



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 23.

An Act for making and maintaining a navigable Canal, from the River *Thames*, near to the Town of *Gravesend*, in the County of *Kent*, to the River *Medway*, at a Place called *Nicholson's Ship Yard*, in the Parish of *Frindsbury*, in the said County; and also a certain Collateral Cut, from *White Wall* in the said Parish, to the said River *Medway*.

[16th May 1800.]

WHEREAS the making and maintaining of a Canal, for the Navigation of Boats, Barges, and other Vessels, from the River *Thames*, near to the Town of *Gravesend*, in the County of *Kent*, to the River *Medway*, at or near to a certain Place called *Nicholson's Ship Yard*, in the Parish of *Frindsbury*, in the said County, and the making and maintaining of a Canal or Collateral Cut, for the Navigation of Boats, Barges, and other Vessels, from the said Canal, at or near to a certain Place called *White Wall*, in the said Parish of *Frindsbury*, to the River *Medway*, opposite, or nearly opposite to His Majesty's Dock Yards at *Chatham*, will greatly facilitate and render less expensive the Carriage and Conveyance of Coals, Timber, Stone, Corn, Lime, and Manure, and of all Wares, Goods, and other Articles, and will materially and considerably improve the Agriculture of the circumjacent Country, and will render unnecessary a long and circuitous and sometimes dangerous Navigation

[Loc. & Per.]

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Proprietors.

gation on the open Sea, and will otherwise be of great private and public Advantage; but as the same cannot be effected without the Aid and Authority of Parliament, 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 the Honourable *Charles Marsham*, the Honourable *Jacob Marsham* Doctor in Divinity, *Sir Edward Knatchbull* Baronet, *Sir Charles Middleton* Baronet, *Sir William Geary* Baronet, *Ackworth* and *Matthews*, *James Alexander*, *Thomas Alexander*, *Mary Amburst*, *Thomas Argles*, *Edward* and *George Argles*, *William Bailey*, *John Bayley*, *Charles Beazley*, *Beckett*, *Brenchley*, and *Keddel*, *Timewell Bentham*, *Thomas Best*, *John Boys*, *Daniel Burkit*, *Thomas Charles Burt*, *James Bush*, *James Cann*, *Arnold Carter*, *Thomas Charlton*, *Charles* and *Harris*, *Robert Challeng*, *Samuel Chambers*, *John Fellowes Claridge*, *William Coleman*, *George Conquest*, *William Coope*, *John Cope*, *Mary Corral*, *Carr Culmer*, *William Curtis*, *William George Daniel*, *William Dann*, *Richard Day*, *David Hermitage Day*, *Richard Debary*, *Cobbet Derby*, *Ralph Dodd*, *Thomas Augustus Douce*, *Billy Douglas*, *Percival Hart Dyke*, *Thomas Dyne*, *William Elgar*, *John Mills Evans*, *Edward Fiott*, *Elizabeth Frost*, *James Edward Gambier Clerk*, *Samuel Gambier*, *Arthur Gliddon*, *Samuel Godding*, *Goset*, *George Grant*, *William Green* the younger, *George Gunning*, *William Gurnell*, *Richard Haffenden*, *Robert Harris* of Reading, *Thomas Hasler*, *John Hawkins*, *Thomas Hawkes*, *John Hayes*, *Joseph Hills*, *Edward Homewood*, *Thomas Howard*, *John Hughes*, *Thomas Hyde*, *John Jefferys*, *George Jemmett*, *George Elwick Jemmett*, *Henry Jones Clerk*, *Thomas Kingsley*, *P. Kirkman*, *Stephen Lamprey*, *John Larking*, *Richard Lewin*, *Thomas Liddiard*, *William Lomas*, *Francis Markett*, *Joseph Martyr*, *Samuel Maskall*, *Ann Maskall*, *Thomas Mercer*, *Thomas Miller*, *Andrew Mitchell M.D.*, *Thomas* and *Samuel Naylor*, *Samuel Nicholson*, *William Nicholson*, *Richard Nixon*, Colonel *Noel*, *J. R. Papillon Clerk*, *Elizabeth Papillon*, *Robert Parker*, *Helen Parker*, *William Pearson*, *Arpassia Pellet*, *T. Pellet*, *T. Pickford*, *James Powell*, *Walter Prentis*, *Stephen Prentis*, *William Randall*, *Russel*, *Elgar*, *Seager*, and *Alexander*, *Russell* and *Pigram*, *Edward Russell*, *John Russell*, *S. Rutter*, *William Sage*, *W. J. Say*, *Say*, *Schank*, *George Scholey*, *William Seabrook*, *John and Stephen Page*, *Seager*, *Henry Seager*, *John Sears*, *Seares*, *John Sharpe*, *James Shepherd*, *Robert Smith*, *Thomas Smith* of Strood, *Thomas Smith* of Eastborough, *Smyth* and *Atkins*, *Plint Stacey*, *John Stephens*, *Joseph Stonard*, *Rebecca Stonard*, *Arthur Stone*, *Susannah Sumner*, *James Tappenden* of Faversham, *Francis Tappenden*, *Sophia Frances Tappenden*, *James Tappenden* of Stourmouth, *John Townsend*, *John Valpy* Doctor in Divinity, *Hannah Vincent*, *George Walter*, *Richard Ward Clerk*, *Ambrose Ward*, *Edward Vernon Ward*, *William Webb*, *Henry White*, *Thomas White*, *William Whitfield*, *John Wise*, *W. Witheridge*, *H. Witheridge*, *G. H. Woollaston*, *William Francis Woodgate*, *Wooley*, *Joseph Woolmer*, and *John Young*, together which such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as they or the major Part of them present at any General Assembly to be holden for the Purposes of this Act shall nominate and appoint, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietor or Proprietors of any Share or Shares in the Canal and Collateral Cut hereby authorized to be made, shall be, and are hereby united into a Company for the carrying on, making, completing, and maintaining the said Canal and Collateral Cut navigable,

Incorporated.

navigable for Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein mentioned and expressed; and shall for that Purpose be One Body Politic and Corporate, by the Name and Style of *The Company of Proprietors of the Thames and Medway Canal*, and Their Style. by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority, from and after the passing of this Act, to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for the Use of the said Canal and Collateral Cut, and for the several Works hereby authorized to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves a competent Sum of Money for making and maintaining the said Canal and Collateral Cut, and all the Feeders, Basins, Aqueducts, Ways, Roads, Bridges, Quays, Wharfs, and all other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Forty thousand Pounds (save and except as herein mentioned), and that the same 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 so subscribing, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; 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, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Canal and Collateral Cut, and other the Purposes of the said Subscription, shall be entitled to and receive 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 Tolls and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

III. 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 Canal and Collateral Cut, or the Joint Stock or Fund of the said Company of Proprietors, shall be and be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property.

IV. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall

Proprietors
to raise
Money for
making the
Canal.

Shares to be
Personal
Estate.

Subscriber to
have a Vote
for every
Share.

shall have a Vote in the several Assemblies to be holden as herein appointed for carrying on the said Undertaking, for every such Share, but not exceeding Five Votes in the Whole, although possessed of more than Five Shares; 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 and Seal 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 General or Special Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present; provided nevertheless, that no Person shall give or deliver in Proxies for more than Five Shares; the Appointment of which Proxies may be made according to the Form following:

Form of Appointment of Proxies.

I *A. B.* of _____ one of the Proprietors
of the *Thames* and *Medway* Canal, 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 Canal or Collateral Cut, that shall be mentioned or proposed at any Assembly of the Company of Proprietors of the said Canal, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Canal and Collateral Cut, or any Thing appertaining thereto. In Witness whereof, I have hereunto set my Hand and Seal, the _____ Day of _____

Proprietors may raise an additional Sum if necessary.

V. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and Collateral Cut, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful to and 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 Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the whole the Sum of Twenty thousand Pounds; and every Person, Body Politic, Corporate, or Collegiate, subscribing towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote, by himself, herself, or themselves, or his, her, or their Proxy or Proxies, 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 he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Forty thousand Pounds.

Power to raise Money by Mortgage.

VI. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Twenty thousand Pounds, or any

any Part thereof, by Mortgage of the said Undertaking, it shall and may be lawful to and for the said Company of Proprietors, to borrow and take up at Interest all or any Part of the said Sum of Twenty thousand Pounds, on the Credit of the Rates of the said Canal and Collateral Cut, and to assign the Property of the said Canal and Collateral Cut, 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 Security 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),

BY virtue of an Act of Parliament, made in the Fortieth Year of the Reign of King George the Third, intituled *An Act for making and maintaining a navigable Canal from the River Thames, near to the Town of Gravesend in the County of Kent, to the River Medway, at a Place called Nicholson's Ship-Yard, in the Parish of Frindsbury in the said County; and also a certain Collateral Cut from White Wall in the said Parish to the said River Medway*; We, the Company of Proprietors of the *Thames and Medway Canal*, incorporated by and under the said Act, in consideration 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 Canal and Collateral Cut, 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 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 _____

Form of
Mortgage.

And all Persons to whom such Assignments 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 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 Canal and Collateral Cut, 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, shall and 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:

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Form of
Transfer.

‘ 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 Pro-
 ‘ prietors of the *Thames and Medway* Canal, 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 _____

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of 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 the Sum of Two Shillings and Sixpence and no more; 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 Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Notice to be
given of pay-
ing off Money.

VII. 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 or Consents 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 or 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.

Assignees not
to vote on ac-
count of hav-
ing lent Mo-
ney.

VIII. Provided also, and be it enacted, That no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such 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.

First and
General As-
semblies.

IX. And be it further enacted, That the said Company of Proprietors shall assemble on the Second *Saturday* after the passing of this Act, at the *Bell Inn*, in the Town of *Maidstone* in the said County of *Kent*, between the Hours of Eleven in the Forenoon and One in the Afternoon, for the Purpose of putting this Act in Execution; and shall afterwards, on the Second *Saturday* in the Month of *May* in each and every Year, assemble at such Place and at such Hour, not being more than Twenty-five Miles distant from the said Canal or Collateral Cut, as the said Company of Proprietors shall at any Assembly appoint; and in case no Place

or Hour shall have been so appointed, then such General Assembly shall be holden where the last General Assembly was holden.

X. And be it further enacted, That the said Company of Proprietors at their respective Assemblies shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but, in case of an Equality of Votes, shall have the decisive or casting Vote. Chairman to be appointed.

XI. And be it further enacted, That the said Company shall at their said First General Assembly nominate and appoint by Ballot Twenty-one Persons of and out of the Proprietors of the said Company to be a Committee for the Management of the Concerns of the said Company, until the next General Assembly to be holden on the Second *Saturday* in the Month of *May* then next ensuing, and the Powers of the said Committee shall then cease and determine; and the said Company of Proprietors assembled at such General Assembly shall proceed to the Nomination and Appointment of another Committee, or may appoint the said Committee; or any Member or Members thereof, and so in like Manner at every ensuing General Assembly, and the Powers of such Committee shall continue until the next General Assembly, and shall then cease and determine; but no Person holding any Place, Office, Employment, or Contract, under the said Company, shall be capable of serving upon any Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract: Provided always, that it shall and may be lawful to and for the said Company of Proprietors, at any Special Assembly to be convened in Manner herein directed, to remove any Member of the said Committee, and to nominate another Person, qualified as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, be so removed, refuse to act, or shall hold any Place, Office, Employment; or Contract under the said Company, or shall cease to be a Proprietor in the said Canal and Collateral Cut; and every Person so nominated by the said Special Assembly shall have the like Power and Authority as if he had been nominated by the said General Assembly. Committee to be appointed.

XII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye-Laws, and Orders for the good Government of the said Company and of the said Committee, and of their Servants, Agents, or Workmen, and for the whole complete and total Superintendence and Management of the said Canal and Collateral Cut, and of the Bargemen, Watermen, Boatmen, and others, who shall navigate, or who shall convey any Timber, Stone, Goods, Wares, or any other Article or Thing upon any Part of the said Canal or Collateral Cut, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye-Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds for any Offence; which said Rules, Bye-Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties using or in any way concerned in the said Canal or Collateral Cut, and shall be sufficient in any Court of Law or Equity to justify all Persons who Proprietors may make Bye Laws.

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 all Accounts of Money received, laid out, and disbursed on account of the said Canal or Collateral Cut, by the Treasurers, 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 Canal or Collateral Cut, or the Works thereto belonging, shall be laid before the said General Assembly, to be audited and settled; 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.

General Assemblies for choosing Committees to consist of Fifty Shares.

XIII. Provided always, and be it enacted, That if at any such General Assembly there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least Fifty Shares in the said Undertaking, no Choice of any Committee shall be made at that Time; but in such Case there shall be another General Assembly of the said Company of Proprietors at the same Place, upon or before that Day Fortnight, and so from Time to Time until there shall be such Persons present at such General Assembly having such Number of Shares as aforesaid, and such Choice of such Committee shall then take place, and not before; and of every such adjourned Meeting Seven Days Notice shall be given in One or more *London* Newspaper or Newspapers, and in One or more Newspaper or Newspapers printed and circulated in the said County of *Kent*; and the Persons then chosen to be of such Committee shall have the same Powers which they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen by any General Assembly on the Day first appointed for holding the same; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares as Principals or Proxies, at such General Assembly, every Proprietor who shall not attend such Second or adjourned General Assembly, in Person or by Proxy, shall forfeit to the said Company of Proprietors, for every Share which he or she shall possess in the said Undertaking, the Sum of Twenty Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Twenty Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Assembly of Proprietors may be specially convened.

XIV. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Five or more of the said Proprietors who may collectively be possessed of or entitled unto Ten Shares at least in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof in One or more *London* Newspaper or Newspapers, and

and in One or more Newspaper or Newspapers printed and circulated in the said County of *Kent*, or in such other Manner 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 Place where the same shall be holden, which Place shall be within Twenty-five Miles of the said Canal or Collateral Cut; 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 Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such Special Assembly (provided such major Part shall be possessed of at least Fifty Shares in the said Undertaking, 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 General Assembly.

XV. And be it further enacted, That it shall and may be lawful to and 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, under the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the Rates and Tolls herein allowed to be demanded and taken, and also One or more Clerk or Clerks to the said Company of Proprietors, and also to such Committee, and such other Officers as to them shall seem meet, granting to them respectively such Salary, and taking such Security 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, paying for such Perusal and Inspection the Sum of One Shilling and no more, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence, and so in proportion for any less Number of Words; and if any such Clerk or Clerks to the said Company or Committee shall refuse to permit any Proprietor or Proprietors so interested as aforesaid, to inspect and 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; and in case by reason of any Negligence, Misconduct, or Inability in any Treasurer, Collector, or Clerk, or other Officer, 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 and may be lawful to and for the Proprietors assembled at any such General or Special 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, Treasurer, or Clerk, or other Officer, shall die, be removed from or quit the Service of the said Com-

General Assembly to elect and appoint Officers;

and take Security from them.

pany of Proprietors, or of the said Committee, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors, at their said General or Special 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 General or Special 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 General or Special Assembly may think proper.

Officers, &c.
to account.

XVI. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid shall under their Hands, at such Time and Times and in such Manner as the said Company of Proprietors or such Committee shall direct, deliver to the said Company of Proprietors or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons, respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, within Ten Days after being thereunto required by the said Company of Proprietors, or by such Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Company of Proprietors, or to such Committee, or as they respectively shall direct or appoint, then and in either of the Cases aforesaid the said Company of Proprietors may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the

the Matter in a summary Way ; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively ; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors, or to such Committee, or as they respectively shall appoint, then and in any or either of the Cases aforesaid such Justices shall commit every such Offender to the Common Gaol for the said County of *Kent*, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to such Committee.

XVII. And be it further enacted, That no Member of the said Committee shall have more than One Vote in any Committee ; and at every Meeting a Chairman shall be chosen by and out of the said Committee, who, in case of an Equality of Votes upon any Question which may be agitated in the said Committee, shall have the casting Vote, otherwise such Chairman shall not have or be deemed to have any Vote ; 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, the whole Number present not being less than Seven ; and every such Committee shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and, if required, to the said Special 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, and shall from Time to Time adjourn themselves to such other Times and Places, as they shall think fit ; 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 Company of Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled by the said Company of Proprietors ; and the said Committee shall and may contract for and agree for the Purchase of the Lands, Tenements, and Hereditaments that may be taken or used for the Purposes of the said Canal or Collateral Cut, and the Works thereunto belonging, and shall and may settle, determine, and adjust all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Tenements, or other Hereditaments which shall or may be taken, used, damaged, or affected by the Execution of any of the Powers hereby granted, and shall and may

Powers of the
Committees.

Committee
to make Calls.

may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Canal or Collateral Cut, and all and every Part or Parts thereof, and of the Works thereunto appertaining or belonging; and the said Committee shall (subject nevertheless to the Orders and Directions of such Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors; and the said Committee shall, by themselves or their Clerk or Clerks aforesaid, 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 or Clerks 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 for his or her Inspection); and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Canal, 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 Ten Pounds for every One hundred Pounds, and so in proportion for any greater or less Share or Interest which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at least from each other; and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in One or more *London* Newspaper or Newspapers, and in One or more Newspaper or Newspapers printed and circulated in the said County of *Kent*; 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, or within Twenty-one Days next ensuing, he, she, or they, so neglecting or refusing shall forfeit and pay the Sum of One Pound for every Share; 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 Six Calendar Months 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

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 General or Special Assemblies, be publickly 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 such Forfeiture of any Share or Shares in the said Undertaking, shall be, or be deemed to be, incurred, save and except personal Notice of such Call or Calls in Writing, signed by the Clerk or Clerks to the said Committee, shall have been given to, or such Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively; and the same Share or Shares shall likewise be declared to be forfeited at the next General or Special Assembly of the Company of Proprietors.

Shares may be forfeited, but no Advantage to be taken of Forfeiture without personal Notice.

XVIII. 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 Lunatick or Lunaticks, 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 or 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, 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, 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 be forfeited to, and become vested in the rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

On the Death of Subscribers before Share completed, Executors may do it.

[Loc. & Per.]

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XIX. And

Shares may be
fold.

XIX. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, 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:

Form of Con-
veyance of
Shares.

“ 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
“ *Thames and Medway Canal*, being Part [or, the Whole, as the Case may
“ be] of my Share in the said Canal; 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, Restrictions,
“ and Conditions. As witness our Hands and Seals, the
“ Day of _____

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 and 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 Canal and Collateral Cut, 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 Canal and Collateral Cut.

After a Call
no Share to be
fold until such
Call shall be
paid.

XX. 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 Canal, on Pain of forfeiting his, her, or 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 or Special Assembly, in Manner before directed.

Regulations
as to the
Acquisition
of Shares:

by Marriage;

XXI. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Canal, by the Marriage and Death 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 enacted, That before any Person or Persons, who shall claim any Part
or

or Share of the Profits of the said Canal, in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at *Westminster*, or a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said County of *Kent*; 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 to the Clerk or Clerks 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 or Clerks for the Entry of Transfers, and Sales of Shares, in the said Canal; and that before any Person or Persons, who shall claim any Part or Share of the Profits of the said Canal 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 shewn 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 of the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or 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 for the said County of *Kent*, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein mentioned.

by Will, or
in Course of
Administration.

XXII. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of the Shares which they are 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 also cause a Certificate 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 Certificate or Instrument; and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, to make and maintain a Canal navigable for Boats, Barges, and other Vessels, from or out of the River *Thames*, near to, and on the East Side of the Town of *Gravesend*, in the County of *Kent*, through

Powers for making the Canal and Collateral Cut.

the

the several Parishes, Townships, Hamlets, or Places of *Milton next Gravesend, Denton, Chalk, Higham, Shorn and Cliff*, all in the County of *Kent*, to or into the River *Medway*, at or near to a certain Place called *Nicholson's Ship-Yard*, in the Parish of *Frindsbury*, in the said County; and also to make and maintain a Collateral Cut or Canal navigable for Boats, Barges, and other Vessels, from or out of the said Canal, at or near to *White Wall*, in the said Parish of *Frindsbury*, to or into the River *Medway*, at or near to a certain Point opposite, or nearly opposite to His Majesty's Dock Yard at *Chatham*, through the said Parish of *Frindsbury*, in the said County, and to supply the said intended Canal and Collateral Cut, whilst making, and at all Times for ever after the same shall be made, with Water from the Rivers *Thames* and *Medway*, and from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses, which shall be found in digging or making the said Canal and Collateral Cut, or any of them, or within the Distance of Two thousand Yards from the Head Level of the said intended Canal and Collateral Cut, or within the Distance of Two thousand Yards from any other Part of the said Canal and Collateral Cut, or either of them; and the said Company of Proprietors are hereby also authorized and empowered by themselves, and their Deputies, Agents, Officers, and Workmen, to make, for the Purpose of supplying the said Canal and Collateral Cut, or any Part or Parts thereof, with Water, such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels, as they shall think fit for supplying the said Canal and Collateral Cut with Water, and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten, all Streams, Brooks, or Watercourses which come, or may be brought into, or made to communicate therewith respectively; and to dig, cut, or raise the Banks of the said Rivers *Thames* and *Medway*, or of any other the Rivers, Streams, Brooks and Watercourses aforesaid, for bringing Water into the said Canal and Collateral Cut, and to make such proper Trenches or Passages for Water, in, upon, or through the Lands adjoining or near the said intended Canal and Collateral Cut, or Feeders, or any of them, or such Streams, Brooks, or Watercourses, as aforesaid, or any of them, as shall be necessary or proper for effecting the several Purposes of this Act; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever; and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof, as they shall think necessary and proper for making the said intended Canal and Collateral Cut; and any such Feeder or Feeders, or Aqueduct or Aqueducts, Basen or Basons, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal and Collateral Cut, Basons, and other Works; and also to bore, dig, cut, trench, fough, get, remove, take, and carry away and lay, Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal and Collateral Cut, or other Works, or in making any Basen or Basons, Feeder or Feeders, Aqueduct or Aqueducts, out of, in, or upon the Lands or Grounds of any Person or Persons lying within the Distance of One hundred and fifty Yards on each Side thereof, and which may be necessary, requisite, or proper, for making, carrying on, continuing, maintaining, or repairing, the said intended Canal, Collateral
Cut,

Cut, Basons, or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining the same respectively, or the making, using, completing, extending, or maintaining of any such Basons, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper to convey Water to the said intended Canal and Collateral Cut, or any of them; and also to make, build, erect, and set up, in or upon the said intended Canal and Collateral Cut, or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Basons, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Canal, Collateral Cut, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend, or discontinue the same; and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Basons, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniences, as well for the carrying and conveying of Coals, Stones, Tin, Lead, and other Minerals, Goods, Wares, Merchandizes, and other Things, to and from the said intended Canal and Collateral Cut, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal and Collateral Cut, and the Works of or belonging thereto, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, or alter any Fences or Passages over, under, or through the said intended Canal and Collateral Cut, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal or Collateral Cut with Men, Horses, or otherwise; and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal or Collateral Cut, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Canal and Collateral Cut, and Trenches, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the said intended Canal and Collateral Cut, and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein mentioned, to the Owners and Proprietors of and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, Watercourses,

[Loc. & Per.] 6 P Brooks,

Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Agents, Officers and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are herein mentioned.

For protect-
ing the
Streams of
fresh Water.

XXIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to empower the said Company of Proprietors to take, use, or divert, or suffer to be taken, used, or diverted, for the Purpose of supplying with Water the said Canal and Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging, any River, Brook, Stream, Rivulet, or any Courses of Water, commonly called *Marsh Ditches*, now in use and under the Controul of the Commissioners of Sewers, which may be cut through or crossed by the said Canal and Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging; and the said Company of Proprietors shall and they are hereby required to conduct, by proper Tunnels, Culverts, Aqueducts, Trenches, or Drains, all such Rivers, Brooks, Streams, Rivulets, and such *Marsh Ditches* as aforesaid, under or by the Side of such Canal and Collateral Cut, or either of them, or other Works thereunto belonging, in such Manner as that the Whole of such Water shall flow into the former and accustomed Course; but it shall and may be lawful to and for the said Company of Proprietors from Time to Time to take and use, or cause to be taken and used, the Water in any such Rivers, Brooks, Streams, Rivulets, or such *Marsh Ditches* as aforesaid, for the Purpose or Purposes of making or repairing the said Canal and Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging.

Power to
make Rollers
or Inclined
Planes, &c.

XXV. Provided always, and be it enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggon, or other Carriages, or any Manure, Goods, Wares, or other Matters or Things, should be conveyed over or along any Part or Parts of the intended Tract or Line of the said intended Canal or Collateral Cut, by Rollers, Inclined Planes, Railways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to cause any such Rollers, Inclined Planes, Railways, or other Works before mentioned, to be made, for such Purpose or Purposes, at such Place or Places, in, upon, or near to the said intended Canal or Collateral Cut, as they shall think proper; and the same, when so made, shall be taken and considered as Part or Parts of the said intended Canal or Collateral Cut, and Works, hereby authorized to be made, in like Manner to all Intents and Purposes, as if such Parts or Places had been made navigable.

Houses, Gar-
dens, &c. not
to be injured,
except such
as are men-
tioned.

XXVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Navigation, Canal, or Collateral Cut, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or

before the First Day of *June* One thousand seven hundred and ninety-nine, or any Land or Ground which on the said First Day of *June* was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except a Piece of Garden Ground in the Occupation of *William Hornby* in the said Parish of *Higham*.

XXVII. And be it further enacted, That the Lands and Grounds to be taken or used for such Canal and Collateral Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Forty Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal or Collateral Cut, or any Part thereof, shall be raised higher, or cut above Ten Feet deeper, than the present Surface of the Land; and except in such Places where it shall be judged proper, by the said Company, for Boats and other Vessels to turn, lie, or pass each other; or where any Engines, Warehouses, Cranes, or Weighing Beams may be erected; or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Limestone, or other Minerals, Timber, or other Goods, Wares, or Merchandizes, which shall be conveyed on the said Canal or Collateral Cut; nor in any such excepted Places, more than Five hundred Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Hereditaments adjoining to the said Canal or Collateral Cut, given under his, her, or their Hand and Seal or Hands and Seals.

Breadth of
Canal and
Towing Path.

XXVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors to take and make use of certain Lands and Grounds at or near to the Entrance of the said Canal into the said River *Thames* near to the Town of *Gravesend*, and also at or near to the Entrance of the said Canal into the said River *Medway*, and also at or near to the Entrance of the said Collateral Cut into the said River *Medway*, for the Purpose of making a Bason or Basons, or Pen or Pens of Water, for the Reception of Boats, Barges, and other Vessels; and may thereon erect or cause to be erected any Warehouses, Cranes, Weighing Beams, Watch Houses, and other Buildings; so as no such Lands and Grounds, so taken and made use of by the said Proprietors, for the Purposes aforesaid, shall contain more than Five Acres for any One Bason or Pen of Water, and for the Warehouses, Cranes, Weighing Beams, Watch Houses, and other Buildings, to be erected near to any such Bason or Pen of Water.

Basons to be
made.

XXIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Company of Proprietors to erect or build any House or other Building (other than Warehouses, Toll Houses, and Watch Houses) for the Use of the said intended Canal or Collateral Cut, or to convert or employ any Water which shall be brought into or discharged out of the said Canal or Collateral Cut, or any of them, or any Trenches or Sluices hereby authorized to be made for the Use of any Mill or Mills hereafter to be erected near the same; or to cut down any Timberwood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Collateral Cut, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof respectively shall be made; except such

No Building
to be erected
on the Tow-
ing Paths, ex-
cept for the
Navigation.

Timberwood,

Timberwood, Brushwood, or Underwood, as shall grow, or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Collateral Cut, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors; which said Timberwood, Brushwood, or Underwood so to be felled by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Canal or Collateral Cut, free from all Rates to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land, and the said Company of Proprietors or their Agents; and if any House or other Building shall be erected upon any such Lands or Grounds without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses and other Buildings, without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

If old Roads are destroyed, new ones to be made.

XXX. And be it further enacted, That when and as often as it shall be found necessary by the said Company of Proprietors to make or cut through any Carriage or Horse Road, be the same public or private, or so much injure the same as to render the same impassable or inconvenient for Carriages or Horses, or the Persons entitled to the Use and Benefit thereof, the said Company of Proprietors shall at their own Expence, before any such Road shall be taken, cut through, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may be) to be set out and made instead thereof, and shall put or cause to be put, the same in good and sufficient Repair and Condition.

Plan and Book of Reference to be authenticated by the Speaker of the House of Commons, and deposited.

XXXI. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Collateral Cut, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal and Collateral Cut; be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and shall be deposited, one with the Clerk of the Peace for the said County of *Kent*, and the other with the Clerk to the said Company of Proprietors; to either of which Maps, Plans, and Books of Reference all Persons shall have Liberty to resort, and to examine, or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks One Shilling for such Examination, for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps

or

or Plans, and Books of Reference, so certified, or true Copies thereof, shall be, and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Seven Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the said Map or Plan, and Book of Reference, to be so deposited with him as aforesaid, before any Jury or Juries to be impanelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence; such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

XXXII. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Collateral Cut, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, more than One hundred and fifty Yards from the Course or Direction specified in the said Map or Plan, without the Approbation and Consent in Writing, signed by the Person or Persons to whom any Lands, Grounds, or Hereditaments do or shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the said Canal, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purposes of such Deviation, shall belong, shall consent thereto.

Not to deviate without Consent.

XXXIII. Provided always, and be it enacted, That the said Company of Proprietors shall and may make the said intended Canal, Collateral Cut, or Deviations from the same, and from the said Towing Paths, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviations as aforesaid shall extend, although their Names be not mentioned in the said Book of Reference; or into the Estate or Estates, Lands or Grounds, of any Person or Persons whose Name or Names appear to have been by Mistake omitted in the said Book of Reference; or that instead thereof the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein; any Thing herein contained to the contrary thereof notwithstanding.

Land Owners omitted in the Book of Reference not to obstruct the making of the Canal.

XXXIV. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal and Collateral Cut, and the Aqueducts and Basons or Pens of Water thereto belonging, or any Part or Parts thereof, and for providing and constructing the Wharfs, and other Works and Conveniences herein mentioned, or any of them, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, 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 their Cestuique Trusts,

Bodies Politic empowered to sell and convey Lands.

[Loc. & Per.]

6 Q

whether

Contracts and
Sales to be
made at the
Expence of
the Company.

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, Tenements, 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 all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands, Tenements, or other Hereditaments, to the said Company of Proprietors, shall be made according to the following Form; (*videlicet*),

Form of Con-
veyance to
the Company.

I *A. B.* of _____ in consideration of the
Sum of _____ to me paid [*or*, in consider-
ation 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 *Thames* and
Medway Canal, do hereby grant and release to the said Company all
[*describing the Premises to be conveyed*] and all my Right, Title, and In-
terest 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 Intent and Meaning of an Act of Parliament, made in the Fortieth
Year of the Reign of King *George* the Third, intituled *An Act for mak-*
ing and maintaining a Navigable Canal, from the River Thames, near to
the Town of Gravesend, in the County of Kent, to the River Medway, at a
Place called Nicholson's Ship-Yard, in the Parish of Frindsbury, in the
said County; and also a certain Collateral Cut from White Wall, in the said
Parish, to the said River Medway. In Witness whereof I have hereunto
set my Hand and Seal, this _____ Day of _____ in the
Year of our Lord

Which said Conveyances shall be kept by the Clerk or Clerks 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 to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Satisfaction to
be made.

XXXV. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons, herein capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Waters, Tenements, or other Hereditaments, which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, may accept and receive Satisfaction for the Value of such Lands, Waters, Tenements, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein directed to be made, either in gross Sums or by annual Rents, as shall be agreed upon by and between the said Parties interested respectively,

ively, or any of them, and the said Committee, or as the same shall be ascertained and settled in such Manner by a Jury as is herein directed; and all such yearly Rents or Sums as shall be agreed on between the Committee of the said Company of Proprietors, and the said Parties interested in such Lands, Waters, Tenements, or other Hereditaments, or as shall be so ascertained and settled by such Jury, 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 Thirty Days next after the same shall so become due and payable, it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace for the County of *Kent*, 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 annual Rents or Sums shall be due and unpaid as aforesaid, the said Justices taking such Security from every such Person, for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every such Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout such reasonable Satisfaction for his Trouble therein, as the said Justices shall determine, in like Manner as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such annual Rents or Sums, with all Costs and Damages occasioned by the Non-payment thereof, shall be fully satisfied and paid; or it shall and may be lawful to and for such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons to whom such annual 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, Barges, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found upon the said Canal or Collateral 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 some of their Clerks or Collectors of the Rates, or affixed to some of their Wharfs or Quays, near to the Place where such Distress was made), and to detain the same until Payment of such annual Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days next after making the same, and Notice thereof given in Writing as aforesaid, then such 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.

Yearly Rents
charged on
the Rates

XXXVI. Provided always, and be it enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Committee respecting the Purchase of, or the annual Rent for, any Lands, Waters, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages that may from Time to Time be sustained by him, her, or them, by the making and maintaining of the said Canal or Collateral Cut, or of any Part or Parts thereof, or of any of the Works thereunto belonging, and shall give Notice in Writing to the Clerk of the said Company of Proprietors, or of their Committee, requiring a Jury to be summoned,

If Parties are
dissatisfied,
Value to be
ascertained
by a Jury.

summoned for the Purpose of determining such Purchase, annual Rent, or Satisfaction; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons shall, upon Notice in Writing given by the Clerk of the said Company of Proprietors, or of the said Committee, 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, her, 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, 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 Non-age, 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 produce and fully disclose the State of the Title to the Premises which they respectively are or shall be in Possession of, and to the Interest which they respectively claim therein, then and in every such Case the said Committee or any Five or more of them shall (within Twenty Days after the Receipt of such Notice by the Clerk to the said Company of Proprietors, or of the said Committee, in case Security in Manner herein required shall be given, or after the Expiration of Twenty Days after the Delivery of such Notice by the said Clerk, as the Case may be) and they are hereby empowered and required to issue a Warrant under their Hands and Seals, directed to the Sheriff of the County in which the Matter in question shall arise; and in case any such Sheriff or his Under Sheriff shall be one of the 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 such 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 then in being, 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 the Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Committee at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-one 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 Committee are hereby empowered and required, by a Summons or Notice to be signed by any Five or more of the said

Committee, either previous to or at the Time of any such Meeting or Meetings, to summon 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 Committee 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, any One of the said Committee is hereby required and 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, Tenements, 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 Committee 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 Committee, 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 thereof notwithstanding.

XXXVII. 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 and pay the Sum of Twenty Pounds, to be recovered by Action of Debt or on the Case, by the said Company of Proprietors, or such Bodies Politic, Corporate, or Collegiate, or other Person or Persons interested in the Matter in question; and 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, upon Proof thereof made before any One of His Majesty's Justices of the Peace for the County of *Kent*, upon the Oath of any One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, 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 on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Fine upon Sheriffs, &c. making Default.

XXXVIII. And be it further enacted, That 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, Tenements, or other Hereditaments of any Bodies Politic, Corporate, or Collegiate, or of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to any Lands, Waters, Tenements or other Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors;

Expences of Witnesses and Jury by whom to be paid.

[*Loc. & Per.*]

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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 and 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 mentioned; then and in all such Cases all the Expences of summoning such Jury and taking such Verdict shall be settled by any Two or more Justices of the Peace for the said County of *Kent*, not interested in the Matter in question (who are hereby required to examine into and settle the same), and shall be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent, that had been previously offered by or on behalf of the said Company of Proprietors, or for a less Sum than had been so previously offered; or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only; or in case of such Refusal or Neglect 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 where, by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by such Justices, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Company of Proprietors shall have 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 Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

Persons requesting
Juries to enter
into Bond to
prosecute.

XXXIX. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, and Person or Persons, requesting a Jury to be summoned, shall (before such Warrant shall be issued for that Purpose) enter into a Bond, with Two sufficient Sureties, to the Clerk or Treasurer to the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition 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, before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands, Waters, Tenements, 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.

XL. And be it further enacted, That the said Committee 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 their Committee, or to their Treasurer or Clerk, 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.

Notice of Injury to be given to Proprietors.

XLI. And be it further enacted, That full Recompence, Satisfaction, and Compensation shall be made by the said Company of Proprietors, for all the Tithes, both Great and Small, of the Lands which shall or may be taken or made use of by the said Company for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tithes, in case such Lands had not been so taken or made use of, according to their respective Interests therein; such Tithes to be estimated at the Average Value of Five Years, commencing at *Michaelmas Day* One thousand seven hundred and ninety-four, such Average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands, Tenements, or other Hereditaments, is herein-before directed to be ascertained: Provided always, that the Recompence and Satisfaction to be given, by virtue of this Act, for all Glebe Lands and Tithes belonging to Spiritual Persons, shall be made to such Persons by an annual Rent.

What Satisfaction to be made for Tithes.

XLII. And be it further enacted, That the said Juries shall in all their Verdicts distinguish the Value set upon the Lands, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages, as any Person or Persons shall sustain in consequence of the Execution of any of the Powers of this Act, separately and apart from each other.

Verdict to Value of Lands and Damages to be ascertained separately.

XLIII. And be it further enacted, That each and every Verdict so given 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 where such Verdict shall be given, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; 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 Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Verdicts to be recorded.

XLIV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or Security being given under the Common Seal of the said Company of Proprietors for the due Payment of any such Annual Rent as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

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tion for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Waters, Tenements, or other Hereditaments, 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 so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, then on leaving or depositing the Money, if the same shall be equal to or exceed the Sum of One hundred Pounds, in the Bank of *England*, or in the Hands of the Treasurer to the said Company of Proprietors, in case the same shall be less than the Sum of One hundred Pounds, for the Use of such Person or Persons so interested or entitled as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender 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, or Deposit 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, Security, Tender, or Deposit made or given as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut, or otherwise affect the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement, or other Hereditament, of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal or Collateral Cut, or any of the Works thereto belonging, without the Leave and Consent of such Person or Persons respectively.

For paying off
Mortgages on
Lands taken
by the Com-
pany.

XLV. Provided always, and be it enacted, That if any Lands, Tenements, or Hereditaments taken or made use of by the said Company of Proprietors, shall be in Mortgage to any Person or Persons whomsoever, then and in such Case the said Company of Proprietors shall and they are hereby required to pay or cause to be paid to the Mortgagee or Mortgagees, his, her, or their Executors or Administrators, upon Application in Writing made to the said Company of Proprietors, or to their Committee, or to their respective Clerks, signed by such Mortgagee or Mortgagees, or his, her, or their Executors or Administrators, such Sum or Sums of Money as shall have been so agreed for, ascertained, or determined as aforesaid, for the Use or Purchase of such Lands, Tenements, or Hereditaments; and such Sum or Sums of Money when so paid shall be and be deemed to be in discharge of Part of the Principal Money due on such Mortgage or Mortgages, and Acknowledgment of the Receipt thereof shall be made by Indorsement on the Mortgage Deed or Deeds signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators,

Administrators respectively, in the Presence of One or more credible Witnesses or Witnesses, and such Indorsement shall be and be deemed to be a full and sufficient Discharge to the said Company of Proprietors from the Mortgagor or Mortgagors, his, her, or their Executors or Administrators, and also a full and sufficient Discharge to the Mortgagor or Mortgagors, his, her, or their Executors or Administrators from the Mortgagee or Mortgagees, his, her, or their Executors or Administrators, for so much Money as shall be expressed in such Indorsement.

XLVI. And be it further enacted, That all Sums of Money to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or Trustees, for or on Behalf of any Infants, Lunatics, Idiots, Females 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 of, or the Damage to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, shall, in case such Money shall be less than the Sum of Twenty Pounds, be paid to the Party or Parties entitled thereto, or shall be otherwise applied and disposed of for the Benefit of such Party or Parties, in such Manner as the said Committee shall think proper; but in case such Money shall be equal to or exceed the Sum of Twenty Pounds, and be less than One hundred Pounds, the same shall be laid out, as soon as conveniently may be, by such Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments, either in Fee Simple or such other Tenure as the Owner or Owners of the Premises, which may have been appropriated or made use of for the Purposes of this Act, had therein at the Time the same shall be so appropriated or made use of; and which said Lands, Tenements, and Hereditaments so to be purchased, shall be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments, for or in respect whereof such Money shall be paid as aforesaid, were limited, settled, and assured, at the Time when such Money was so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing and capable of taking Effect; and that such Conveyances and Settlements shall be made at the Expence of the said Company of Proprietors; and in the mean time and until such Purchase or Purchases shall be made, the said Money shall be placed out, by such Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, producing an annual Interest, in the Names of Two or more Persons to be nominated by the Parties interested therein, and to be approved of by the said Committee; and the Interest arising or to be produced from any such Funds and Securities, and also the annual Rent for such Lands, Tenements, and Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled for the Time being to

Purchase Money belonging to Corporations, etc. to be laid out to the same Uses.

the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act.

For reinvesting Purchase Monies.

XLVII. Provided always, and be it enacted, That in case any Money or Recompence to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, shall be equal to or exceed the Sum of One hundred Pounds, such Money or Recompence shall with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the meantime, and until such Purchase can be made, such Money shall 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 there *ex parte* the said Company of Proprietors, pursuant to the Method prescribed by the Act of the Twelfth Year of King George the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twenty-fourth of King George the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from all such Bills shall be paid to the Person or Persons respectively as would have been entitled for the Time being to the Rents and Profits of the Lands and Premises so to be purchased as aforesaid, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Committee to the said Company of Proprietors, and until the same shall, upon a Petition setting forth such Approbation (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit.

Damages not provided for to be settled.

XLVIII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Waters, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given

given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be so settled by the said Committee, or by a Jury as aforesaid; and the same may be recovered, levied, and applied in Manner herein directed with regard to other Damages.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time and at all Times hereafter to ask, demand, take, and recover, to and for their own proper Use and Behoof, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Timber, Chalk, Lime, Manure, Minerals, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon the said Canal and Collateral Cut, or either of them; (that is to say),

Rates.

For all Freestone, Limestone, Chalk, Bricks, Tiles, Slates, Corn in the Straw, Hay, Straw, Faggots, Dung, Manure, Sand, Stones, and Clay, to be navigated and conveyed upon the said Canal or Collateral Cut, the Sum of Two-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

Rates of Tonnage.

For all Cattle, Calves, Sheep, Swine, and other Beasts, and all Coal, Charcoal, Coak, Culm, and Lime, and all rough Timber, Hemp, Bark, Tin, Iron Stone, Pig Iron, and Pig Lead, the Sum of Three-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Flour, Wheat, Barley, Oats, Beans, Peas, Malt, and Potatoes, the Sum of Four-pence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Hops, Fruit, Goods, Wares, Merchandizes, and other Things whatsoever, the Sum of Sixpence *per Ton per Mile*; and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile.

L. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time to demand and take the several and respective Tolls following; (that is to say),

Tolls for passing on the Towing Paths, &c.

For every Horse, Mare, Gelding, Mule, or Ass, passing on any Towing Path, Railway or Stone Road, belonging to the said Company of Proprietors (save and except such as shall be haling or drawing any Boat, Barge, or other Vessel, and such as shall be going from Field to Field, or to or from Water or Pasture), before the same shall be permitted to pass through any Bar or Gate, or Bars or Gates (which Bars and Gates the said Company of Proprietors are hereby empowered to erect or cause to be erected), the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle passing on any such Towing Path, Railway, or Stone Road (save and except such as shall be haling or drawing any Boat, Barge, or other Vessel, and such as shall be going from Field to Field, or to or from Water or Pasture), the Sum of One Shilling and Eight-pence *per Score*, and so in proportion for any greater or less Number:

For

For every Drove of Swine, Sheep, or Lambs, passing on any such Towing Path, Railway, or Stone Road (save and except such as shall be going from Field to Field, or to or from Water or Pasture) the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

Tolls to be taken but Once a Day.

LI. Provided always, and be it enacted, That no such Tolls shall be demanded or taken for any such Horse, Beast, or Cattle, more than Once in a Day, to be computed from Twelve of the Clock at Night until Twelve of the Clock in the succeeding Night, or at any more than One Bar or Gate on the same Day for the same Horse, Beast, or Cattle, on a Ticket or Tickets denoting the Payment of such Toll or Tolls on that Day being produced to the Toll Gatherer or Toll Gatherers, which Ticket or Tickets all and every Toll Gatherer and Toll Gatherers shall and he and they is and are hereby required to deliver *gratis* on Payment of such Toll or Tolls: Provided always, that it shall and may be lawful to and for the said Company of Proprietors and their Committee from Time to Time, and when they shall respectively deem it necessary, to hinder and prevent any Horse, Beast, or other Cattle, not haling or drawing any Boat, Barge, or other Vessel, or not going from Field to Field, or to or from Water or Pasture, from passing along any of the said Towing Paths, Railways, or Stone Roads.

Tolls for Passage Boats.

LII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and for any Person or Persons acting by or under their Authority, to demand and take, from each and every Person passing along the said Canal and Collateral Cut, or either of them, in any Boat, Barge, or other Vessel (save and except as may be herein excepted), and not employed in the Guidance, Management, or Direction of such Boat, Barge, or other Vessel, any Sum not exceeding Two-pence for each and every Mile, and so in proportion for any less Quantity than a Mile: Provided always, that nothing herein contained shall extend, or be construed to extend so as to enable any Person or Persons, save and except the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to keep or use any Boat, Barge, or other Vessel, for the Conveyance of Passengers for Hire or Reward, along the said Canal and Collateral Cut, or either of them; and if any Person or Persons shall convey any Passenger or Passengers in any Boat, Barge, or other Vessel, for Hire or Reward, upon the said Canal and Collateral Cut, or either of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Rates for entering the Basons.

LIII. And whereas the said Company of Proprietors will be at a considerable Expence in making, maintaining, and preserving Basons or Pens of Water for the Reception and secure Mooring of Boats, Barges, and other Vessels; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to demand and take, to and for their own Use and Benefit, any Rate not exceeding Two-pence *per* Ton for all Manner of Goods, Wares, Merchandizes, or other Things whatsoever, landed from any Boat, Barge, or other Vessel, having entered any such Bason or Pen of Water, or as shall be put into any other Boat, Barge, or other Vessel, and also any Rate not exceeding Four-pence *per* Ton on every Boat, Barge, or other Vessel, on entering such Bason or Pen

Pen of Water, which shall not have passed along the whole Line of the said Canal or Collateral Cut: Provided always, that if any such Boat, Barge, or other Vessel, shall afterwards proceed along the whole Line of the said Canal or Collateral Cut, then and in such Case the Rate so paid for entering such Basin or Pen of Water shall be deducted from the Rates the said Company of Proprietors are hereby enabled to take for or in respect of Boats, Barges, or other Vessels passing along the said Canal or Collateral Cut.

LIV. And be it further enacted, That in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Canal and Collateral Cut, or either of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said Canal and Collateral Cut, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; all which said Rates and Tolls shall be paid to such Person or Persons, at such Place or Places near to the said Canal and Collateral Cut, or any Part thereof, in such Manner and under such Regulations as the said Company of Proprietors shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or Tolls, 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 at *Westminster*; or the Person or Persons to whom such Rates or Tolls ought to have been paid, may, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates ought to be paid, or any Part thereof, or the Boat, Barge, or other Vessel laden therewith, or the Horse or Horses, Beasts or Cattle, for or in respect of which such Tolls ought to be paid as aforesaid, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things, Boat, Barge, or other Vessel, Horse or Horses, Beasts or Cattle, shall not be redeemed within Five Days next after the taking thereof, the same shall be 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 Special Assembly, to lower or reduce all or any of the said Rates and Tolls, and again to raise the same to such Sums as they shall think proper, not exceeding the Sums before mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Proportion of a Mile to be taken as a Mile.

Recovery of Rates and Tolls.

Rates and Tolls may be altered.

LV. 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, Barge, or other Vessel, navigating upon the said Canal and Collateral Cut, or upon any Part or

Masters of Boats to give an Account of their Lading.

[Loc. & Per.]

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Parts

Parts thereof, or entering any Basin or Basins, or Pen of Water, herein directed to be made, shall give to the Collector or Collectors of the said Rates, or to any other Officer or 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 true and just Account, in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things embarked in or upon each such Boat, Barge, 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, Barge, 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 Duties, 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 the Sum of Five Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, of the Lading of which such Account shall be refused, or such false Account given, or whose Lading 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.

What Quantities of Timber and Light Goods shall be deemed a Ton.

LVI. 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, Barges, and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things, on the said Canal or Collateral Cut, be it further enacted, That Fifty Cubic Feet of round, and Forty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty 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 Avoirdupois of Hops, Coal, Coke, Culm, Lime, Sand, Slate, Tin, Freestone, Limestone, and all other Commodities, Matters, and Things of whatsoever Kind or Description, shall for the Purposes of this Act be deemed, rated, or estimated as and for One hundred Weight; and Two thousand two hundred and forty Pounds Weight of all Commodities whatsoever shall for the Purposes of this Act be deemed One Ton, any Usage of rating or 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, Barge, 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 and may be lawful to and for any such Collector to stop and detain any such Boat, Barge,

In case of Difference concerning the Weight, Collector may weigh them.

or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged such Boat, Barge, 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, Barge, or other Vessel, then the same 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, Merchandize, 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 any One of His Majesty's Justices of the Peace for the County of *Kent*, upon the Oath of any credible Witness (which Oath the said Justice is hereby empowered to administer, and to settle and determine such Damages) 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 upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal and Collateral Cut, or upon any Part thereof; and the said Company of Proprietors shall from Time to Time cause to be printed, and affixed upon every public Wharf on the said Canal and Collateral Cut, in some conspicuous Place, a List or Account, ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Canal or Collateral Cut; and in case any Owner or Master, or other Person having the Care of any Boat, Barge, or other Vessel, navigating or passing upon the said Canal or Collateral Cut, or upon any Part or Parts thereof, after such List or Account, so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take, for the Carriage of any such Parcel as aforesaid, more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Power to fix
the Price of
small Parcels.

LVIII. And

Navigation to be free upon Payment of Rates, under certain Restrictions.

LVIII. And be it further enacted, That all Persons whatsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths, Railways, and Stone Roads), 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 Canal or Collateral 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 Canal and Collateral Cut with any Boats, Barges, or other Vessels, and to employ the Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths with Horses, and other Cattle for haling and drawing such Boats, Barges, and other 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; provided the said Boats, Barges, or other Vessels, shall not, without the Consent of the said Company of Proprietors or their Committee, pass upon the said Canal and Collateral Cut, or either of them, at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November, December, January, and February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March, April, September, and October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May, June, July, and August* in every Year.

Vessels under Five Tons Burthen not to pass Locks without Consent of Proprietors.

LIX. And be it further enacted, That no Boat, Barge, or other Vessel laden with less than Five Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their Agent or Agents for the Time being, in Writing, first had and obtained; or unless the Owner or Navigator of such Boat, Barge, or other Vessel, shall pay Tonnage, according to the respective Rates herein-before specified, equal to a Boat, Barge, or other Vessel laden with Five Tons.

Lords of Manors and Land Owners may erect Wharfs, &c.

LX. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Canal or Collateral Cut shall be made, may build, construct, or use any Wharfs, Quays, Landing-places, Cranes, Weigh-Beams, or Warehouses, in or upon his, her, or their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Canal or Collateral Cut, with necessary Ways and Roads to the same; and may land any Goods or Merchandize, Coal, Lime, Sand, Manure, Tin, Lead, or other Things, upon such Wharfs, Quays, or Landing-places, or upon the Banks lying between the same and the said Canal or Collateral Cut; and may make and use proper and convenient Places for Boats, Barges, and other Vessels, to lie and turn in, and pass by each other, so that the making, constructing, or using thereof respectively, do not obstruct or prejudice the said Canal or Collateral Cut, or any Towing Path on the Sides thereof respectively; and the Justices of the Peace assembled at the General Quarter Sessions of the Peace for the Western Division of the said County of *Kent*, are hereby directed and required

required from Time to Time to fix, ascertain, and determine all such Rates as shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively; and such Rates and no more shall be demanded or taken by such Lord or Lords, Lady or Ladies of such Manor or Manors, or by the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors shall not be thereby reduced, altered, or infringed.

LXI. Provided always, and be it enacted, That if any Lord or Lady of a Manor, or Land Owner, shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are necessary or proper to be used for the Purpose of making and erecting Wharfs, Quays, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal or Collateral Cut, lay out, construct, and make, and from Time to Time maintain and keep in good substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Canal and Collateral Cut, or either of them, as any Two or more of His Majesty's Justices of the Peace for the said County of *Kent* shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, without any Hinderance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nursery of Trees, or an Avenue to any House) for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal or Collateral Cut, agreeably to such Notice to be delivered as aforesaid; they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act; and the Justices of the Peace assembled at the General Quarter Sessions of the Peace for the Western Division of the said County of *Kent* are hereby directed and required to fix, ascertain, and determine from Time to Time the several and respective Rates that shall be demanded and taken by the said Company of Proprietors for the Use and Benefit of such Wharfs, Quays, Landing Places, Cranes, Beams, Warehouses, Buildings, and other Conveniences; and such Rates and no more shall be demanded or taken by the said Company of Proprietors.

If not done by Land Owners, or within a certain Time, Proprietors may build Wharfs, &c.

LXII. And be it further enacted, That if any Hops, Coals, Culm, Stone, Timber, Slate, Chalk, Lime, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Canal or Collateral Cut, shall lie or remain upon any Wharf or Wharfs, Quay or Quays,

Further Allowance to the Company of Proprietors for Goods re-

[*Loc. & Per.*]

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maining upon
their Wharfs
acertain Time.

Quays, belonging to the said Company of Proprietors, or to any other Person or Persons, and adjoining to the said Canal or Collateral Cut, for above the Space of Twenty-four Hours, then and in such Case the said Company of Proprietors, or such other Person or Persons, shall be entitled to receive such reasonable Rates or Allowance, over and above the Rates herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of such Hops, Coal, Culm, Stone, Timber, Slate, Chalk, Lime, Goods, Wares, Merchandize, or other Things.

Company of
Proprietors
not to use pri-
vate Wharfs.

LXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal or Collateral Cut, for his, her, or their private and exclusive Use, nor to set up, erect, repair, or use any Crane or Weigh Machine in or upon any such Wharf, Quay, or Landing Place, without the Consent of the Owners or Occupiers thereof respectively; any Thing herein contained to the contrary thereof notwithstanding.

Regulations
for Vessels in
the Basins.

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and to and for their Committee, and to and for any Person or Persons authorized and employed by them respectively for such Purpose, from Time to Time to make such Rules, Orders, and Regulations as to them shall seem meet for the birthing or mooring of any Boats, Barges, or other Vessels entering or that shall have entered any Basin or Pen of Water to be made by virtue of this Act, and from Time to Time to remove or cause to be removed any Boat, Barge, or other Vessel, at the Charges and Expences of the Owner or Owners, or Master or Masters thereof, from any Part or Parts of any such Basin or Pen of Water, to any other Part or Parts thereof; and all Masters, Owners, or other Person or Persons having the Direction of any such Boat, Barge, or other Vessel, shall, in case they shall refuse or neglect to comply with any such Rules, Orders, or Regulations, for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Drains to be
made to con-
vey Water
from the Lands
adjoining;

LXV. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages, over, under, by the Side of, or into the said Canal or Collateral Cut, or any Basin or Pen of Water thereto belonging, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal or Collateral Cut, or any Basin or Pen of Water thereto belonging, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal or Collateral Cut, or of

any Basin or Pen of Water thereto belonging, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Places where, by means of the said Canal or Collateral Cut, or any other of the Works, hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times, after Thirty Days Notice in Writing shall, by or on the behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal or Collateral Cut, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall and may be lawful to and for any Person or Persons to apply for and obtain an Order in Writing from any Two or more of the Justices of the Peace for the said County of *Kent* from Time to Time as often as there shall be Occasion (and the said Justices are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages may, by the Order of such Justices, be directed to be made; and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said adjoining or contiguous Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses, leading to or from the Drains, Culverts, and Passages of the said Canal or Collateral Cut, and other Works as aforesaid, and each and every of them, sufficiently cleansed and opened to convey Water into the same.

and Watering
Places for
Cattle.

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 Canal or Collateral Cut, and Towing Paths thereto belonging, shall be dug out and formed) divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal and Collateral Cut, and the Trenches, Feeders, or Passages hereby authorized to be made on such Part or Parts thereof respectively, (as shall be deemed necessary by any Two or more Justices of the said

For fencing
off Towing
Paths.

said County of *Kent*, 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 up, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates 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, Fording Places, Arches, Culverts, and Passages, over, under, or by the Side of, or into the said Canal or Collateral Cut, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as any Two or more Justices of the Peace for the said County of *Kent* shall from Time to Time deem necessary and direct, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Tenements or Hereditaments adjoining to such Canal or Collateral Cut and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or Collateral Cut, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridle Way, or Foot Path, until they shall at their own proper Costs and Charges have made and perfected such Bridge or Bridges, Fording Place or Fording Places, Passage or Passages, Arch or Arches, over, across, or under the same Highway, public Bridle Way, or Foot Path, of such Dimensions and in such Manner as any Two or more Justices of the Peace for the said County of *Kent* shall from Time to Time deem necessary and direct, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, Fording Places, 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 Canal and Collateral Cut, in Manner herein 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 Towing Paths, or such Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, over, under, or by the Sides of, or into the said Canal or Collateral Cut, and the said Trenches, Streams, and Watercourses as aforesaid; or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Tenements, or other Hereditaments adjoining or near to the said Canal or Collateral Cut; or to maintain and support such Gates, Stiles, Bridges, Arches, Fording Places, Passages, and Watering Places, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by such Justices,

or

If Company
do not fence
off Towing
Paths, and
make Bridges,
&c.

or after Notice shall be given by or on the behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Tenements, 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, Fording Places, Arches, Passages, Watering Places, and other Conveniences, as such Justices shall have 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; so that in making and maintaining such Works as aforesaid, the said Canal or Collateral Cut, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by such Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Tenements, 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 made thereof, and delivered to the said Company of Proprietors, or to any of their Clerks for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid, such Justices 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 Canal or Collateral 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 such Justices; or all or any of the said Owners or Occupiers may have such and the like Remedy against the said Company of Proprietors for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

Land Owners may do it at the Company's Expence.

LXVII. Provided always, and be it enacted, That if the Owners or Occupiers of any Lands, Tenements, or other Hereditaments through which the said Canal or Collateral Cut shall be made, do or shall at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Fording Places, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which such Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Tenements, or Hereditaments on both Sides, or on either Side thereof, then and in every such Case it shall and may be lawful

If Bridges, &c. made by the Company, insufficient, Land Owners may make others at their own Expence.

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ful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Three Calendar Months next after such Request, then with the Consent and Approbation of such Justices, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Fording Places, Passages, Arches, Culverts, Watering Places, or other Conveniences, of the same or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Canal or Collateral Cut, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation of such Lands, Tenements, and other Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so as that the Navigation of the said Canal or Collateral Cut be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than shall be absolutely necessary and expedient for the making or erecting of such Gates, Stiles, Bridges, Fording Places, Passages, Arches, Watering Places, or other Conveniences.

Swivel or Draw Bridges to be shut after Vessels have passed.

LXVIII. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal or Collateral Cut, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge or Swivel Bridge shall, and he, she, and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same (except such Bridges as may be erected for the private Use of any Owner or Owners of any Lands, Tenements, or other Hereditaments); and every Person neglecting so to do, or wilfully opening any such Swivel Bridge or Draw Bridge, when no Vessel is to pass through the same, shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings; and in case any such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; One Moiety of which said respective Penalties shall go to the Informer.

Works damaged by Floods to be repaired by the Company.

LXIX. And be it further enacted, That in case any Lock, Weir, Flood Gate, Dam, Bank, Basin, Trench, or any other of the Works of the said Canal or Collateral Cut, shall be so injured, destroyed, or affected by any Flood, or other unexpected Cause or Accident, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage, it shall and may be lawful to and for the said Company of Proprietors from Time to Time, or to and for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal or Collateral Cut, and other Works or Conveniences, or any of them (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the

the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners, and Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Fourteen Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled, assessed, determined, and recovered by the Ways and Means herein prescribed and directed with respect to other Damages to be done in or about the making and maintaining the said Canal or Collateral Cut, or any Part or Parts thereof.

LXX. And be it further enacted, That, if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining, or lying contiguous, to the said Canal and Collateral Cut, and other Works, or either of them, shall, by reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal or Collateral Cut, or any of the Works thereunto belonging, and if the same shall not be perfectly cleansed and opened within One Calendar Month after Notice in Writing shall have been given thereof to such Owner or Occupier, or to the Clerk or Agent of any Body Politic, Corporate, or Collegiate, or affixed on some conspicuous Part of the Premises wherein such Ditches or Drains shall be situate, or left at the usual Place or Places of Abode, of any such Owner or Occupier, or Clerk or Agent, by the Clerk or any Agent of the said Company of Proprietors; then and in such Case it shall and may be lawful to and for the said Company of Proprietors, from Time to Time as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches and Drains; and the reasonable Expences thereof shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal or Neglect to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as any Forfeitures or Penalties are herein directed to be recovered.

Enabling the Company to cleanse the adjoining Watercourses at the Land Owner's Expence.

LXXI. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Canal or Collateral Cut, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number, and also the Place to which every such Boat, Barge, or other Vessel shall belong, and the true Number of Tons Burthen thereof, to be painted in large White 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, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is

Names on the Outside of Boats to be fixed.

Weight of
the Lading
of Vessels to
be marked.

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 shewn; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel, or who shall navigate the same upon the said Canal or Collateral Cut without having such Name, Figures, and Index thereon as are hereinbefore directed, or who shall alter, erase, deface, or destroy such Name, Figure, or Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index; or shall wilfully suffer or permit any Boat, Barge, or other Vessel navigating upon or lying in the said Canal or Collateral Cut, to be loaded or unloaded in any Lock, or in any other Part of the said Canal or Collateral Cut, without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal or Collateral 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, Barge, or other Vessel, from falling into the said Canal or Collateral Cut, shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Owners ac-
countable for
Damages
done by the
Boatmen.

LXXII. And be it further enacted, That the Master and Owner of every Boat, Barge, or other Vessel navigating upon the said Canal or Collateral Cut, shall and he and they is and are hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by such Boat, Barge, 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, to any of the Bridges, Weirs, Locks, Basons, Dams, Engines, or other Works in, upon, or belonging to the said Canal or Collateral Cut, or 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 of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the said Canal or Collateral Cut, by leaving open any Gate or Gates, Lock or Locks, Bridge or Bridges, or by any other Means whatsoever; and the Master or Owner of every such Boat, Barge, or other Vessel, shall for every such Trespass, Damage, Spoil, or Mischief, upon Conviction of any such Boatman, Waterman, and other Person or Persons, before any Justice of the Peace for the said County of *Kent*, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer), or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice (provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Five Pounds); and shall also over and above forfeit and pay to the Informer or Informers, any Sum not exceeding Twenty Shillings, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Five Pounds, the said Master or Owner of such Boat, Barge, or other Vessel, may be sued and prosecuted for such Damages, Satisfaction, and Compensation in any of
His

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.

LXXIII. Provided always, and be it enacted, That such Boatmen, Watermen, and other Person or Persons, and each and every of them, shall be liable to repay such Damages, Satisfaction, and Compensation and Penalty, so ascertained, fixed, and determined by such Justice, with the Costs of levying and recovering thereof, to such Master or Masters, Owner or Owners; and in case of Non-payment thereof, upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them, of such Damages, Satisfaction, Compensation, or Penalty, and that the same, and the Costs thereof, have or hath not been repaid to him, her, 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) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Masters to recover from Boatmen.

LXXIV. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal or Collateral Cut, as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel, to turn round or lie whilst another Boat, Barge, or Vessel, shall pass by, or to admit Two Boats, Barges, or other Vessels, to pass each other, and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal or Collateral Cut, at convenient Distances from each other, for the turning, lying, or passing of any such Boats, Barges, and other Vessels; and all such Boats, Barges, and other Vessels, which shall be haled or navigated upon the said Canal or Collateral Cut, shall, upon meeting any other Boat, Barge, or other Vessel navigating thereon, stop at, or go back to, and lie, in the said Spaces or Openings, in such Manner as the said Company of Proprietors, or their Committee, shall from Time to Time direct and appoint; and if any Boat, Barge, or other Vessel, shall be placed or shall lie abreast in any Part of the said Canal or Collateral Cut, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the Navigation of the said Canal or Collateral Cut, or of any Part or Parts thereof, by Means of the misplacing or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately upon Request made, moor the same at both Ends, or alter the Situation of such Boat, Barge, or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; and also any Sum not exceeding Ten Shillings for every Hour during which such Obstruction shall continue after the making of such Request; and it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat, Barge, or other Vessel, to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for pre-

Places to be made for Boats to turn or lie in for other Boats to pass.

Vessels obstructing the Navigation to be removed; and Vessels sunk to be weighed up.

[Loc. & Per.]

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venting

venting or removing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel shall be sunk in any Part of the said Canal or Collateral Cut, or in any Basin or Pen of Water, Trench, or Sluice belonging thereto; and the Owner or Owners, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up; and in case the same shall not be redeemed, and all Expences paid, within the Space of Five Days, to detain, keep, and use the same, or otherwise to sell and dispose thereof, for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same; and the Overplus (if any) shall be returned, on Demand, to the Owner or Owners thereof.

Canal not to be obstructed.

Locks not to be left open.

Penalty on destroying the Works.

LXXV. And be it further enacted, That if any Person or Persons shall float any Timber, or shall row any Boat, Barge, or other Vessel upon the said Canal or Collateral Cut, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon, to lie over the Sides thereof; or shall overload any Boat, Barge, or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately, upon Notice given of such Obstruction, hale such Boat, Barge, or other Vessel into such Place or Places, Opening or Openings, as shall be proper or be made for the Purpose of enabling Boats, Barges, and other Vessels, to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats, Barges, or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Canal or Collateral Cut, Trenches, Watercourses, or Basins, to be made by virtue of this Act, or shall wantonly or unnecessarily open, or cause to be opened, any Lock Gate, Paddle, Valve, or Clough, belonging to the said Canal or Collateral Cut, or suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal or Collateral Cut, or shall leave any of the said Valves or Cloughs open and running, after any Boat, Barge, or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough, in any of the Lock Gates, on the said Canal or Collateral Cut, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person or Persons employed 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, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged

Judged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted; shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petty Larceny.

LXXVI. And be it further enacted, That if any Boatman, Bargeman, or other Person navigating or having the Care of any Boat, Barge, or other Vessel, upon the said Canal or Collateral Cut, and passing through any Lock to be made thereon, shall suffer the Water to remain in such Lock for any longer Space of Time than is necessary for the Passage of his Boat, Barge, or other Vessel, through the same; or if such Boatman, Bargeman, or other Person as aforesaid, in going down the said Canal or Collateral Cut, shall not, previous to his bringing his Boat, Barge, or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof, or shall not, after he shall have brought such Boat, Barge, or other Vessel, through the said Lock, shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof, or if any such Boatman, Bargeman, or Person as aforesaid, in going up the said Canal or Collateral Cut, towards the Head Level or Head Levels thereof, shall not shut, so soon as he shall have passed with his Boat, Barge, or other Vessel, through the said Lock, the Upper Gates of the same, before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel, coming down the said Canal or Collateral Cut in Sight of the said Boatman, Bargeman, or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal or Collateral Cut, the Boat, Barge, or other Vessel so going up the same, (if within Sight of a Boat, Barge, or other Vessel so coming down), and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock, before the Boat, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels than One below and above any Lock at the same Time, in any such dry Season, within the Distance aforesaid (which Distance shall be distinguished by a Post or Mark to be made and set up for that Purpose) such Boats, Barges, or other Vessels, shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels, so going up or coming down, shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; every such Boatman, Bargeman, and other Person, acting contrary to these Directions in passing any such Lock or Locks, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Justice or Justices before whom such Offender or Offenders shall appear.

Regulations
for passing the
Locks.

LXXVII. And

Lock Keepers
not to give
Preference.

LXXVII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by or Servant belonging to the said Company of Proprietors shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal or Collateral Cut, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes or other Machines, belonging to the said Company of Proprietors, every Person so offending shall, on Conviction, forfeit and pay any Sum not exceeding Forty Shillings.

Canal not to
be under the
Power of
Commission-
ers of Sewers.

LXXVIII. And be it further enacted, That the said Canal or Collateral Cut, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioner of Sewers, or to any Law or Statute relating to Sewers whatsoever.

Rights of
Lords of Ma-
nors and
Land Owners
to the Fishery
preserved.

LXXIX. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors through or in which the said Canal, Collateral Cut, Basons, Feeders, Trenches, and Sluices, or any of them, shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal, Collateral Cut, Basons, Trenches, and Sluices thereto belonging, as shall be made over, under, or through the Common or Waste Lands within his, her, or their Manors respectively, and as shall be made over or through any other Lands or Grounds, in the Pits, Ponds, or Waters whereof such Lord or Lords, Lady or Ladies, now have, or hath, or are, or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds through or in which the said Canal, Collateral Cut, Basons, Feeders, Trenches, and Sluices, or any of them, shall be made, shall also have and be entitled to the like Right of Fishery, of and in so much of the said Canal, Collateral Cut, or other Works, as shall be made in, over, under, or through, his, her, or their Lands or Grounds respectively; so as that in the Use and Exercise of such Rights of Fishery, the said Canal or Collateral Cut, or other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same; and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal or Collateral Cut, or other Works, or any of them, which shall be taken, killed, or destroyed through or by Means of the letting the Water out of them respectively, for the Purposes of the said Canal or Collateral Cut or other Works, or on Account of any Repairs or Work to be done in and about the same Canal or Collateral Cut, or other Works respectively.

Saving the
Rights of the
City of Lon-
don as Con-
servators of
the Thames.

LXXX. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of London, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Mayor and Commonalty

and Citizens, or the said Lord Mayor for the Time being as Conservator of the River of *Thames* and Waters of *Medway*, did or might lawfully claim, use, or exercise, nor to authorize or empower the said Company of Proprietors, their Workmen or Servants, or any of them, to embank, encroach upon, or interfere with any Part of the Soil or Bed of the River or Waters, or the Banks or Shores thereof (save and except so far as may be necessary for the Purposes of making and maintaining the said intended Canal and Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging), without the Licence and Consent of the said Mayor and Commonalty and Citizens first had and obtained in Writing for that Purpose; any Thing herein contained to the contrary thereof in anywise notwithstanding.

LXXXI. And be it further enacted, That the said Company of Proprietors shall pay or cause to be paid to the Mayor and Commonalty and Citizens of the City of *London*, the Sum of One Shilling, and no more, for ever, yearly and every Year, on the Twenty-fourth Day of *June*, if lawfully demanded, as an Acknowledgment for making and continuing the necessary Communication of the intended Canal with the River of *Thames*; the first Payment thereof to begin and be made on the Twenty-fourth Day of *June* next after the intended Canal, or any Part thereof, shall be made to communicate with the River *Thames*.

Rent to be paid to the City of London.

LXXXII. Provided always, and be it enacted, That for the more effectual Execution of the Laws for the better Protection and Preservation of the Fishery of the River of *Thames*, so much of the intended Canal, Cut, Basons, and other Works, as shall extend from the Communication thereof with the River *Thames* at or near *Gravesend*, to a Boundary Stone to be fixed at or about Half the Length of the intended Canal, shall, as far as respects the Fishery, be deemed and taken to be Part of the River *Thames*, and be at all Times subject to all the Laws for the better Protection and Preservation of the Fishery, as if the same actually was or were Part of the River *Thames*, and as such within the Jurisdiction of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being; and that no Right or Rights of Fishery shall be exercised in such Part of the said intended Canal and Collateral Cut, or either of them, or other Works thereunto belonging, but subject to such Laws for the Protection of the Fishery; any Thing herein contained to the contrary in anywise notwithstanding.

For preserving Rights of Fishery to the City of London.

LXXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Citizens of the City of *Rocheſter*, in the County of *Kent*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction, which at the Time of making this Act the said Mayor and Citizens, as Conservators of that Part of the Waters of *Medway* within their Jurisdiction, did or might lawfully claim, use, or exercise, nor to authorize or empower the said Company of Proprietors, their Workmen or Servants, or any of them, to embank, encroach upon, or interfere with any Part of the Soil or Bed of the Waters of *Medway*, within the last-mentioned Jurisdiction, or the Banks or Shores thereof, (save and except

Saving the Rights of the City of Rocheſter as Conservators of the Medway.

so far as may be necessary for the Purposes of making and maintaining the said intended Canal and Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging), without the Licence and Consent of the said Mayor and Citizens first had and obtained in Writing for that Purpose; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Rent to be paid to the City of Rochester.

LXXXIV. And be it further enacted, That the said Company of Proprietors shall pay or cause to be paid to the Mayor and Citizens of the City of *Rochester*, in the County of *Kent*, the Sum of One Shilling, and no more, for ever, yearly and every Year, on the Twenty-fourth Day of *June*, if lawfully demanded, as an Acknowledgment for making and continuing the necessary Communication of the intended Canal with the Waters of *Medway*, within the Jurisdiction of the said Mayor and Citizens; the first Payment thereof to begin and be made on the Twenty-fourth Day of *June* next after the intended Canal, or any Part thereof, shall be made to communicate with the Waters of *Medway*.

For preserving Rights of Fishery to the City of Rochester.

LXXXV. Provided always, and be it enacted, That for the more effectual Execution of the Laws for the better Protection and Preservation of the Fishery of the Waters of *Medway*, within the Jurisdiction of the Mayor and Citizens of the City of *Rochester*, in the County of *Kent*, so much of the intended Canal, Cut, Basons, and other Works, as shall extend from the Communication thereof with the River *Medway*, within the Jurisdiction of the Mayor and Citizens of the City of *Rochester*, to a Boundary Stone to be fixed at or about Half the Length of the intended Canal, shall, as far as respects the Fishery, be deemed and taken to be Part of the Waters of *Medway*, and be at all Times subject to all the Laws for the better Protection and Preservation of the Fishery, as if the same actually was or were Part of the Waters of *Medway*, and as such within the Jurisdiction of the Mayor and Citizens of the City of *Rochester*, in the County of *Kent* aforesaid; and that no Right or Rights of Fishery shall be exercised in such Part of the said intended Canal and Collateral Cut, or either of them, or other Works thereunto belonging, but subject to such Laws for the Protection of the Fishery; any Thing herein contained to the contrary in anywise notwithstanding: And provided also, that nothing in this Act contained shall extend or be deemed to extend so as to enable any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, to lay any Oysters, or Spat of Oysters, or to dredge for or take Oysters in the said Canal or Collateral Cut, or either of them, or any of the Basons or other Works thereunto belonging.

No Oysters to be laid or taken in the Canal.

The Banks not to be hurt by the Exercise of Rights of Fishery.

LXXXVI. Provided also, and be it enacted, That in the Use or Exercise of any such Right of Fishery by any Body Politic or Corporate, or any Person or Persons whomsoever, the said Canal or Collateral Cut, or any Bason, or any Bank thereunto belonging, shall not be hurt, injured, or prejudiced, nor any Water drained from the same or any Part thereof; and no Net or Nets shall be placed or laid within One hundred Yards of any Lock or Locks, or Sluice or Sluices, to be erected by the said Company of Proprietors.

Power for Land Owners to use Pleasure Boats.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands, Tenements, or Hereditaments adjoining to the said Canal or Collateral Cut, to use any Pleasure

Pleasure Boat or Boats upon the same, (not passing through any Lock or Locks, unless Tonnage equal to a Boat, Barge, or other Vessel of Five Tons laden with Merchandize shall be first paid, or the Consent of the said Company of Proprietors obtained), without any Interruption from the said Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the same; so as the same Pleasure Boat or Boats be not made use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal or Collateral Cut, or the Towing Paths, or other Works belonging thereto; provided that no such Boats shall in any Case pass through any Lock, except when the Water shall be running over the Waste Weirs of such Lock.

LXXXVIII. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canal or Collateral Cut, or any Towing Paths, Wharfs, Quays, Basons, Feeders, Trenches, Sluices, Passages, Watercourses or other Conveniences aforesaid, shall be made, to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal or Collateral Cut, or any of the Works or Conveniences belonging thereto.

Mines reserved to Lords of Manors and other Proprietors.

LXXXIX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by themselves or their Agents or Servants, at any Time or Times, upon reasonable Notice, in the Day-time, to enter upon any Lands through or near which the said Canal or Collateral Cut, and Works hereby authorized to be made shall be or pass, wherein any Mines shall or may have been dug, opened, or wrought; and likewise to enter into all such Mines, and there to view, search, and measure, lath-dial and use, all other Means for discovering the Distance of the said Canal or Collateral Cut, and Towing Paths, from the working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal or Collateral Cut, or any Basons, Pens of Water, or other Works belonging thereto, or so near thereto as to endanger or damage the same, it shall be lawful to and for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine or Mines, to enter into and upon such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal and Collateral Cut, Towing Paths, and other Works, or any of them; and such Expences, Costs, and Charges shall, in case such Mine or Mines shall have been so worked or wrought subsequent to the Commencement of this Act, be recovered by the said Company of Proprietors,

Company's Agents to be at Liberty to enter Lands or Mines to view the Works.

Proprietors, in case of Non-payment thereof upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered, and shall be paid into the Hands of the Treasurer to the said Company of Proprietors, for the Use and Benefit of the said Company.

Subscribers
compelled to
pay their Sub-
scriptions.

XC. And be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money for and towards making and maintaining the said Canal and Collateral Cut, and the other Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed (or such Parts and Proportions thereof as shall from Time to Time be called for by the said Committee of the said Company of Proprietors, by virtue of the Powers and Directions of this Act), at such Times and Places and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Authority
given to the
Mayor and
Justices of
Gravesend
and Milton to
act in their
own Juris-
diction.

XCI. Provided always, and be it enacted, That the Mayor and other His Majesty's Justices of the Peace for the Time being, acting in and for the Corporation of *Gravesend* and *Milton*, shall have Authority in all Matters arising within the Limits of the Jurisdiction of the said Corporation, in like Manner as the Justices of the Peace for the said County of *Kent* have Authority within the said County.

Fines and
Forfeitures.

XCII. 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 Non-payment thereof, on Conviction of the Offenders respectively, on his, her, or their Confession, or on the Evidence of any One or more credible Witness or Witnesses, before any Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice or Justices; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Company of Proprietors, 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 every such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XCIII. And

XCIII. 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 Damages.

XCIV. 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*),

‘ BE 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 Fortieth Year of the Reign of King George
 ‘ the Third, intituled, [*Here set forth the Title of the Act*].
 ‘ Given under my Hand and Seal the Day and Year first above men-
 ‘ tioned.’

Form of Conviction.

XCIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye-Law, or Order of the said Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in such Case he, she, or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the County in which the Cause of Appeal shall arise (first giving Ten Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature thereof, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon); and the said Justices shall, upon due Proof of such Notice and Recognizance having been given and entered into, either hear and determine the said Appeal 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 holden 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

Persons aggrieved may appeal to the Quarter Sessions.

Proceedings not to be quashed for

[*Loc. & Per.*]

7 A

of

want of
Form, nor
removed by
Certiorari.

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.

Limitation of
Actions.

XCVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, Bodies Politic or Corporate, 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, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Treble Costs.

Public Act.

XCVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of by all Judges, Justices, and other Persons whomsoever, as such, without specially pleading the same.

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