whereas several other Persons are willing and desirous to subscribe towards raising a Sum sufficient for carrying into effect the good Purposes of the said Act, by a Company of Proprietors: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed (save and except as to all Indemnities and Exemptions from Actions and Prosecutions for any Act, Matter, or Thing done under and by virtue or in pursuance of the said recited Act).

Commencement of this Act, and Repeal of former Navigation Act.

New Company of Proprietors.

II. And be it further enacted, That the Right Honourable, *Charles Earl of Romney, Flint Stacey, Daniel Alexander, Edward Russell, John Allen, Richard Day, Joseph Ruse, Edward Homewood, Timewell Bentham, Joseph Hills, Samuel Chambers, William Randall, James Smyth, Thomas Atkins, William Coleman, Francis Smith, George Bishop, Argles Bishop, Walter Harris, John Springet, John Roffe, John Evans Clerk, Henry Cutbush, William Cutbush, Richard Peale, Thomas Funnell, George Burr, Elizabeth Sturt, Stephen French, Phebe Prentis, Sarah Prentis, Joseph Sawyer, John Strain Stevenson, Thomas Kingsley, William Elgar, James Burgess, William Burgess, Philip Corral, Sir William Bishop, Thomas Wildes, Joseph Martin, Benjamin Martin the younger, John Tyrrell, William Granden Sedgwick, Joseph Popjoy, Richard Strout, Samuel Pettit, Stephen Prentis, William Charles, Robert Harris, William George Daniel, Anne Punnett, Stephen Lamprey, John Kennett, John Reader, William Overy, John Wisé, Edward Argles the elder, John Hayes, Thomas Day, Charles Beaumont, James Alexander, William Sage, Thomas Pine, Richard Haffenden, Thomas Cutbush,*

bush, Thomas Hyde, Thomas Charles Burr, and their respective Executors, Administrators, and Assigns, are and shall be united into a Company for the better managing, carrying on, and maintaining the said Navigation according to this Act, and the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be One Body Politic and Corporate by the Name of "The Company of Proprietors of the Lower Navigation of the River *Medway*," and by that Name shall have perpetual Succession and a Common Seal, and shall and may sue and be sued; and that the said Navigation, and the Tonnage Rates and Duties arising and to arise from the same, and the Messuages, Buildings, Lands, Tenements, and Hereditaments, and also all and every the Boats, Barges, Vessels, and other Effects, Matters, and Things belonging to the said Navigation, or held, used, and enjoyed therewith, or accepted, reputed, had, taken, or known as Part, Parcel, or Member thereof, or belonging to the same or any Part thereof, shall be vested in the said Company of Proprietors for the Benefit of the said several Proprietors according to their several and respective Shares and Interests therein; and that all such Shares shall be Personal Estate, and shall be transmissible as such to the Executors, Administrators, and Assigns of such Proprietors respectively, and shall not be of the Nature of Real Property; and the said Company of Proprietors shall and may have, hold, and enjoy the Messuages, Buildings, Lands, and Hereditaments as aforesaid, and also shall and may have Power and Authority to purchase Lands, Tenements, or Hereditaments for the Use of the said Navigation, without incurring any Penalties or Forfeitures of the Statutes of Mortmain or any of them; and any Person or Persons, or Body Politic or Corporate, may give, grant, bargain, sell, or convey to the said Company of Proprietors any Lands, Tenements, and Hereditaments, not exceeding Ten Acres in the whole, for the Use and Benefit of the said Navigation, without Licence of Alienation in Mortmain.

And be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, and they are hereby empowered from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, Assistants, or Labourers, from Time to Time to cleanse, scour, enlarge, widen, deepen, improve, and render more straight the Channel of the said River as aforesaid, and to dig and cut the Banks of the said River, and to remove, take up, and deepen the Shoals and Shallows in such Channel, and also to cut and make use of the Soil of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, in performing all or any of the Purposes aforesaid, and also to dig up, cut, remove, and take away all Trees, Roots of Trees, Beds of Earth, Gravel, or Sand, and all other Obstructions and Impediments whatsoever which may obstruct, hinder, or prevent Rafts, Boats, Barges, Lighters, or other Vessels from being navigated or towed upon the said River with Men, Horses, or otherwise, so as to make and maintain an effectual Navigation at common Neap Tides on the said River within the Limits aforesaid for Boats, Barges, Lighters, or Vessels drawing Five Feet and an Half Water, and to throw out and lay upon the Lands adjoining the said River the Soil and Materials arising from the Removal of such Shoals and Shallows, and the carrying into effect the Works before mentioned, and to remove and take away the same, and to bring on any other Materials which may be necessary for effecting the

Purposes

New Com-
pany em-
powered to
improve and
maintain the
Navigation
and Towing
Parks.

Purposes of this Act; and also to make, build, erect, set up, support, and maintain, in, over, or upon the said River as aforesaid, and upon the Lands adjoining and near to the same, such and so many Bridges, Walls, Banks, Locks, Weirs, Toll Houses, Sluices, Flood Gates, Dams, Tunnels, Posts, Gates, Stiles, Drop Stiles, and other Works and Conveniences necessary for the Purposes aforesaid, at such Places between *Shepherd's Wharf* and *Aylesford Bridge* within the Limits aforesaid, and in such Manner as the said Company of Proprietors or their Successors shall think necessary or convenient, and from Time to Time to alter, repair, lengthen, heighten, increase, enlarge, remove, and amend the same within the Limits aforesaid, and to carry and convey in, over, and upon any Lands or Grounds (not being a Park, Paddock, Garden, Orchard, Yard, or planted Walk or Avenue to any House or inclosed Ground planted and set apart as a Nursery for Trees,) all Sorts of Materials for making, perfecting, improving, and finishing the Works aforesaid, and for altering, repairing, and maintaining the same, and to lay, place, and work up the said Materials upon the Lands or Grounds near to the said Works, and also to dig, take, and carry away any Clay, Gravel, Chalk, Earth, Stone, or other Materials for the Purposes of making or repairing the Works, not exceeding the Distance of Two thousand Yards from some Part of the said River by this Act directed to be done, in or from the Grounds of any Person or Persons adjoining or lying near to the said Works, (not being the Site of any Messuage or other Building, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or an inclosed Ground planted and set apart as a Nursery for Trees); and also to make, set out, appoint, maintain, and keep Towing Paths, Banks, and Ways convenient for the towing, haling, or drawing, with Horses or otherwise, of Rafts, Boats, Barges, Lighters, and other Vessels passing upon the said River within the Limits aforesaid, (such Towing Paths, Banks, and Ways not exceeding Ten Yards in Breadth in any One Place,) and to do and perform all such Acts, Matters, and Things as the said Company of Proprietors or their Successors shall judge necessary or convenient for carrying on, completing, and maintaining the Works and executing the Purposes aforesaid, according to the Tenor and true Meaning of this Act, subject nevertheless to such Provisoos, Limitations, and Restrictions as are herein-after mentioned touching and respecting the same, they the said Company of Proprietors, their Successors, Officers, Agents, Servants, Workmen, and Labourers, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company of Proprietors making Satisfaction in the Manner herein-after mentioned to the Owners and Occupiers of and Persons interested in such Lands, Tenements, or Hereditaments, or other Property whatsoever respectively, as shall be taken, used, or prejudiced, and for all Materials taken or Damages to be by them sustained in or about the Execution of all or any of the Powers of this Act, according to the Tenor and true Meaning of the same.

Proprietors,
with Consent
of the Jus-
tices, may
alter or re-
build Ayles-
ford Bridge,
&c.

IV. And in order to the making such navigable Communication as aforesaid, be it further enacted, That the said Company of Proprietors of the Lower Navigation, or their Successors, may and they are hereby authorized and empowered, if they think it expedient (with the Consent in Writing of the Justices of the Peace for the said County in Quarter

Session assembled, but not otherwise), to pull down and rebuild the said Bridge, or to alter and enlarge any of the Arches thereof, so as to make the same of sufficient Dimensions for the Passage of all Boats, Barges, and other Vessels navigating upon the said River: Provided always, that if the said Bridge shall be taken down, or if in altering the said Bridge the Passage over the same shall be obstructed; then the said Company of Proprietors of the Lower Navigation, or their Successors, shall and are hereby required to provide and keep a proper and sufficient Ferry Boat or Boats for conveying Passengers, Cattle, and Carriages over the said River until the Passage over the said Bridge shall be made safe and commodious; and all Persons shall have the free Use of such Ferry Boat or Boats for themselves, their Carriages and Cattle, without paying any thing for the same.

V. And be it further enacted, That in case the Justices of the Peace for the said County shall consent as aforesaid to the said Bridge being taken down and rebuilt, or to the said Bridge being altered as aforesaid, then, but not otherwise, it shall be lawful for the said Company of Proprietors or their Successors to complete and maintain a Navigable Cut, with a Towing Path by the Side thereof, and all other proper and necessary Works thereto, of any Breadth not exceeding Forty Yards in the whole, from or near a certain Shoal in the said River called *Preston Shelf*, below the said Town of *Maidstone*, through the Lands of *Sarah Milner* Widow, *Francis Robert Smith*, and *Mary Startup* Widow, situate on the East Side of the said River, to any Part of the said River above and near to *Aylesford Bridge*, or to purchase and make use of so much of a certain Paddock in the Occupation of the said *Sarah Milner*, and of a Garden in the Occupation of *William Balcombe*, and of an Orchard and Paddock in the Occupation of *George Hunt*, and of Part of the Scite of a certain Dwelling House in the Occupation of *George Hunt* junior, as the said Company of Proprietors shall think necessary for improving the Navigation of the said River, and to take down the said Dwelling House, or any Part or Parts thereof, making Satisfaction for the Premises so taken down or the Damage done in the Execution of the said Works in manner herein-after mentioned.

For making
a Collateral
Cut.

VI. Provided always, and be it further enacted, That if the Owner or Owners of any Part of the Land or Ground which shall be separated by making the said Cut or Canal, and left between the same and the present Channel of the said River, shall be willing and desirous that the said Company of Proprietors of the Lower Navigation should purchase such Land or Ground so separated, and shall give Notice thereof by Writing under his or her Hand to the Clerk or Treasurer to the said Company of Proprietors; then and in that Case the said Company of Proprietors shall and they are hereby required to treat and contract with such Owner or Owners for the absolute Purchase thereof; and in case of any Difference between the Parties concerning the Value of the Premises or the Purchase Money to be paid for the same, such Difference shall be settled in manner provided by this Act; and it shall be lawful for the said Company of Proprietors to sell, let, or otherwise dispose of such Land and Ground so by them purchased in such Manner as to them shall seem meet, and to apply the Money arising therefrom towards the Purposes of this Act.

Proprietors
to purchase
the Land
between the
Collateral
Cut and the
River, if
the Owners
choose to sell
the same.

Materials not to be got from Lands on the East Side of the River below Aylesford Bridge.

Exemption from Tolls and Duties on certain Goods landed below German Forestall Mill Stream.

Tonnage Rates on Goods, &c.

Certain Regulations relative to the Water, &c.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize the said Company of Proprietors, or any Person acting under their Authority, to make any Towing Path, or to dig, take, or carry away any Clay, Gravel, or other Materials, for the Purposes of this Act, within or from any Lands or Grounds on the East Side of the said River below *Aylesford* Bridge aforesaid.

VIII. Provided always, and be it further enacted, That no Tolls, Rates, or Duties shall be demanded or taken for any Goods, Wares, Merchandize, Commodities, or Things whatsoever coming to any of the Inhabitants of or Occupiers of Land within the said Parish of *Aylesford*, and which shall be landed at or below the Stream which runs from the Paper Mill, near the Place called the *German Forestall*, now or late in the Occupation of *Russell* Widow, in the said Parish of *Boxley*, provided the same be for the Use of such Inhabitants or Occupiers only, or for carrying on their Trades or Occupations within the said Parish of *Aylesford*; and the said Inhabitants and Occupiers, and all and every of them, shall have full and free Liberty and Permission to bring or cause to be brought to the said Place called the *German Forestall* any Raft, Boat, Barge, Lighter, or other Vessel, and therein to load and navigate or convey down the said River any Produce of their Lands, or any Goods, Wares, Merchandize, Commodities, Articles, or Things whatsoever, grown, manufactured, brought to, or made within the said Parish, without being liable or compellable to pay any Tolls, Rates, or Duties in respect thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

IX. Provided also, and be it further enacted, That for all Goods, Wares, Merchandize, Commodities, or Things which shall be navigated, carried, or conveyed above the said Place called the *German Forestall*, and not higher than *Castle Shelf*, or which shall be landed at *Castle Shelf* or be shipped thereat, and carried or conveyed either up or down the said River, no more than One Half of the respective Tolls, Rates, or Duties granted by this Act shall be paid or payable; and that the Paper Mill belonging to *Flint Stacey* Esquire, now or late in the Occupation of *Thomas*, and adjoining to *Castle Shelf*, shall, for the Purposes of this Act, be deemed and taken to be as Part of *Castle Shelf* aforesaid, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

X. Provided always, and be it enacted, That if the said Company of Proprietors of the Lower Navigation, their Agents or Workmen, shall at any Time or Times pen or dam up the Water in the said River *Medway*, whereby the said River or the Waters thereof shall be so raised as to flow and continue of any Depth exceeding Five Feet in a certain Lock belonging to the Company of Proprietors of the Navigation of the River *Medway*, situate near the Bridge of the Town of *Maidstone* aforesaid, then and in every such Case it shall and may be lawful to and for the Owner or Owners, Occupier or Occupiers of a certain Mill called *Tovil Oil Mill*, now in the Occupation of *John* and *Robert Stone*, and also to and for the Owner or Owners, Occupier or Occupiers of a certain Mill called *Church Mill*, now in the Occupation of *Richard Mercer*, or any Person or Persons acting by or under his, her, or their Authority or Authorities respectively, to draw up or open any Lock, Gate, Tumbler, or Sluice of and belonging to the said Company of Proprietors of the Lower Navigation, so causing the Water at the said Lock belonging to the said Com-
pany

pany of Proprietors of the Navigation of the River *Medway* to rise to any Depth exceeding Five Feet, so as to reduce the said Water at the said Lock belonging to the said Company of Proprietors of the Navigation of the River *Medway* to the Depth of Five Feet; and the said Company of Proprietors of the Lower Navigation shall forfeit and pay, over and above the special Damage which shall arise or happen by reason of such penning or damming up, and for which the Remedy of an Action at Law shall remain to the Person or Persons aggrieved, for every Time that such Water shall exceed the said Depth of Five Feet by the Neglect or Inattention of the said Company of Proprietors of the Lower Navigation, their Agents or Workmen, any Sum of Money not exceeding Ten Pounds nor less than Five Pounds, such Penalty or Forfeiture to be recovered before any Justice of the Peace for the said County of *Kent* by such Ways and Means as any other Penalty or Forfeiture may be recovered by virtue of this Act.

XI. And be it further enacted, That no Boatman, Bargeman, or other Person or Persons navigating any Raft, Boat, Barge, Lighter, or other Vessel upon the said River between the Limits aforesaid shall ask, demand, recover, or receive any further or other Sum or Sums of Money, as a Toll, Rate, or Duty for the carrying and conveying any Goods, Wares, Commodities, Merchandize, or Things whatsoever, than such as is and are mentioned and expressed in this Act; and if any Boatman, Bargeman, or other Person or Persons navigating such Raft, Boat, Barge, Lighter, or other Vessel shall ask, demand, or receive any Sum or Sums of Money as a Toll, Rate, or Duty for the carrying and conveying of the said Goods, Wares, Commodities, Merchandize, or Things, over and above the Tolls, Rates, and Duties herein mentioned, and shall be convicted thereof before any Justice or Justices of the Peace in and for the said County, or for the Town and Parish of *Maidstone*, upon the Oath of One or more credible Witness or Witnesses, he shall for every such Offence respectively forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings.

XII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making or completing the said Navigation and Navigable Cut and Works or Towing Paths, or any Part or Parts thereof, or any of them, it shall be lawful for the King's most Excellent Majesty, His Heirs and Successors, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbonds, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for, and on behalf of themselves, their Heirs and Successors, but also for and on behalf of Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and if it shall happen that by making the said Navigation or Navigable Cut, or by making or constructing

To prevent Imposition in charging the Toll.

Incapacitated Persons enabled to sell Lands.

structing of any other of the Works or Towing Paths hereby authorized to be completed or made, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate, or Collegiate, and all such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands and Seals, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of all or any Part of such small Parcels of Land so separated, to any Person or Persons whomsoever, for such Price or Consideration in Money or other Equivalent as to the said Commissioners shall seem reasonable; and all such Bodies Politic, Corporate, or Collegiate, and other Person, so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances (except those which concern any Purchase between any such respective Land Owners) shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form; *videlicet,*

‘ I A. B. of _____ in consideration of the Sum of
 ‘ _____ to me paid [or in consideration of the annual
 ‘ Rent of _____ to me to be hereafter yielded and paid
 ‘ by yearly or half-yearly Payments, *as may be agreed upon,*] by the
 ‘ Company of Proprietors of the Lower Navigation of the River *Med-*
 ‘ *way,* do hereby grant and release to the said Company all [*describing*
 ‘ *the Premises to be conveyed,*] and all my Right, Title, and Interest to
 ‘ and in the same, and every Part thereof, to hold to the said Company
 ‘ and their Successors for ever by virtue and according to the true In-
 ‘ tent and Meaning of the Act passed for making and maintaining the
 ‘ said Navigation and Navigable Cut. In witness whereof I have here-
 ‘ unto set my Hand and Seal this _____ Day of _____
 ‘ in the Year of our Lord _____

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; which said Conveyances shall be kept by the Clerk to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors, shall be according to the following Form; *videlicet,*

‘ I A. B. of _____ do hereby, by virtue of a certain Act
 ‘ passed in the Forty-second Year of the Reign of His Majesty King
 ‘ George the Third, intituled *An Act [insert the Title of this Act],* and by
 ‘ and with the Consent and Approbation of Five or more of the Com-
 ‘ _____ missioners

' missioners appointed under or by virtue of the said Act, testified by
 ' their Signature hereof, and in consideration of the Sum of
 ' to me in Hand paid by C. D. of
 ' at or before the Sealing and Delivery of these Presents, the Receipt
 ' whereof I do hereby acknowledge [or in exchange for certain Lands
 ' situate conveyed to me by the said C. D.
 ' by Writing under his Hand and Seal, bearing even Date herewith,]
 ' grant and release to the said C. D. all [describe the Premises] to hold
 ' to the said C. D., his Heirs and Assigns for ever. As witness my Hand
 ' and Seal this Day of

And if the Premises are Leasehold for Years they shall be assigned by
 a Form answerable to the above, only substituting the Words applicable
 to the Assignment of a Chattel; and every such Conveyance and Assur-
 ance to be made by virtue of this Act, in the Form and Manner afore-
 said, shall be valid and effectual to all Intents and Purposes whatsoever;
 any Law, Statute, Usage, or Custom to the contrary thereof in anywise
 notwithstanding.

XIII. Provided always, and be it further enacted, That all and every
 Body or Bodies Politic, Corporate, or Collegiate, Trustee or other
 Persons herein-before capacitated to sell and convey Lands and other
 Hereditaments, or any other Owner or Owners, and the Occupier or Oc-
 cupiers of any Lands or other Hereditaments through, in, or upon which
 the said Navigation or Navigable Cut, Towing Paths, or other Works hereby
 authorized, are intended to be completed or made, may accept and receive
 Satisfaction for the Value of such Lands, Grounds, and Hereditaments,
 and for the Damages to be sustained by making and completing the same,
 either in gross Sums or by annual Rent, as shall be agreed upon by and
 between the said Parties respectively, or any of them, and the said Com-
 pany of Proprietors; and in case the said Company of Proprietors and
 the Parties interested in such Lands, Grounds, or other Hereditaments
 cannot agree as to the Amount or Value of such Satisfaction, the same
 shall be ascertained and settled by the Commissioners hereby appointed,
 in such Manner and subject to such Verdict of a Jury (if required) as
 is herein-after directed; and all yearly Rents or Sums as shall be agreed
 on between the said Company of Proprietors and the said Parties inte-
 rested in such Lands, Grounds, or other Hereditaments, or as shall be
 so ascertained and settled as aforesaid, shall be charged on the Rates
 arising by virtue of this Act, and shall be paid by the said Company of
 Proprietors either yearly or half-yearly, as the same shall be agreed to
 become due and payable; and in case the same shall not be paid within
 Forty Days next after the same shall so become due and payable, it shall
 be lawful for the said Commissioners, or any Five or more of them,
 although not assembled at any Meeting to be held by virtue of this Act,
 and they are hereby required, by an Order under their Hands, to appoint
 One or more Person or Persons to receive the Rates hereby granted
 and made payable, and to pay the same to such Person or Persons to
 whom such yearly Rents and Sums shall be due and unpaid as aforesaid,
 the said Commissioners taking such Security from every such Collector
 for the due and faithful Execution of his Office as they shall judge proper
 and sufficient; and every Person so appointed shall be deemed a Col-
 lector of the said Rates, and shall have the same Power and Authority for

For making
 Satisfaction
 for Lands,
 &c.

[Loc & Per.]

18 B

collecting

collecting the same, and shall receive and retain thereof a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons, to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors which shall be found upon the said River or Navigable Cut, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company of Proprietors by Notice in Writing delivered to their Clerk, or any of the Collectors of the Rates, or affixed to some of the Wharfs or Quays near to the Place where such Distress was made,) and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Ten Days next after making the same, and after Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects so distrained shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

Appointment
of Commis-
sioners:

XIV. And be it further enacted, That the Right Honourable *Charles Marsham* commonly called *Lord Viscount Marsham*, *Sir Edward Knatchbull*, *Sir William Geary*, *Sir Henry Hawley*, *Sir Charles Style*, *Sir John Papillon Twisden*, *Sir William Twisden*, *Sir Charles Middleton*, *Sir John Gregory Shaw*, *Sir Horace Mann*, Baronets; *Sir Matthew Bloxam* Knight, the Honourable and Reverend *Jacob Marsham* Doctor in Divinity, the Honourable *Charles Finch*, *Oliver Delancey*, *George Talbot*, *Hatley Foote*, *John Coker*, *George Best*, *John Larking*, *Filmer Honeywood*, *James Mann*, *James Whatman*, *Thomas Augustus Douce*, *Lewis Cage*, *Thomas Best*, *Charles Cottam Milner*, *Baldwin Duppa Duppa*, *Edward Penfold*, *Thomas Turner*, *Stephen Amberst*, *John Amberst*, *William Baldwin*, Esquires; *William Foster* Doctor in Divinity, *William Horne*, *William Horne* the younger, *Robert Foote*, *Maurice Lloyd*, *Charles Cage*, Clerks, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company and the several Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, affected, or prejudiced by the Execution of any of the Powers hereby granted.

Supplying
Vacancies in
Commission-
ers.

XV. And, for continuing a sufficient Number of Commissioners for putting this Act in execution, be it further enacted, That when any of the Commissioners hereby appointed or to be elected in manner herein mentioned shall die, or refuse to act, the surviving or remaining Commissioners shall and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their

Hands

Hands to elect and appoint another Person in the Place of every Commissioner so dying or refusing to act; and all such Commissioners so to be appointed shall, from the Time of their respective Appointments, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by this Act.

XVI. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy, to nominate and appoint a new Commissioner, or that for Want of a proper Number of Commissioners in the Neighbourhood it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners nominated in this Act, or hereafter to be elected under or by virtue thereof, shall be reduced to a less Number than Fifteen, then and in any of the said Cases it shall be lawful for the said Commissioners, from Time to Time to make Complaint thereof to the Justices of the Peace of the said County of Kent, assembled at any Quarter Sessions of the Peace holden for the said County, who are hereby authorized to receive and hear the said Complaint, and upon due Proof thereof being made to them to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be the Commissioners for the Purposes of this Act; and the said Commissioners so nominated and appointed shall from thenceforth have the like Powers and Authorities as if they had been named in this Act.

If Commissioners neglect to supply Vacancies, &c., Quarter Sessions may do so.

XVII. And be it further enacted, That any of the said Commissioners who shall be Justices of the Peace for the said County of Kent may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Commissioners, Justices, may act as Justices of the Peace.

XVIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor of the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in question, and shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee; at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or unless he shall be possessed of a Personal Estate, or a Real and Personal Estate together, of the clear Value of Two thousand Pounds; nor shall any Person act as a Commissioner in the Execution of this Act otherwise than giving Notice of the First Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following to the other Commissioners, until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say,)

Qualification of Commissioners, and Oath.

Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm,*] That I am truly and *bonâ fide* in the actual Possession or Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above all Reprizes, [*or possessed of or entitled to a Personal Estate, or a Real and Personal Estate together, to the Amount or Value of Two thousand Pounds*]; and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled [*insert the Title of this Act.*]

‘ So help me GOD.’

And no Person shall act as a Commissioner at any Meeting of Commissioners, (except at the First Meeting to be held by virtue of this Act, and at any Adjournment thereof to be held within Twenty-one Days of such First Meeting,) unless he shall have taken the said Oath at some other Meeting Ten Days at least previously to the Time of his claiming to act as a Commissioner; and if any Person not being qualified as herein-before is mentioned, or hereby made incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of the Powers hereby given or any of them, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to the said Company of Proprietors, to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance; shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being required on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of the Powers given by this Act.

General
Meetings of
the Commis-
sioners.

XIX. And be it further enacted, That upon Application to be made in Writing, by or on the Behalf of the said Company of Proprietors, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments to be affected by the said Navigation, Navigable Cut, or Towing Paths, or other Works, unto any Three or more Persons qualified to act as Commissioners for the Purposes of this Act, requesting them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to shall and they are hereby required, within Fourteen Days after such Request, to give Notice of a General Meeting to be held at such Time and Place as shall be expressed in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made; and the said Commissioners shall and they are hereby required at such their First Meeting to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of them as the said Commissioners shall think proper to be their Clerk; and the said Commissioners may, if they shall think proper, from Time to Time, at any of their subsequent Meetings, remove any such Clerk, and appoint another in his Stead out of Three Persons to be nominated by the said Company of Proprietors; and every such Clerk shall be

be paid for his Time, Care, and Trouble in the Execution of his Office by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at their First as at every subsequent Meeting, shall be regularly entered by their Clerk in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors; and such Entries, being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, or by their Clerk, by the Orders and Directions of such Number of Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity, but no such First or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as herein-after mentioned, shall at any Time be had for putting in execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Fourteen Days previous Notice at least of every such intended Meeting shall be given in some Newspaper usually circulating in the said County of *Kent*; and every Meeting of the said Commissioners by virtue of this Act shall be held publicly, and no Order, Direction, or Determination of the said Commissioners or any of them touching any of the Matters and Things herein contained (except in such Cases as are hereby otherwise directed) shall be valid and effectual, unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to or vested in the said Commissioners (except such as may be executed without their being assembled at any Meeting or Meetings) shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five; and at every such Meeting One of the Commissioners shall be appointed Chairman, who, in case of an equal Division of Voices, shall have the casting Vote.

XX. And be it further enacted, That from Time to Time, upon any Application to be made in Writing by or on the Behalf of the said Company of Proprietors, or by any Three or more Owners or Occupiers of any Lands or Hereditaments to be affected by the making of the said Navigation, Navigable Cut, Towing Paths, or Works, to the Clerk to the said Commissioners, requesting him to appoint a Special Meeting of the said Commissioners, the said Clerk shall and he is hereby authorized and required, within Ten Days next after such Request or Application made, to give public Notice in manner aforesaid of such Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Ten nor more than Fourteen Days from the Day on which such Request or Application shall be made to him as aforesaid, and the said Commissioners are hereby empowered and required, notwithstanding any previous or intervening Adjournment of their Meetings, to assemble at the Time and Place so to be appointed, in order to put in execution the Powers and Authorities hereby given to and vested in them respecting any Matter for which such Special Meeting shall be required; and in case the Business to be transacted at any General or Special Meeting of the said Commissioners to be held in pursuance of this Act shall not be finished on or within the Day appointed for such Meeting, or if a sufficient Number of Commissioners shall not

For calling
Special Meet-
ings of the
Commis-
sioners.

[*Loc. & Per.*]

18 C

attend

attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present shall adjourn such Meeting to such Time and Place or Times and Places as such One Commissioner, or the major Part of such Commissioners, if there shall be more than One present at any such Meeting or Meetings, shall think proper and convenient, but no such Adjournment shall be made for a longer Time than Two Calendar Months; and if it shall happen that there shall not appear at any Meeting to be held under the Powers of this Act any Commissioner or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case, and as often as the same shall so happen, the Clerk of the said Commissioners shall and may, by public Notice to be given in manner aforesaid, appoint the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held or holden, within Fourteen Days next after the Day on which such former Meeting was to have been held or was holden, or any Five or more of the said Commissioners, by calling another Meeting to be holden at such Time or Times as any such Five Commissioners shall appoint, and at any Place within Four Miles of the said Navigation, Navigable Cut, or other Works, public Notice being given in manner aforesaid by the same Commissioners of all such Revivals and Continuations of the said Meetings.

Commis-
sioners to
examine Wit-
nesses on
Oath, &c.

XXI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required, at any of their Meetings, to examine Witnesses on Oath, to be administered by them touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners; and they are hereby empowered, by Writing under their Hands and Seals, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in gross or by an annual Rent or Payment) for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid for completing or making the said Navigation or Navigable Cut, or for any other the Purposes of this Act, and also to adjust and determine the Compensation to be made by the said Company of Proprietors for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Navigation, Navigable Cut, and Towing Paths, and all the Works and Conveniences belonging thereto, or by reason or means of the Execution of any other of the Powers hereby given to the said Company of Proprietors.

For summon-
ing Juries.

XXII. Provided always, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, or any such Body Politic, Corporate, or Collegiate, or any Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgment or Determination, and shall give Notice thereof in Writing to the Clerk to the said Commissioners within

Seven

Seven Days next after the same shall have been made, or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or the first Payment of such annual Rent, or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Seven Days next after such Notice, neglect or refuse to treat or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before-mentioned Space of Seven Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in possession of, and to the Interest which they claim therein, then and in every such Case the said Commissioners shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the said County of *Kent*; and in case any such Sheriff or his Under Sheriff shall be One of the said Company of Proprietors, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the said County who shall not be so interested as aforesaid; and in case all the said Coroners of such County shall be so interested, then to the last Person who filled the Office of Sheriff of such County, and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Seven nor more than Fourteen Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered and required, by a Summons or Notice to be signed by any Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon and

and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in question, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money or annual Rent to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgment for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary notwithstanding.

Penalty on
Sheriffs, &c.
for Neglect
of Duty.

XXIII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make default in the Premises, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds nor less than Ten Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, if any, on Demand, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person, and all other Penalties as aforesaid shall be applied in such Manner as the said Commissioners shall direct and appoint.

Persons
giving false
Evidence to
be deemed
guilty of
Perjury.

XXIV. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons

sons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

XXV. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses in every such Case such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences and Trouble of their Journey and Attendance, and in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands or Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than had been previously offered by or on behalf of the said Company of Proprietors before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors, or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors, as herein-before mentioned, then and in all such Cases all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Rent or Sum that had been previously offered by or on behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey or receive such Compensations as aforesaid, then and in all such Cases (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Concerns, Controversies, or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and

For paying
Jurymen and
Witnesses.

[Loc. & Per.]

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taken

taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, in case such Costs and Expences shall not exceed the Amount of the Sum or Sums so assessed and adjudged; but if it shall happen to exceed the same, then the Balance may be recovered by the said Company of Proprietors, against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by an Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Persons making Complaints to enter into Bond to prosecute the same.

XXVI. And be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury to be summoned, shall (before the said Commissioners shall issue out their Warrant for that Purpose) enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on behalf of the said Company of Proprietors, or than had been assessed by the Commissioners before the summoning and returning of the said Jury or Juries, for the Purchase of or as a Recompence for any Lands or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice to be given of Intention to bring Complaints.

XXVII. And be it further enacted, That the said Commissioners shall not nor shall any of them be obliged or allowed, by virtue of this Act, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on behalf of such Person or Persons, to the said Company of Proprietors, or to their Treasurer or Clerk, or to their known Agent or Agents, or to some Collector or Collectors of the Rates arising from the said Undertaking, residing nearest to the Place where the Cause of Complaint shall arise, Twenty-one Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Commissioners to distinguish the Amount of Compensation, &c.

XXVIII. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give, in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

XXIX. And

XXIX. And in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking by means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in manner respectively as aforesaid, for the Purchase of any such Lands, Tithes, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company's previously giving such Security as the said Commissioners shall approve for the future Payment of such Sum of Money, or duly securing such annual Rent when the Amount thereof shall be fixed by the said Commissioners or Jury as aforesaid; or if the Person or Persons interested in the said Lands or Hereditaments shall not be able to make a good Title thereto to the Satisfaction of the said Company of Proprietors, or shall refuse to receive the Sum or Sums awarded to him, her, or them by the said Commissioners or Jury, or to execute a Conveyance; or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in any of these Cases, upon Payment of the said Sum or Sums of Money into the Bank of *England* (in case the same shall be requisite) as herein-after mentioned, or if not, then on leaving or depositing the Money in the Hands of the Treasurer to the said Company of Proprietors for the Use of such Person or Persons so interested or entitled as aforesaid, or upon the said Company's giving previously such Security as the said Commissioners shall approve for the future Payment of such Money as shall be fixed by the said Commissioners or Jury as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, (or before such Payment or Tender or Security given, by Leave of the Owners and Occupiers thereof,) and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender, Payment, Investment, or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, Deposit, or Security as aforesaid, it shall not be lawful for the said Company of

Upon Payment of Purchase Money, Company may enter Lands, &c.

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of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Navigation or navigable Cut, Aqueducts, or Works, without the Consent of such Person or Persons respectively.

Determinations of the Commissioners, &c.

XXX. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgments and Verdicts, shall be transmitted to and be kept by the Clerk of the Peace or other Persons having the Custody of the Records of the Quarter Sessions for the said County of *Kent* wherein the Matter in question shall happen, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in proportion for any less Number of Words.

Application of Purchase Money, &c.

XXXI. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees or Persons acting as Guardians, Committees, or Trustees for and on behalf of any Infants, Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, for the Purchase or Exchange of or the Damage to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, shall be paid and applied in manner following; (that is to say,) in case the same shall amount to or exceed the Sum of Two hundred Pounds, it shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of the Lower Navigation of the River *Medway*, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing this Act shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such

of

of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made; and in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery; and in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in respect whereof the same shall be paid, in such Manner as the said Commissioners shall think fit, or to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Commissioners shall direct the same to be paid shall be sufficient Discharges for the same.

XXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments in respect whereof such Money

Persons in Possession of Lands, &c. to be deemed to be lawfully entitled thereto.

[*Loc. & Per.*]

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shall

shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown, to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Disability of
Persons en-
titled to
Lands pur-
chased for
the Purposes
of this Act.

XXXIII. Provided also; and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or Hereditaments the Purchase Money whereof shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons hav-
ing any Claim
of Right on
Lands, &c.

XXXIV. And be it further enacted, That all and every Person and Persons whomsoever, having or claiming any Right, Title, Interest, Use, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, or Hereditaments which by virtue and for the Purposes of this Act shall be purchased by and conveyed to the said Company of Proprietors as aforesaid, shall, within the Space of Five Years, to be computed from the Date of such Conveyance, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand in a Book to be for that Purpose prepared and kept by the Clerk of the Peace for the Time being for the County in which such Premises shall be situate; which Book the said Clerk of the Peace is hereby required to prepare and keep accordingly, and for which Entry he shall be entitled to the Sum of Five Shillings; and all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand within such Time and in such Manner as aforesaid; or having so entered the same, and not prosecuting such their Right, Claim, or Demand with Effect within the Space of Five Years, to be computed from the Time of such Entry, shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, and Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, upon, or out of the said Premises and every Part thereof, and the said Company of Proprietors, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, and Hereditaments; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

XXXV. Pro-

XXXV. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever in, to, or out of the said Lands, Tenements, or Hereditaments, by virtue of this Act, shall be at liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Use, or, when necessary, to file any Bill in Equity against any Person or Persons, or the legal Representatives of any Person or Persons, who shall have received all or any Part of the Purchase Money arising from such Sale of the Lands, Tenements, or Hereditaments aforesaid; and that in every such Case the respective Plaintiffs, on such Proof of such Title as would have enabled them to recover such Lands, Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase Money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Persons
barred of any
Right by
virtue of this
Act may
bring Actions,
&c.

XXXVI. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons, in Possession of any such Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Three Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Three Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at
Will, or Les-
sees for a
Year, to de-
liver Posses-
sion.

XXXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal, by the said Company, or by such Person or Persons as they shall appoint, immediately convey, assign,

Mortgagees
to assign on
Tender of
their Money.

assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Three Calendar Months, to be computed from the Day of giving such Notice, that then, at the End of the said Three Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender of Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid, into the Bank of *England*, at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Commis-
sioners to ap-
portion Com-
pensation.

XXXVIII. And be it further enacted, That the said Commissioners shall be and are hereby empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be so agreed for, determined, and adjusted or assessed in manner respectively as aforesaid, shall be allowed for any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein.

Stock of the
Company to
be divided
into 100l.
Shares.

XXXIX. And be it further enacted, That the said Sum of Eight thousand Pounds, and also all such further Sums as shall have been advanced or subscribed for the Purposes of this Act, in respect whereof the Persons who shall have advanced or subscribed the same, their Executors, Administrators, or Assigns, shall be willing to become and shall have become Proprietors of the said Undertaking, shall be divided into Shares of One hundred Pounds each, and that the said Shares shall be and are hereby vested in the several Persons, and Bodies Politic, Corporate, or Collegiate, so having advanced, raised, or contributed the same, and their several and respective Executors, Administrators, Successors, and Assigns,

Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall have severally advanced, raised, and contributed; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, shall, together with such Bodies Politic, Corporate, Collegiate, and Persons aforesaid, be entitled to and receive, after the said Navigation and Navigable Cut and Works and Towing Paths shall be completed, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act.

XL. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be deemed Personal Estates.

XLI. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and Person, who shall by virtue of this Act be entitled to or shall have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share, but not exceeding Two Votes in the whole, although possessed of more than Two Shares, in the stated and special General Assemblies to be held as herein appointed for carrying on the Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any stated or special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person shall vote for more than Two Shares as aforesaid, or shall act as Proxy for more than One absent Proprietor; the Appointment of which Proxies may be made according to the Form following; (that is to say,)

Subscribers to have a Vote for every Share, &c.

I *A. B.* of _____ One of the Proprietors of the Lower Navigation of the River *Medway*, do hereby nominate, constitute, and appoint *C. D.* of _____ to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Lower Navigation, that shall be mentioned or proposed at any Assembly of the Company of Proprietors of the Lower Navigation of the River *Medway*, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing appertaining

Form of Proxy.

[*Loc. & Per.*]

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taining thereunto. In witness whereof I have hereunto set my Hand
 [or Seal] the Day of

And at every General Assembly of the Company of Proprietors One of
 the Proprietors present shall be appointed Chairman, and shall not only
 vote as a Proprietor or Proxy, but in case of an Equality of Votes shall
 have the decisive or casting Vote.

Power to
 raise among
 themselves a
 further Sum,
 if necessary,
 not exceeding
 5,000*l*.

XLII. And be it further enacted, That it shall be lawful for the
 said Company of Proprietors to raise and contribute amongst themselves
 in Manner and Form aforesaid, and in such Shares and Proportions as
 to them shall seem meet, or to raise by the Admission of new Sub-
 scribers, any further or other Sum of Money for completing and perfecting
 the said Undertaking, not exceeding the Sum of Five thousand Pounds;
 and every Body Politic, Corporate, or Collegiate, or other Person, be-
 ing a Subscriber towards raising such further or other Sum of Money,
 shall be a Proprietor in the said Undertaking, and shall have a like Vote
 by themselves, himself, or herself, or their, his, or her Proxies or Proxy,
 in respect of every One hundred Pounds of the said additional Sum so to
 be raised; and shall also be liable to such Forfeitures, and stand interested
 in all the Profits of the said Undertaking, in proportion to the Sum they,
 he, or she shall or may subscribe thereunto, as generally and extensively,
 to all Intents and Purposes, as if such further or other Sum hereby al-
 lowed to be subscribed for and raised had been advanced and raised before
 the passing of this Act.

Or to raise
 the said Sum
 of 5,000*l*. by
 Mortgage.

XLIII. Provided always, That in case the said Company of Proprietors,
 or the Committee to be appointed by virtue of this Act, shall be desirous
 of raising the said Sum of Five thousand Pounds, or any Part thereof,
 by Mortgage of the said Undertaking, it shall be lawful for the said
 Company of Proprietors or their Committee to borrow and take up at
 Interest all or any Part of the said Sum of Five thousand Pounds on the
 Credit of the said Undertaking, and to assign the Property of the same
 Undertaking, and the Rates arising or to arise to the said Company of
 Proprietors by virtue of this Act, or any Part thereof (the Costs and
 Charges of assigning the same to be paid out of such Rates), as a Se-
 curity for any Sum or Sums of Money so to be borrowed, with Interest,
 to such Person or Persons, or to his, her, or their Trustee or Trustees,
 who shall advance the same; all which said Assignments shall be made
 under the Common Seal of the said Company of Proprietors in the Form
 or to the Effect following; (that is to say,)

Form of
 Mortgage.

‘ BY virtue of an Act made in the Forty-second Year of the Reign
 ‘ of King George the Third, intituled *An Act* [insert the Title of this
 ‘ Act], we the Company of Proprietors of the Lower Navigation of the
 ‘ River *Medway*, incorporated by and under the said Act, in considera-
 ‘ tion of the Sum of to us in Hand paid by *A. B.*
 ‘ of do hereby bargain, sell, and assign unto the
 ‘ said *A. B.*, his Executors, Administrators, and Assigns, the said Navi-
 ‘ gation, and all the Works thereto belonging, and all and singular the
 ‘ Rates arising and payable to us by virtue of the said Act, and all our
 ‘ Estate, Right, Title, and Interest of, in, and to the same, to hold
 ‘ unto

unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of _____ with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____

And all Persons to whom such Assignment shall be made shall be equally entitled, one with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest shall, within Thirty Days from the Date of every such Assignment, be entered in One or more Book or Books, to be kept by the Clerk to the said Company of Proprietors; which Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons by Writing under his, her, or their Hand and Seal or Hands and Seals, in the Form or to the Effect following; (that is to say,)

I *A. B.* of _____ in consideration of the Sum of _____ paid by *C. D.* of _____ do hereby transfer a certain Mortgage made by the Company of Proprietors of the Lower Navigation of the River *Medway* to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and all Interest now due and to become due thereon, and all my Right and Property therein, to the said *C. D.* Executors, Administrators, and Assigns. Dated this _____ Day of _____

Form of Assignment.

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid half-yearly to the several Persons entitled thereto before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Mortgagees not to be considered as Proprietors of Shares.

XLIV. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or be capable of acting or voting by virtue of such Mortgage or Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment.

Notice to be given of paying off Money.

XLV. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be paid off and discharged (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to the Person or Persons lending and advancing such Sum and Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

First and other General Assemblies.

XLVI. And be it further enacted, That the First General Assembly of the said Company of Proprietors shall be held at the *Star Inn* in the Town of *Maidstone* upon the Third *Monday* next after the passing of this Act, and all future General Assemblies of the said Company, except such Special General Assemblies as herein-after mentioned, shall be held on the Third *Monday* in the Month of *June* in every Year, at the Hour of Eleven in the Forenoon, at such Place or Places as the said Company of Proprietors at their preceding General Assemblies shall from Time to Time direct and appoint, of which General Assemblies Fourteen Days previous Notice at the least shall be given by public Advertisement in some Newspaper usually circulating in the County of *Kent*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors at such respective General Assemblies shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed of Three Shares in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, the said Committee to consist of Seven or more Persons, and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted,) and shall have Power to make such new Rules, Bye Laws, and Orders for the good Government of the said Company and the said Committee, and their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendence and Management of the said Undertaking, and of the Bargemen, Watermen, Boatmen, and others who shall carry any Goods, Wares, and Merchandize upon any Part of the said Navigation or Navigable Cut, as to the said General Assemblies shall seem meet, and to impose and inflict

flict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders as to such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be printed, and shall then be binding upon and observed by all Parties using or in any Way concerned in the said Navigation and Navigable Cut, and the Works and Towing Paths connected therewith, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Navigation, Navigable Cut and Works and Towing Paths by the Treasurer, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts, and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought proper and convenient.

XLVII. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Eighty Shares in the said Undertaking, either as Principals or Proxies, no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of any such Committee who shall die or decline to act, shall be made at that Time; but in such Case there shall be another Assembly of the said Company of Proprietors of the said Undertaking at the same Place upon that Day Four Weeks; and if there shall not then be present Persons possessing Eighty Shares then another Meeting shall be appointed that Day Four Weeks, and if there shall not still be assembled Persons possessing Eighty Shares then the existing Committee shall continue to act till the Third *Monday* in the Month of *June* then next ensuing (when the next stated annual Assembly will take place); and the Persons chosen at such of those intermediate Meetings as shall be attended by Persons possessing Eighty Shares to be of any such Committee shall have the same Powers as they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by any such stated General Assembly on the Day first appointed for holding the same.

XLVIII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in execution a Special General Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Seven or more of the said Proprietors to cause Fourteen Days Notice at least to be given thereof in some Newspaper usually circulating in the said County of *Kent*, or in such Manner

[*Loc. & Per.*]

18 G

as

General
Assembly
for choosing
Committees
to consist of
80 Shares.

Assemblies
of the Pro-
prietors may
be specially
convened.

as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and the Place where the same shall be held, which Place shall be within Four Miles of the said Town of *Maidstone*; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matter so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such special General Assembly, (provided such major Part shall be possessed of at least Twenty Shares in the said Navigation, either as Principals or Proxies,) shall be as valid with respect to the Matters specified in such Notice as if the same had been done at any stated General Assembly.

Officers to
the Company
to be ap-
pointed.

XLIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands or the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also a Clerk or Clerks to the said Company of Proprietors, and also to such Committee, taking such Security from such Treasurer, Clerk, Collector, or other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committee respectively; and each of the said Proprietors of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk to the said Commissioners, *gratis*, and may demand and have Copies thereof or of any Part thereof, paying the Sum of Four-pence for every One hundred Words so to be copied; and if such Clerk or Clerks to the said Company or Committee, or to the Commissioners, shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and in case any such Treasurer, Collector, or Clerk shall die, or quit the Service of the said Proprietors, or such Committee or Committees, or by reason of any Negligence, Misconduct, or Inability in such Treasurer, Collector, or Clerk to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall be lawful for the Proprietors assembled at any such stated or special General Assembly as aforesaid, or for the Committee of the said Proprietors, to remove any such Treasurer, Collector, or Clerk; and in case any such Collector,

Collector, Treasurer, or Clerk shall die, be removed from or quit the Service of the said Company of Proprietors or of the said Committee, then it shall be lawful for the said Company of Proprietors at their stated or special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such stated or special General Assembly may think proper; and all such Treasurers, Collectors, and Clerks, and all other Officers of the said Company of Proprietors who may at any Time resign or be removed, and the respective Executors or Administrators, and each and every of them, of any such Officers who may die, shall, within Twenty Days after Notice given in Writing to him, her, or them for that Purpose, produce and deliver up to the said Committee for the Time being all Books, Accounts, Papers, or Writings whatsoever relative to the Execution of such respective Offices which shall be in his, her, or their Custody or Power; and every such Officer and other Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings shall for every such Neglect or Refusal forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds.

L. And be it further enacted, That no Resolution shall be taken or Business done (except for the Purpose of Adjournment) at any of the Meetings of the said Committee unless Four Persons of such Committee shall be present, and that all Orders for Payment of Money by the Treasurer shall be signed by a Majority of the Committee present at such Meeting; and all such Orders shall be entered in the Company's Books; and the Clerk shall be intrusted with Money from Time to Time, by an Order in Writing signed by a Majority of the said Committee upon the Treasurer, to enable such Clerk to pay Expences incurred by him in the Course of his Office, and he shall account for the same to the Committee, who shall regularly examine and sign the said Accounts as often as they shall see fit; and the said Treasurer's Accounts shall be examined and compared with the Books of the said Committee every Half Year, and shall be made up, and the Balance settled and signed by the said Committee, or any Four or more of them; which Accounts of the said Clerk and Treasurer shall be verified on the Oaths of the said Clerk and Treasurer respectively before a Justice of the Peace for the said Town and Parish of *Maidstone* previous to their being settled and signed by the said Committee, and shall be produced at the next Quarter Sessions of the Peace after the same shall have been so settled and signed, to be held in and for the said Town and Parish of *Maidstone*, for the Inspection of every Proprietor or Mortgagee of the said Tolls, Rates, and Duties hereby granted, or of any other Person or Persons whomsoever; and further, that no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than

Powers of
the Com-
mittee.

than One Vote in any Committee except the Chairman, who shall be chosen by and out of the said Committee, and who in case of an Equality of Votes upon any Question which may be agitated in the said Committee shall have the casting Vote, although he may have given One Vote before, and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee may be done and exercised by the major Part of them present at their respective Meetings; and every such Committee shall from Time to Time make Reports of their Proceedings to the said Special General Assemblies, and, if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places as they shall think fit; but no Person holding any Place, Office, or Employment under the said Company shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Assemblies; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in completing the said Navigation, Towing Paths, and Works, and all and every Part or Parts thereof, and shall, by themselves or their Clerk, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of the said Undertaking from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk as aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto as herein-before mentioned for his or their Inspection; and the said Committee shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to and Proprietors of the said Undertaking, who shall undertake to advance such Sum of One hundred Pounds as aforesaid to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds upon each Share, and such Calls shall not be made but at the Distance of Twenty-eight Days at least from each other, and Ten Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some Newspaper or Newspapers usually circulating in the said County of *Kent*, or in such other Manner as the said

said Company of Proprietors shall at any General Assembly direct and appoint; and such Committee shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Tenements, and Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid at the Time and Place appointed by such Committee, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid for the Space of One Calendar Month next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said stated or special General Assemblies, be publicly sold for the Use of the rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares until Notice shall have been given to or left at the usual or last Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall likewise have been declared to be forfeited at some stated or special General Assembly of the Company of Proprietors, within Three Calendar Months next after such Forfeiture shall have been incurred.

LI. And be it further enacted, That in all Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount unto for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants, (as the Case may happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant

Directing the Proceedings in Actions for Calls.

or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Twenty Pounds for every Sum of One hundred Pounds, or was made within the Distance of Twenty-eight Days from the last preceding Call, or without Notice given as aforesaid; and after Judgment shall be given for the said Company in any such Action Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgment shall be given, in Double the Sum adjudged to the said Company by such Judgment, to prosecute the said Writ of Error with Effect, and also, if the said Judgment be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Execution.

On the Death
of Subscri-
bers, their
Executors
may complete
the Payment
of Shares.

LII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person and Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise,

wise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall become vested in the rest of the Company of Proprietors of the said Undertaking, in Trust for the Person or Persons who was or were entitled to the said Share or Shares, or his, her, or their Representative or Representatives.

LIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares shall be in the Form or to the Effect following; (that is to say,)

Shares may be sold.

I *A.B.* of _____ in consideration of _____
 paid to me by *C.D.* of _____ do hereby bargain,
 sell, assign, and transfer to the said *C.D.* the Sum of _____
 Capital Stock of and in the Navigation and Navigable Cut belonging
 to the Company of Proprietors of the Lower Navigation of the River
Medway, being Part [or in the Whole, as the Case may be,] of my
 Share [or Shares] in the said Undertaking, to hold to the said *C.D.*
 Executors, Administrators, and Assigns, subject to the
 same Rules, Orders, and Restrictions, and on the same Conditions,
 that I held the same immediately before the Execution hereof; and I
 the said *C.D.* do hereby agree to take and accept the said Capital Stock
 or Share of _____ subject to the same Rules, Orders, Re-
 strictions, and Conditions. As witness our Hands and Seals the
 Day of _____

Form of Conveyance.

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her or their Security after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose a Memorial of such Transfer and Sale for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

LIV. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on Pain of forfeiting his, her, or their

No Shares shall be sold after a Call till the Money is paid.

their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in manner before directed.

Directions as to what shall be done respecting Shares in Cases of Marriage and Death.

LV. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Deaths of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Registry of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Persons before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace; and the said Judges, Master or Master Extraordinary in Chancery, and Justices of the Peace are hereby authorized and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted, at the Expence of the Party or Parties, to the Clerk to the said Company of Proprietors for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shown to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or the Executors of such Will, or by an Administrator or the Administrators of the Estate and Effects (as the Case may happen to be), before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted, at the Expence of the Parties, to the said Clerk, who shall file and enter the same in manner herein-before mentioned.

For ascertaining the Proprietorship of Shares in certain Cases.

LVI. And whereas in Cases where the original Subscriber of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest thereof with the said Clerk, as directed by this Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares, as is hereby required, and to maintain any Action or Actions against him; her, or them for the Recovery of

of the same, or for the Purpose of paying safely to him, her, or them the Interest or Dividends to which he, she, or they may be entitled by virtue thereof, be it further enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof as herein directed, which is hereby required to be produced to the said Clerk for the Purpose herein expressed, an Affidavit shall be made and sworn to by some credible Person before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and which Affidavit shall be transmitted to the Clerk to the said Company of Proprietors, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk; and that in all or any of the said Cases it shall be lawful for the said Company of Proprietors at any General Meeting, after Notice shall be given by the said Treasurer or Clerk to the Owners or Persons claiming by such Affidavit to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money become payable by virtue of any Call or Calls as aforesaid at any General Meeting, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited and sold and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the General Fund of the said Company.

LVII. And, for the better Security of the several Proprietors of the said Undertaking as to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument, and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and in case any such Ticket or Instrument shall become defaced, worn out, or damaged, then upon the same being brought to the Committee, they shall order another to be made out in its Place, and so also in case the same shall have been totally destroyed or lost, and so proved to be to the Satisfaction

Names of
Proprietors to
be entered in
a Book, &c.

of the Committee; and such new Ticket or Instrument shall be thereupon entered by the Clerk in the same Manner and upon the same Terms as the original Ticket or Instrument.

For making
and recover-
ing Calls, &c.

LVIII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more such additional Share or Shares in the said Undertaking, whether as Subscribers or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietor of the several additional Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given, previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, or advertised in such Newspaper as herein-before mentioned, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been inrolled or registered as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, to make the said Company of Proprietors liable to the Payment of Interest or Dividends to any other Person than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

Power to take
Tonnage.

LIX. And in consideration of the great Charge and Expence which has been already incurred, and which the said Company of Proprietors must further incur and sustain in completing, making, and maintaining the said Navigation, Navigable Cut, and other Works and Towing Paths hereby authorized to be completed, made, and maintained; be it further enacted, That it shall be lawful for the said Company of Proprietors of the said Lower Navigation from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, of and from all and every Person and Persons navigating the said River between the Limits aforesaid, to and for the Use and Benefit of the same Company, the several Rates herein-after mentioned, for the Tonnage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Navigation and Navigable Cut; that is to say,

The

The Sum of One Penny Halfpenny for every Ton of Stones :
 The Sum of One Penny Halfpenny for every Ton of Chalk, and all Manure (except Lime) :
 The Sum of Four-pence for every Chaldron of Coals :
 The Sum of Four-pence for every Ton of Lime, Timber, Deals, Bricks, and Iron : and,
 The Sum of Sixpence for every Ton of all other Goods, Wares, Merchandizes, Commodities, and Things whatsoever, except as hereinafter is provided and mentioned in respect to the Company of Proprietors of the Navigation of the River *Medway*, their Successors, Heirs, and Assigns.

Rates.

LX. Provided always, and be it further enacted, That no Dividends made under this Act in any Year shall exceed the clear Profits which shall have accrued and arisen upon the said Undertaking: Provided also, that no such Dividend shall in any Case, whatever may be the Profits of the said Undertaking, exceed the Rate of Ten Pounds *per Centum per Annum* for any One Year; and that whenever, by reason of the Profits of the said Undertaking exceeding such Sum as will allow of such Dividends as aforesaid, a Surplus shall rise beyond the said Dividend of Ten Pounds *per Centum per Annum*, the said Company of Proprietors of the Lower Navigation shall and are hereby required immediately to reduce the Rates of Tonnage mentioned by this Act, and to continue the same so reduced for such Period of Time as may be necessary, or vary and alter the same from Time to Time as the Case shall require, so as not to exceed such Rate as aforesaid, and so as that the Dividends, Gains, and Profits aforesaid shall in no Case exceed Ten Pounds *per Centum per Annum* in any One Year.

The Profits of the Undertaking not to exceed 10l. per Centum.

LXI. And be it further enacted, That the said several and respective Tolls and Rates shall be paid to such Person or Persons, at such Place or Places at or near to the said Navigation and Navigable Cut, in such Manner and under such Regulations as the said Company of Proprietors, at some General Assembly or Assemblies, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates ought to have been paid may and he or they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Tolls or Rates ought to have been paid, or any Part thereof, respectively, and the Boat or other Vessel laden with such Goods or other Things, and detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Tolls or Rates which may be due from the Owner or Owners of such Boat or Vessel to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time at any General Assembly to lower or reduce all or any of the said Rates, and again to raise the same, as they shall think proper, not exceeding the Rates before

For Recovery of Rates.

Rates may be reduced and raised again.

fore mentioned, as often as it shall be deemed necessary for the Interests of the said Navigation and Navigable Cut.

Company em-
powered to
lease the
Rates.

LXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their stated or Special General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Navigation or Navigable Cut, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rents so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates or any Part thereof be given in Writing by the Committee or their Clerk, by Advertisements published in such Newspapers as aforesaid, at least Twenty Days prior to any such General Assembly at which the said Rates or any Part thereof are proposed to be let as aforesaid.

Masters of
Boats to give
an Account
in Writing of
Particulars of
Lading.

LXIII. And for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat or other Vessel navigating upon the said Navigation or Navigable Cut, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon each such Boat or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat or other Vessel respectively, of which, or of the Lading of which, such Account shall be refused, or such false Account given,

or the Lading whereof shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

LXIV. And for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthen of the Boats and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things, on the said Navigation and Navigable Cut, be it further enacted and declared, That Forty Cubic Feet of Ash, Elm, or Beech Timber, and Forty Cubic Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, shall, for the Purposes of this Act, be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupoise of Coal, Coak, Lime, Freestone, Limestone, Firestone, and all other Commodities, shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight, and Twenty Hundred Weight of all Commodities whatsoever shall, for the Purposes of this Act, be deemed One Ton; any Usage of estimating the same to the contrary hereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates, and the Master, Owner, or other Person having the Care or Charge of any Boat or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat or other Vessel, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Boat or other Vessel, then the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandizes, or such other Matters and Things shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness (which Oath the said Commissioners are hereby empowered and required to administer), to have arisen from such Detention, and in default of immediate Payment thereof the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed may be recovered and levied by virtue of this Act.

Weight of
Tonnage how
to be ascer-
tained.

[*Loc. & Per.*]

18 K

LXV. And

Navigation to
be free on
Payment of
Rates.

LXV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths as herein-before expressed) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things to or from the said Navigation or Navigable Cut, and every Part thereof, without paying any thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon and use the said Navigation and Navigable Cut with any Boats or Vessels, and also to use the said Towing Paths with Horses and other Cattle for hauling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted.

For fencing
Towing Paths
and making
Bridges, &c.

LXVI. And be it further enacted, That the said Company of Proprietors shall at their own Costs (within Six Calendar Months next after any Part of the said Navigation and Navigable Cut, and Towing Paths thereto belonging, shall be dug out and formed), divide and separate, and keep constantly divided and separated, the Towing Paths hereby authorized to be made on such Part or Parts thereof respectively as shall be declared necessary by the said Commissioners, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also all such Bridges, Arches, Culverts, and Passages over, under, or by the Side of, or into the said Navigation and Navigable Cut, and the said Towing Paths, of such Dimensions and in such Manner as the said Commissioners shall at any of their public Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to such Navigation and Navigable Cut, and other Works, or any of them respectively; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company of Proprietors or their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation and Navigable Cut in manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said

I

Towing

Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over, under, or by the Sides of or into the said Navigation or Navigable Cut, as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Navigation and Navigable Cut, or to maintain and support such Gates, Stiles, Bridges, Arches, and Passages, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any of such Lands or Hereditaments who may be aggrieved by any such Refusal or Neglect; then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands or Hereditaments who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands or other Hereditaments who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, or their Clerk for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, or their Clerk for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Navigation and Navigable Cut, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; or every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprietors

tors for the Recovery thereof by Action at Law to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

Masters to
put their
Names on
Outside of
Boats.

LXVII. And be it further enacted, That every Owner or Master of any Boat or other Vessel, not being a Pleasure Boat, passing upon the said Navigation or Navigable Cut, shall cause his Name and Place of Abode, and the Number of his or her Boat or other Vessel, to be entered with the Clerk to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large Capital Letters and Figures, on a Black Ground Four Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heights, and under such Regulations as the said Company of Proprietors shall from Time to Time direct, or other proper Means shall be used under the Direction of the said Company of Proprietors, so that the true Weight of the Lading on board may at all Times be ascertained and shown; and shall permit and suffer every such Boat or other Vessel to be gauged, weighed, or measured at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person having the Care or Command of any Boat or other Vessel, or who shall navigate the same upon the said Navigation or Navigable Cut, without having such Name, Figure, and Index thereon as are herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, and Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Boat or other Vessel to be gauged and measured, or shall wilfully suffer or permit any Boat or other Vessel navigating upon or lying in the said Navigation or Navigable Cut to be loaded or unloaded in any Lock, Bason, or other Part of the said Navigation or Navigable Cut, without a Stage being laid from the Side of such Boat or other Vessel to the Bank of the said Navigation or Navigable Cut, so as effectually to prevent any Soil or other Matter or Thing intended to be taken on board, or discharged out of such Boat or other Vessel, from falling into the said Navigation or Navigable Cut, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Boat Owners
to be account-
able for
Damages
done by
Boatmen.

LXVIII. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating upon the said Navigation or Navigable Cut shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, or any of the Bridges, Locks, Basons, Dams, Engines, or other Works in, upon, or belonging to the said Navigation or Navigable Cut, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniences to be made by virtue of this Act, either by the loading or unloading

loading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near to the said Navigation or Navigable Cut, by leaving open any Gate or Gates, Locks, or Bridges, or by any other Means whatsoever; and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record, and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit, to be taxed as between Attorney and Client.

LXIX. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel as aforesaid, employed on the said Navigation or Navigable Cut, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, and each and every of them shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same, and the Costs thereof, have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Masters to recover from their Servants any Sums for their Defaults.

LXX. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat or other Vessel which shall pass through any Lock to be made upon the said Navigation or Navigable Cut, shall suffer the Water to remain in such Lock longer than is necessary for his Boat or other Vessel to pass through the same, and that every such Boatman or other Person as aforesaid, in going down the said Navigation or Navigable Cut, shall, previously to his bringing his Boat or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the Upper Gates thereof; and after he shall have brought his Boat or other Vessel into the said Lock, he shall then shut the Upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the Lower Gates thereof; and in going up the said Navigation or Navigable Cut, such Boatman or other Person shall, as soon as he shall have passed with his Boat or other Vessel out of the said Lock, shut the Upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the Lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel, in Sight of the said Lock, coming down the said Navigation or Navigable Cut, in which Case the Lower Gates of the said Lock, and the Sluices thereof, shall be left shut, and the Upper Gates shall be left open, and at all Times the Vessels going up the said Navigation or Navigable Cut, if within Sight of any Vessel coming down, and at a Distance not exceeding Three hundred Yards below any

Regulations for Boats passing the Locks.

[Loc. & Per.]

18 L

Lock,

Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel above such Lock shall come down, and if there shall be more Vessels than One below and above any Lock at the same Time within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for ascertaining the same), such Vessels shall go up and come down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and that every Person who shall offend in any of these Particulars shall for every such Offence forfeit a Sum not exceeding Forty Shillings nor less than Twenty Shillings, for the Use of the Poor of the Parish in which the Offence shall be committed.

To prevent Lock Keepers giving any Preference to Boats.

LXXI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat or other Vessel in passing through any Lock upon the said Navigation or Navigable Cut, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, for the Use of the Poor of the Parish in which the Offence shall be committed.

Penalty on Persons overloading and obstructing the Passage of the Canal, &c.

LXXII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Navigation or Navigable Cut, or if any Person or Persons shall suffer the Loading of any Boat or Vessel navigating thereon to lie over the Sides thereof, or shall overload any Boat or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately upon Notice given of such Obstruction, hale such Boat or Vessel into such Place or Places, Opening or Openings, as shall be proper, or be made for the Purpose of enabling Boats or other Vessels to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats or Vessels, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat or other Vessel, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and if any Person shall throw any Balldast, Gravel, Stones, or Rubbish into any Part of the said Navigation or Navigable Cut, or shall wilfully obstruct, hinder, or prevent any Person or Persons in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation or Navigable Cut, or other Works, break, throw down, damage, or destroy any of the Locks, Gates, Banks, or other Works already erected or to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any)

to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

LXXIII. And whereas an Act was made in the Thirteenth Year of the Reign of His late Majesty King *George* the Second to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for making the River of Medway navigable in the Counties of Kent and Sussex*, and several Persons named in the said Act of the Thirteenth Year of the Reign of His late Majesty, their several and respective Successors, Heirs, and Assigns, were thereby united into a Company by the Name of "The Company of Proprietors of the Navigation of the River *Medway*," for the better carrying on, making, completing, and maintaining the Navigation of the said River from *Forest Row* in the County of *Sussex* to the Town of *Maidstone* in the County of *Kent*, and in which said Act of the Thirteenth Year of the Reign of His said late Majesty is a Proviso, that nothing therein or in the said therein in part recited Act of the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second contained, should extend or be construed to extend to authorize or empower the said Company of Proprietors of the Navigation of the River *Medway* to cleanse, scour, dig, widen, or deepen the said River or any Part thereof below the lower Part of *Mistress Edmonds's Wharf* in *Maidstone* aforesaid; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to prevent or hinder the said Company of Proprietors of the Navigation of the River *Medway*, their respective Successors, Heirs, and Assigns, at all Times hereafter, from cleansing, scouring, digging, widening, or deepening the said River or any Part thereof as far as the lower Part of the said Wharf, formerly called *Mistress Edmonds's Wharf*, and now called *Shepherd's Wharf*, in *Maidstone* aforesaid, nor to abridge, alter, or restrain any the Powers, Jurisdictions, or Authorities in the said recited Acts or either of them contained for the better enabling the said Company of Proprietors, their respective Successors, Heirs, and Assigns, to make, carry on, complete, and maintain the said Navigation in manner therein mentioned.

Reserving certain Rights of the Company of Proprietors, &c.

LXXIV. And be it further enacted, That no Rule, Bye Law, or Order at any Time hereafter to be made by virtue of this Act, or of any of the Powers and Authorities herein contained, shall be in any respect binding or obligatory, or have any Force or Effect on the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Successors, Heirs, and Assigns, or on any Person or Persons by them employed, or to be from Time to Time employed in their said Navigation, unless such Rule, Bye Law, or Order shall have been first submitted to the Consideration of the Committee for managing the Affairs of the Company of Proprietors of the Navigation of the River *Medway* for the Time being, and shall have been ratified and confirmed by such Committee or the major Part of them.

Bye Laws not binding till confirmed by Committee of Management.

LXXV. And

Depth of
Water at
Maidstone
Lock to be
Three Feet at
the least.

LXXV. And be it further enacted, That no Tolls, Rates, or Duties imposed or to be imposed by virtue of this Act shall be demanded of or payable by the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Successors, Heirs, and Assigns, or the Persons by them from Time to Time employed in their said Navigation, until by some of the Works to be made and erected by virtue of the Powers in this Act contained between *Shepherd's Wharf* and *Aylesford Bridge* aforesaid, the Current of the said River shall be so raised and heightened as to flow back into and constantly continue of the Depth of Three Feet at the least in the Lock belonging to the said Company of Proprietors, situated near the Bridge at *Maidstone* aforesaid; and that the said Tolls, Rates, and Duties shall from thenceforth continue payable no longer than the Current of the said River shall by the Means aforesaid, or some of them, be kept and continued of the Depth of Three Feet at the least in the said last-mentioned Lock.

For exempt-
ing Timber
from Payment
of Rates.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Heirs and Assigns, and the Persons by them employed in their said Navigation, at all Times hereafter to navigate, carry, or convey Timber, Knee-Timber, and Converted Timber (to wit), Planks and Trennels, down the said River, through all or any Part of the said Lower Navigation, without paying any Toll, Rate, or Duty whatsoever in respect thereof, and also to navigate, carry, or convey up and down the said River, through all or any Part of the Limits of the said Lower Navigation, any other Goods, Wares, Merchandizes, or other Things, without paying any higher or greater Toll, Rate, or Duty than next herein-after mentioned; (that is to say,)

Rates.

The Sum of One Penny for every Ton of Stones:

The Sum of One Penny for every Ton of Chalk, and all Manure, except Lime:

The Sum of Two-pence for every Chaldron of Coals:

The Sum of Two-pence for every Ton of Lime: And,

The Sum of Three-pence for every Ton of all other Goods, Wares, Merchandizes, Commodities, and Things whatsoever:

Any thing herein contained to the contrary thereof in anywise notwithstanding.

Penalties and
Forfeitures
how to be
recovered.

LXXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof (the levying and Recovery whereof is or are not particularly herein-before directed), shall, in case of Nonpayment thereof on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed), shall be paid

paid into the Hands of the Treasurer to the said Company of Proprietors of the Lower Navigation, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons aggrieved by Irregularity in Distress to recover only the special Damage.

LXXIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet,*)

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord _____
 ‘ *A. B.* is convicted before me *C. D.* One of His Majesty’s Justices of
 ‘ the Peace for the County of _____ [*specifying the Offence,*
 ‘ *and the Time and Place when and where committed, as the Case may be,*]
 ‘ contrary to an Act of Parliament passed in the Forty-second Year of
 ‘ the Reign of King *George* the Third, intituled [*here set forth the Title*
 ‘ *of this Act*]. Given under my Hand and Seal the Day and Year first
 ‘ above mentioned.’

LXXX. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given (first giving Ten Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quar-

Persons aggrieved may appeal to the Quarter Sessions.

ter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall, in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

To compel
Payment of
Subscrip-
tions.

LXXXI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Navigation and Navigable Cut, and the other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors of the said Lower Navigation, or the said Committee, in manner before mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Limitation of
Actions.

LXXXII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere, and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs,
and

and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

LXXXIII. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a public Act; and all Judges, Justices, and other Persons are hereby required to take notice of it as such without specially pleading the same.

Public Act.

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