



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

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Cap. 144.

An Act for making a Harbour and Wet Dock, at or near *Saint Nicholas Bay*, in the Parish of *Saint Nicholas* and *All Saints*, in the Isle of *Thanet*, in the County of *Kent*; and for making a Navigable Canal from the said Harbour to the City of *Canterbury*.

[10th June 1811.]

WHEREAS the making of a commodious Harbour and Wet Dock and Graving Docks, for the Reception of Vessels at and adjoining to a Place called *Saint Nicholas Bay*, partly in *Saint Nicholas Bay* and partly in *Saint Nicholas Level*, in the Parish of *Saint Nicholas* and *All Saints*, in the Isle of *Thanet* and County of *Kent*, would afford Shelter and Anchorage in strong Gales of Wind, and Accommodation for Repairs in case of Damage, to Trading Vessels and Boats sailing from the *North Foreland* to the Mouth of the *Thames*, and would be of public Utility; and it is desirable, that Roads, Ways, Avenues, or Approaches, to the said Harbour and Wet Dock, should be made and maintained, as herein-after mentioned: And whereas the making and maintaining of a Canal, navigable for Boats and other Vessels, from such Harbour and Dock, in and through the several Parishes of *Saint Nicholas* and *All Saints*, *Chislett*, *Wickham Breaus* otherwise *Wickham Breux*, *Stodmarsh*, *Westbere*, *Sturry*, *Hackington* alias *Saint Stephen*, *Saint Mary Northgate*, and *Holy Cross Westgate*, in the City and County of the City of *Canterbury*, to a Basin intended to be formed at a Messuage or Tenement, and the Ground

[Loc. & Per.]

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and

and Premises thereto adjoining, and now occupied together as Barracks, in or near to the said Parishes of *Hackington* alias *Saint Stephen*, and *Holy Cross Westgate*, in the County of *Kent*, and *Saint Alphage* in the said City and County of the City of *Canterbury*, or in some or one of them, and near to a certain Mill there called *Deans Mill*, with convenient Roads, Ways, Avenues and Approaches, to and from the said intended Basin, as herein-after mentioned, to join *Saint Alphage's Lane*, in the same Parishes and Places of *Saint Peter*, *Saint Alphage*, and the *Blackfriars*, in the said City and County of the City of *Canterbury*, will be of very beneficial Consequences to the Intercourse and Trade thereof, and will open a short and easy Communication from the Sea to the said City: And whereas for better making and completing the said Canal, it will be necessary to divert or alter for a short Distance, as hereinafter-mentioned, the present Course of the River *Stour*; and also to connect the said Canal with the said River *Stour*, by Means of a Lock and short Cut at the East Side of *Grove Ferry* in the said Parish of *Chislett*; but the several Purposes aforesaid cannot be effected without the 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 *John Julius Angerstein*, *Francis Atkinson*, *Hodgson Atkinson*, *Grace Applebee*, *John Searle Appleyard*, *John Blades*, *Joseph Bolland*, *Herbert Brace*, *William Bray*, *Jasper Selwyn Bray*, *James Brogden*, *James Burton*, *John Baker*, *John Baker and Company*, *William Baldock*, *John Joseph Barnes*, *William Baskerville*, *William Mercurius Baskerville*, *Bridges Barrett Barrett*, *William Baskerville*, *William Beer*, *Francis Bellingham*, *John Saunders Bennett*, *James Beer*, *Thomas Millen Beer*, *Isaac Beer*, *William Blackley*, *James Blackley*, *John Browne*, *Daniel Barnard*, *Thomas Bott*, *James Brooman*, *Louisa Beckingham*, *John Budden*, *William Burborough*, *John Buckley*, *Sir Samuel Egerton Brydges*, *William Burnby*, *John Capel*, *Henry Bushell*, *Alexander Coppard*, *Peter Cazalet*, *John Calloway*, *Cephas Clackett*, *John Clements*, *William Collens*, *William Collens junior*, *Samuel Collett*, *Mawer Gowtan*, *John Cozens*, *Thomas Cramp*, *William Henry Cullen*, *Robert Court Cullen*, *John Castleden*, *William Chalk*, *John Chandler*, *Newbery Clements*, *John Collens*, *Mary Cranbrook*, *James Beveridge Duncan*, *William Castell Damant*, *Thomas Damant*, *Henry Davidson*, *Charles Derne*, *John Dixon*, *Joseph Dowson*, *James Dunsford*, *Matthew Dunsford*, *John Dadds*, *Thomas Dean*, *Daniel Decausour*, *Thomas Delafaux*, *Charles Delmar*, *James Dernecour*, *Stephen Dewell junior*, *Thomas Docker*, *Joseph Dyason*, *Abraham Dombain*, *George Elwyn*, *John Farley Francis*, *Robert Steward Flemmyng*, *Sir Charles Flower Baronet*, *Abraham Favenc*, *Edward Buckley Fox*, *Ann Fuller*, *John Furley*, *Robert Foote*, *Hugh Gibson*, *James Gibson*, *John Gilliatt*, *William Glover*, *Abraham Goldsmid*, *George Trenchard Goodenough*, *William Gordon*, *Reginald Graham*, *John Gray*, *Aaron Goldsmid*, *Isaac Lyon Goldsmid*, *Thomas Gilbert*, *Henry Gipps*, *John Goulden*, *William Goulden junior*, *Deborah Gibbs*, *Richard Hervey Giraud*, *John Giraud*, *Reverend John Gregory*, *William Grensted*, *George Heath*, *James Heygate*, *James Heygate junior*, *William Heygate*, *Henry Hinckley*, *John Hinckley*, *William Holden*, *William Douglas Hopkins*, *Henry Hase*, *General George Harris*, *William Hollingsworth*, *Richard Halford*, *Richard Halford junior*, *Joseph Fredrick Hagell*, *William Harnett*, *William Harnett*, *William Harnett*, *William Harnett junior*, *Charlotte Harris*, *William Hobday*, *William Homersham*,

James Homersham, Ambrose Humphrys, Thomas Hammond, Thomas Hobday, William Hougham, John Hudson, Samuel Jackson, Richard Jackson, Nathaniel Jarman, James Innes, George Farewell Jarman, Edward Jarman, Robert Jager, William Jones, William Johnson, Thomas King, George Keen, William Keen, Richard Kelly, John Kennett, Samuel Kingsford, Elizabeth Kingsford, William Leathley, Richard Lee, Edward Lee, William Lewis, Joseph Luck, John Hervey Lean, James Large, James Lawrence, James Lawrence, John Lawrence, William Lepine, William Lepine, Daniel Lepine, Magdalen Lombert, William Luddington, Stephen Rumbold Lushington, Russell William Lavender, Mackrill, Thomas Moxon, William Murphy, Edward Longden Macmurdo, John Minter, Charles Moss, William Moss, Richard Mount, Stephen Mummery, Thomas Marseille, Richard Marsh, William Miles, John Minter, William Northedge, Hammond Nichols, George Palmer, William Palmer, John Henry Pearson, Edward Penny, Sir John Perring Baronet, George Plomer, Joseph Pulley, John Pritt, Michael Pope, Thomas Parker, Thomas Penny, Richard Pettman junior, William Phillipott, John James Pierce, George Plomer, John Plumptre, James Pratt, John Pringnor, Rasch, John Risdon, Stratford Robinson, John Rogers, George Russell, William Radley; Read, Flint and Company; James Ridout, James Ridout junior, Sarah Rice, William Roberts, John Roberts, Thomas Scurr, John Christostomo Silva, Abraham Sheppard, Isaac Solly, John Stephens, George William Symes, Samuel Sankey, Thomas Slaughter, Robert John Sprakeling, Alexander Hanna Spratt, John Smart, John Southey junior, John Shipdem, Thomas Starr, Margaret Staines, William Stock, Alexander William Stacey, Robert Strouts, William Sumpter, George Sharp, James Sharp, Samuel Shrewsbury, William Simms, Henry Snoulton, James Stevenson, John Todhunter, Joseph Todhunter, William Trye, Frederick Turner, Edward Thompson, Thomas Tilbe, William Walker, Edmond Thomas Waters, William Watkins, Robert Woods, Colonel John Waters, William Francis Woodgate, Capon Weeks, Reverend Doctor William Welfitt, James White, Thomas White, Stephen Williamson, John Charles Woolley, Samuel Wraith, Samuel Wright, Robert White, and John Wraith, and their several and respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons, Bodies Politic, Corporate or Collegiate, as shall at any Time hereafter be possessed of One or more Share or Shares in the said Harbour, Dock, Canal, and other Works hereby authorized to be made and executed, shall be and they are hereby united into a Company for making, completing, and maintaining the said intended Harbour, Dock, Canal, and other Works, according to the Rules, Orders, and Directions herein-after expressed; and for the Purposes of this Act, are and shall be one Body Politic and Corporate, by the Name and Style of *The Company of Proprietors of the Saint Nicholas Bay Harbour and Canterbury Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued; and that the said Company of Proprietors shall and may have full Power and Authority to purchase Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Company to
be a Body
Corporate.

Common Seal.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered by themselves or their Agents, Deputies, Officers, Workmen and Servants, to make,

Harbour may
be formed.

make, complete, and maintain on the Sands, Rock, and Land at *Saint Nicholas Bay*, partly in *Saint Nicholas Bay* and partly in *Saint Nicholas Level*, in the Parish of *Saint Nicholas* and *All Saints* aforesaid, such Piers, Quays, Wharfs, and other Works, as they shall deem necessary and expedient for the Formation of a commodious Harbour and Wet Dock, with Graving Docks for the Reception and Accommodation of Ships and Vessels, and the Officers and Crews thereof; and also to erect and make, or cause to be erected and made, such Buildings and Warehouses for receiving Goods and Merchandize, and such Dwelling-houses and other Buildings, as the said Company shall deem necessary or expedient, within the Limits herein-after mentioned, and subject to the Provisions and Directions in this Act contained: And also to make and maintain a Cut or Canal, to be navigable and passable for Boats and other Vessels, from the said Harbour and Wet Dock, into and through the several Parishes of *Saint Nicholas* and *All Saints*, *Chislett*, *Wickham Breaus* otherwise *Wickham Breaux*, *Stodmarsh*, *Westbere*, *Sturry*, *Hackington* alias *Saint Stephen*, *Saint Mary Northgate*, and *Holy Cross Westgate*, in the said County of *Kent*; and *Saint Alphage*, *Saint Mary Northgate*, and *Holy Cross Westgate*, in the City and County of the City of *Canterbury*, to a Messuage or Tenement, and the Ground and Premises thereto adjoining, and now occupied together as Barracks, in or near to the said Parishes of *Hackington* alias *Saint Stephen*, and *Holy Cross Westgate*, in the said County, and *Saint Alphage*, in the said City and County of the City of *Canterbury*, and in some or One of them, and near to a certain Mill there called *Deans Mill*; and also to make and form a Basin at and upon such last-mentioned Premises; and it shall be lawful for the said Company of Proprietors to supply the said Canal and Basin, whilst making, and at all Times for ever after the same shall be made, with Water from all such Brooks, Springs, Streams, Rivulets, Rivers, Millheads, Waters, and Watercourses, as shall flow or be found in digging or making the said Harbour, Wet Dock, Canal, and Basin respectively, or within the Distance of One thousand Yards from any Part of the said Harbour, Wet Dock, Canal, and Basin, or any of them, and also to erect and make at such Place or Places, such Fire or Steam Engines, or other Machines for supplying with Water the said Canal, or any Part or Parts thereof, or any Mill which may be affected in consequence of this Act; and also such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels for supplying the said Fire Engines, Canal, and Mills, with Water, and for conveying Water to the said Canal, as by the said Company of Proprietors shall be deemed necessary and proper; and also for effecting the Purposes aforesaid, within the like Distance from any Part of the said Dock and Canal, to cleanse, scour out, dig, open, deepen, enlarge or straighten the Streams, Brooks, or Watercourses, which come or may be brought into or communicate therewith respectively, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, or Watercourses, for bringing Water into the said Canal, and to make such proper Trenches or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near to the said Dock and Canal, or either of them, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as the said Company of Proprietors shall think fit; and for effectuating the Purposes of this Act, the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds, Brooks, Streams, Waters, Millheads, Highways, Roads, Passages, Commons, and all other
Lands.

Canal from
the Harbour
to Canter-
bury.

General
Powers.

Lands and Places of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politic, 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 and completing the said Harbour, Dock, and Canal, and any such Feeders, Aqueducts, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, connecting, and using the said Harbour, Dock, and Canal, and other Works, and also to bore, dig, cut, trench, fough, get, remove, take, carry away, and lay Earth, Brick 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 Harbour, Dock, and Canal, or other Works, or in making any Feeders or Aqueducts, or out of the Lands and Grounds of any Person or Persons adjoining or lying convenient thereto; and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, connecting, or repairing the said Harbour, Dock, and Canal, or other Works, or which may hinder, prevent, or obstruct the making, using, completing, extending, or maintaining of the same respectively, or in making, using, completing, extending and maintaining of any such Feeders, Trenches, Passages, Aqueducts and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said Harbour, Dock, and Canal, or any of them, according to the Intent and Purpose of this Act, and to make Bricks and Tiles upon the said adjoining Lands, and also to make, build, erect, and set up, in or upon the said Harbour, Dock, Canal, and Roads, 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, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houses, Warehouses, Tollhouses, Watchhouses, Lock-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 necessary and convenient; 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 or Conveniences, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandize and other Articles, to and from the said Harbour, Dock, and Canal, or any of them, as for the carrying and conveying of all Manner of Materials necessary for making, erecting, finishing, altering, repairing, maintaining, amending, connecting, widening, or enlarging the said Harbour, Dock, and Canal, and the Works of or belonging to the said Undertaking, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the 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 divert and alter the present Course of the River *Stour*, for a Distance not exceeding One Mile in Length, in or near the several Parishes of *Wickham Breaus* otherwise *Wickham Breaux*, *Stodmarsh* and *Chislett* aforesaid, some or one of them; and also to unite and connect the said Canal with the said River, by Means of a Lock and Short Cut at or near the East Side of *Grove Ferry*, in the said Parish of *Chislett*, and also to divert and turn any smaller Streams, Sewers, Drains, and Watercourses, within Five hundred Yards of the said Canal, for the Purposes of the said Canal, Dock,

and Harbour, and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal, 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 and other Vessels passing upon the said Canal, with Men, Horses, or otherwise, and proper Places for Boats and other Vessels navigated upon the said Canal 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 making, using, connecting, maintaining and repairing the said Canal and Towing Paths on the Sides thereof, and to make such Roads and Ways as the said Company of Proprietors shall find necessary and expedient, for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or otherwise affected by, or of which the Use or Occupation shall be obstructed or rendered inconvenient in consequence of making the said Harbour, Dock, and Canal, or any of them, or by making or building Wharfs, Quays, Houses, Warehouses, Tollhouses, Lockhouses, or other Buildings, or by making and using Landing Places contiguous or near thereto, or by making Sluices, Floodgates, Lockgates, Weirs, Pens for Water, Water Stanks, or Dams for the Use of the said Harbour, Dock, and Canal, or any of them; and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for making, effecting, extending, preserving, improving, completing, connecting, and using the said Harbour, Dock, and Canal, and other Works, in pursuance and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, 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-after mentioned, to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, or Hereditaments, Waters, Watercourses, 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, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned.

Houses, Gardens, &c. not to be injured, except such as are here mentioned.

III. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower 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 Harbour, Dock, and Canal, or any of them, or any other of the Purposes of this Act, any House or other Building, or any Ground which, upon the Twenty-ninth Day of *September* One thousand eight hundred and ten, was the Site of any House or other Building, or a Garden, Orchard, Yard, Park, or planted Walk or Avenue to any House, or a Lawn or Pleasure Ground inclosed or adjoining to a Dwelling House, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except a certain
Lawn,

Lawn, Shrubbery, Pleasure Grounds, Garden, Fences, and Premises, of or belonging to *Thomas Denn* of *Up Street*, in the Parishes of *Chislett* and *Wickham Breaux*, in the Occupation of *William Epps*, also of *John Denn* Esquire, in the Occupation of *James Hutchins*, in the said Parish of *Chislett*, and also of *Elizabeth Newman* Widow, in the said Parish of *Westbere*, not exceeding the Space of Seventy-two Feet in Breadth, measured from the Stream at the Bottom of the Meadow, and such further Breadth of Land to form a small Swell of Water there, as she shall think fit, not exceeding One hundred Feet in Breadth, free of all Charges to her; and also except the Front Court Shrubbery, Orchard, and Fences of or belonging to the Messuage, or Tenement and Premises of *William Burnby*, in the said Parish of *Hackington* alias *Saint Stephen* in the said County; and except the Gardens of *Stephen Dewell* in the same last-mentioned Parish; and also except the Gardens of *John Gilham*, in the same last-mentioned Parish; and also except the Garden, House, and Premises of *Deane John Parker*, now used as Barracks in the aforesaid Parish of *Holy Cross Westgate*.

IV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Persons acting by or under their Authority, to bore, dig, cut, get, remove, take, and carry away any Earth, Brick Earth, Clay, Soil, Gravel, or Sand, or to make Bricks or Tiles for the Purposes of the said Harbour, Dock, and Canal, or any of them, or any other of the Purposes of this Act, out of, in, or upon any of the Lands or Grounds belonging to a certain Farm in the said Parish of *Saint Nicholas* and *All Saints*, called *Saint Nicholas Court Farm*, the Property of *Queen's College Cambridge*, in the Occupation of *John Bridges* Esquire, within the Distance of Two hundred and fifty Yards from the Messuage or Farm House, Barns, Stables, and other Buildings, belonging to the said Farm, or any of them, or out of, in, or upon any of the Lands or Grounds belonging to a certain Farm at *Chambers-wall* in the said Parish of *Saint Nicholas* and *All Saints*, called *Chambers-wall Farm*, the Property of and in the Occupation of the said *John Bridges*, within the Distance of Two hundred and fifty Yards from the Messuage or Farm House, Barns, Stables, and other Buildings, belonging to the said last-mentioned Farm, or any of them.

No Materials for the Harbour, &c. to be got on Lands belonging to *Queen's College Cambridge*, or to *John Bridges*.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower 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 Harbour, Dock, and Canal, or any of them, or any other of the Purposes of this Act, a certain Storehouse and Wharf, with the Appurtenances, in the Parish of *Wickham Breaux* aforesaid, in the said County of *Kent*, on the East Side of *Grove Ferry* aforesaid, and adjoining the said River *Stour*, in the Tenure of *Edward Kingsford*, *Frederick Nicholson*, and *John Fell*, or some or one of them, nor to prevent them, or any or either of them, or the Owner or Owners, Occupier or Occupiers, of the said Storehouse and Wharf, or either of them, or any Part or Parts thereof respectively, for the Time being, from making use of the said Storehouse and Wharf, or any Part or Parts thereof respectively, for their, his, or her, or any of their private exclusive Use only; any Thing herein contained to the contrary notwithstanding.

Storehouse and Wharf belonging to *Edward Kingsford* and others, not to be used for the Purpose of this Act.

VI. Provided

If the present Communication with the Storehouse and Wharf of Edward Kingsford and others be interrupted, other Communications to be given.

VI. Provided also, and be it further enacted, That in case the said *Edward Kingsford, Frederick Nicholson, and John Fell*, or any or either of them, or any future Owner or Owners, Occupier or Occupiers, of the said Storehouse and Wharf, with the Appurtenances, or either of them, or any Part or Parts thereof respectively, for the Time being, or any Person or Persons carrying or conveying Goods, Wares or Merchandize, to or from the said Storehouse and Wharf, or either of them, shall, under or by virtue of any or either of the Powers hereby given to the said Company of Proprietors, be obstructed or hindered in the free and convenient Intercourse or Communication, as at present enjoyed, by Land and Water, with the said Storehouse and Wharf, or in the carrying or conveying Goods, Wares, and Merchandize, to and from the said Storehouse and Wharf, or either of them, or any Part or Parts thereof respectively, then that the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to find and provide such Owner or Owners, Occupier or Occupiers, with another like free and convenient Intercourse or Communication by Land and Water with the said Storehouse and Wharf respectively, and for the carrying or conveying Goods, Wares and Merchandize, to and from the said Storehouse and Wharf respectively, without any Obstruction or Hindrance, or Expence in respect thereof.

Limits of Harbour.

VII. And be it further enacted, That the said Harbour shall be made and formed, partly on the Shore and partly on the Lands of *Eliab Breton Esquire*, and partly on the Lands of *William Peake, William Day, and James Evernden*; and that the said Limits of the said Harbour shall extend Seven hundred Yards in a South South-west Direction from the present Sea Wall, and shall also extend Seven hundred Yards West North-west by East South-east; and that the said Wet Dock shall be made from the South-west Angle of the said intended Harbour, in a Line with the intended Canal, and shall not exceed Five hundred Yards in Length from the said Harbour to the Mouth of the said Canal, nor in any Part exceed Four hundred Yards in Breadth: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to empower the said Company of Proprietors to make any Reservoir or Reservoirs beyond the Limits last aforesaid.

Width of Canal and Towing Paths.

VIII. And be it further enacted, That the Lands or Grounds to be taken or used for the Canal hereby authorized to be made, and for the Towing Paths, Banks, and Side Drains thereof respectively, and the Ditches and Fences to separate such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Fifty-five Yards in Breadth, measured horizontally, except in such Places where any Dock, Basin, Sluice, or Pen of Water shall be made, or where the Embankment for the said Canal, or any Part thereof, shall be raised higher than Four Feet above the present Surface of the Land, or where the Canal shall be sunk lower than Seven Feet deeper than the present Surface of the Land, in which case the Width thereof shall depend upon the Depth of the cutting or Height of the said Embankment, and except in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighbeam may be erected, or where any Wharf

or

or other Place may be set out and appropriated for the Reception of any Coals, Lime, Limestone, or other Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed on the said Canal, nor in any Place more than Seventy Yards in Breadth, except where the said Canal shall pass through, or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal will pass, shall desire the same to be made wider at his, her, or their own Expence, in that Part of his, her, or their Lands or Grounds respectively through which the same will pass.

IX. Provided always, and be it enacted, That the said Short Cut to connect the said Canal with the said River *Stour*, at the East Side of *Grove Ferry*, in the said Parish of *Chislett*, shall be of the same Depth and Breadth as the lower Level of the said Canal; and the said Lock to connect the said Canal with the said River *Stour* shall be of the same Dimensions and Construction as the Locks connecting the several Levels of the said Canal; and the said Lock and Short Cut to connect the said Canal with the said River *Stour* shall be completed by the said Company of Proprietors by the Time the said Canal is completed, or within the Space of Six Calendar Months afterwards.

Dimensions
of the Lock
and Short
Cut.

X. Provided always, and be it further enacted, That the Owners and Occupiers of Lands adjacent to or in the Neighbourhood of the Bridges, Roads, Ways, Passages, and other Conveniences, belonging to the said Company of Proprietors, to be made by virtue of this Act, shall have the Use of such Bridges, Roads, Ways, Passages, and other Conveniences, for themselves, their Servants, and other Persons by them authorized, their Horses, Cattle, Waggon, Carts, and other Carriages, in going and returning to and from any Part of their said Lands, from and to any other Part thereof, so as that such Owners and Occupiers, in so using such Bridges, Roads, Ways, Passages, and other Conveniences, do or cause as little Damage or Obstruction to or in the same as may be; and that no Horses, Cattle, Waggon, Carts, or Carriages, shall be allowed to pass on the Towing Paths of the said Canal, without the Permission of the said Company of Proprietors.

Bridges and
Towing
Paths, &c. to
be used by
Owners and
Occupiers of
Lands.

XI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make, maintain, and repair a public Carriage Road from a Place called *The Green*, on the North-east Side of the Church of the Parish of *Birchington*, in the said Isle of *Thanet*, through Lands in the said Parish of *Birchington*, belonging to *George Friend*, in the Occupation of *Anthony May*; and belonging to *John Covell*, in the Occupation of *John Sidders*; and belonging to *James Neme*, in his own Occupation; and belonging to and in the Occupation of *George Friend*; and belonging to *Saint John's College, Cambridge*, in the Occupation of the said *George Friend*; and belonging to *Eliab Breton*, in the Occupation of *William Neme*; and belonging to the Dean and Chapter of *Canterbury*, in the Occupation of *John Friend*; and belonging to *Jane Busbell*, in the Occupation of *Thomas Sidders*; and thence through Lands in the said Parish of *Saint Nicholas and All Saints*, belonging to *Eliab Breton*, in the Occupation of *Thomas Gillow* and *Thomas Curling*, and crossing the *Shuart Road* there; and also one other public Carriage Road from or near to the *Anchor Public House*, on the South-side of the Parish Church of *Reculver*, joining the

For making
Approaches
to the Har-
bour and
Canal.

High Road there leading from *Reculver* to the City of *Canterbury*, through Lands in the said Parish of *Reculver*, belonging to Sir *Henry Oxenden* Baronet, in the Occupation of *Thomas Denn*; and belonging to Lord *de Clifford*, in the Occupation of *Stephen Sayer*; and thence across a Sewer through Lands in the said Parish of *Chisleth*, belonging to *Thomas Garratt*, in his own Occupation, and thence through Lands in the said Parish of *Saint Nicholas* and *All Saints*, belonging to *Queen's College, Cambridge*, in the Occupation of *John Bridges* Esquire; and belonging to *James Evernden*, in his own Occupation; and belonging to *William Peake* and *William Day*, in their own Occupation; and also to make and maintain one other public Carriage Road from the Basin intended to be made at or near *Deans Mill* aforesaid, across the Road and the said Millhead, and through Lands and Premises belonging to *Deane John Parker*, in his own Occupation, in the said Parish of *Holy Cross Westgate*, and thence across *Pound Lane*, in the said Parish of *Saint Peter*, through Garden Grounds there belonging to *Eastbridge Hospital*, in the Occupation of *Thomas Ford* and *William Homersham*; and belonging to *Richard Kelly*, in his own Occupation; and belonging to *Sarah Stains* Widow, in the Occupation of *William Masters*; and thence crossing *Saint Peter's Lane*, through Lands in the said Parish, belonging to Sir *Samuel Egerton Brydges*, in the Occupation of *William Badcock*, over the River *Stour*, and through the Precincts of the *Blackfriars* to join *Saint Alphage's Lane*, in the said Parish of *Saint Alphage*, through Lands belonging to Sir *Samuel Egerton Brydges*, in the Occupation of the Commissioners of Pavements, and through Premises respectively belonging to *Thomas Creed* and *William Harnet*, in their own Occupation; and all such Roads shall be well and sufficiently fenced off on both Sides from the Lands adjoining thereto, and the Fences so to be made shall from Time to Time, as Occasion shall require, be maintained and kept in good Repair at the Expence, Costs, and Charges of the said Company of Proprietors.

Situation of the Harbour and Dock, and Line of the Canal, to be guided by Plans and Books of Reference.

No Deviation from the Plans and Books of Reference except in certain Cases.

XII. And whereas Maps or Plans describing the Situation of the said Harbour and Dock, and the Line of the said intended Canal, and the Lands upon and through which the same are intended to be made and carried, together with Books of Reference containing the Lists of the Names of the Owners, or reputed Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerk of the Peace for the East and Western Divisions of the County of *Kent*, and for the chief Cinque Port of *Dover*, and for the City and County of the City of *Canterbury*; be it therefore further enacted, That the said Maps or Plans and Books of Reference herein-before mentioned, shall remain in the Custody of the respective Clerks of the Peace for the said Division, County, Port, and City; and all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Books of Reference; and that the said Company of Proprietors in making the said Harbour, Dock, and Canal, shall not deviate more than Fifty Yards from the respective Situations and Lines thereof so described in the said Maps or Plans and Books of Reference respectively as aforesaid, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made:

Provided

Provided always, that no Deviation shall be made from the Situation of the said Harbour or Dock, or the Line or Course of the said intended Canal, into any Lands or Grounds not described in the said Plan and Book of Reference, or within the Powers, Authorities, Provisions and Exceptions contained in this Act, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Harbour, Dock, and Canal, or other Works by this Act authorized to be made and executed, on Account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two or more of the Justices of the Peace acting for the County, City, or Place within which such Lands or Grounds shall lie, and be certified by Writing, under their Hands, that such Error or Omission proceeded from Mistake.

XIII. Provided always, and be it further enacted, That the Communication between the Wet Dock and the lower Level of the said Canal shall be by means of a Lock, the Sluices, Paddles, Valves, or Cloughs, belonging to the Gates whereof next the said Canal shall not be made in the said Gates, but shall be made in the Side of the said Lock, near the said Gates, by which Side Sluices, Paddles, Valves, or Cloughs, at all Times when the Surface of the Water in the said Wet Dock is higher than the Surface of the Water in the lower Level of the said Canal, the Water in the said Lock, when emptied therefrom, shall be drawn off and emptied into proper Channels or Soak Drains, to be made by the said Company of Proprietors, from which the same may be conveyed to the said Harbour, and not into the lower Level of the said Canal.

Communica-
tion between
the Wet Dock
and Canal.

XIV. Provided also, and be it enacted, That the Lock Keeper or Lock Keepers at the said Lock, shall at all Times, when the Surface of the Water in the said Wet Dock is at the same Height as the Surface of the Water in the lower Level of the said Canal, keep the Gates of the said Lock next the said Canal shut and securely fastened, except during the Times of the Passage of any Boat or Vessel through the same, so that none of the Sea Water of the said Wet Dock shall be allowed to be carried or to pass into the said Canal; and if such Lock Keeper or Lock Keepers shall at any Time or Times, when the Surface of the Water in the said Wet Dock is at the same Height as the Surface of the Water in the lower Level of the said Canal, neglect to keep the Gates of the said Lock next the said Canal securely shut and fastened, except during the Time of the Passage of any Boat or Vessel through the same, all and every such Lock Keeper or Lock Keepers so offending, shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds; one Moiety of which Penalty or Penalties shall be paid to the Informer or Informers, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish within which the said Lock is situate, for the Benefit of such Poor.

Lock-keep-
er's Duty.

XV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make and construct all such Sluices, Gates, and other Works adjoining or near to the Head of Water of a Mill near *Canterbury*, called *Dean's Mill*, or to alter any Sluices, Gates, and other Works

Company
may take
waste Water
from Mills on
Stour; if Da-
mage done to

Mills, Com-
pensation to
be made.

Works which may hereafter be erected upon such Head of Water, for the Purpose of taking, having, and using all the Water which may or can be drawn, taken, or had from the said Head of Water between the Hour of Twelve in the Evening of every *Saturday* in the Year, and the same Hour in the Evening of every next following *Sunday* in the Year, or so much of the said Water as may be necessary for the Purposes of the said Canal and Basin; and from the First Day of *November* in each Year, to the First Day of *May* in the following Year inclusive, for the Purpose of scouring the said Harbour and Wet Dock: Provided always, that if in taking any such Water, or in constructing or making, or keeping up or altering any such Sluices, Gates, Weirs, or other Works, the Water now coming to or used by any of such Mills shall be diminished so as to injure any such Mills, or impede or lessen the Powers of working of such Mills, so as the Owner or Owners of any such Mill shall sustain any Injury thereby, then and in such Case the said Company of Proprietors shall pay a reasonable and proper Compensation for any such Loss or Injury, in such Manner, and at such Rate as shall be settled and agreed upon between the said Company of Proprietors and the Person or Persons so injured; and if the said Company of Proprietors and the Person so injured cannot agree as to such Payment or Compensation, either as to the Amount thereof, or the Mode and Rate at which the same shall be estimated, then and in such Case such Compensation, and the Mode and Rate at which the same shall be calculated and estimated, either for Injury actually sustained or which may thereafter be sustained, shall be settled and fixed by a Jury, in like Manner as any other Compensation may be estimated and settled by a Jury under this Act.

Water from
Dean's Mill
how dis-
charged.

XVI. Provided always, and be it further enacted, That all such Water as shall be brought down the said Canal, from the said Head of Water at *Dean's Mill*, more than shall be necessary for the Purposes aforesaid, shall be discharged from the lower Level of the said Canal into the River *Stour*, at or near the said Lock or Short Cut, to connect the said Canal with the said River.

The Canal
and Basin not
to be supplied
with Sea Wa-
ter, but with
fresh Water,
on Sundays,
&c

XVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to supply the said Canal and Basin near *Dean's Mill* or either of them, or any Parts or Part thereof, with Sea Water, or to supply the said Canal and Basin or either of them, or any Parts or Part thereof, with Water from the said River *Stour*, or any Branch thereof, or any Heads of Water of any Mills upon the said River or any Branch thereof, except with such Water as may or can be drawn, taken, or had, from the said Head of Water of *Dean's Mill*, between the Hour of Twelve o'Clock in the Evening of every *Saturday* in the Year, and the same Hour in the Evening of every following *Sunday* in the Year, or to authorize the said Company to scour the said Harbour or Wet Dock, or either of them, with or by Means of Water from the said River *Stour*, or any Branch thereof, or any Heads of Water of any Mills upon the said River or any Branch thereof, or with or by Means of any Water which may be collected or be in the said Canal and Basin or either of them, or any Parts or Part thereof, save and except with such Water, as may or can be drawn, taken, or had from the said Head of Water of *Dean's Mill*, between the Hour of Twelve o'Clock in the Evening of every *Saturday*, and the same Hour in the Evening of every following *Sunday*, or with such Water as may be collected or be in the

the said Canal and Basin, from the First Day of *November* in each Year, to the First Day of *May* in the following Year inclusive.

XVIII. Provided always, and be it further enacted, That if at any Time hereafter any Improvement shall be made, and effected by Authority of Parliament, in the Harbour of *Sandwich*, in the County of *Kent*, or any new Harbour shall be formed and constructed adjacent thereto, so as that either of the said Harbours shall be capable of containing and affording Shelter to Vessels of Four hundred Tons Burthen, and the taking of the Water from the said Head of *Dean's Mill* for the Purpose of scouring the Harbour and Wet Dock at *Saint Nicholas Bay*, shall be deemed and adjudged by a Jury duly impannelled, as directed by this Act, to be prejudicial or injurious to the said improved Harbour or Harbours at *Sandwich*, that then and from thenceforth the said Company of Proprietors, on Notice thereof to be given to their Clerk or Treasurer, by or on Behalf of the Person charged with the Improvement of the said Harbour of *Sandwich*, shall cease to draw, take, have or use the Water from the said Head of Water for the Purpose of scouring the said Harbour and Wet Dock, and all Powers and Authorities to them hereby given to that Effect shall thenceforth cease and determine.

Respecting the Use of the Head of Water at *Dean's Mill*, for scouring the Harbour and Dock.

XIX. Provided always, and be it further enacted, That in case any Person or Persons whomsoever, shall at any Time or Times hereafter cause or procure, or through Negligence or Design suffer any Sea Water to pass or flow into the said Canal or any Part thereof, other than such Sea Water as may necessarily and unavoidably pass or flow into the same from the said Wet Dock, or the said Lock between the said Wet Dock and Canal, in and during the Passage of Boats and Vessels through the said Lock, or may necessarily and unavoidably pass or escape from the said Wet Dock and Lock into the said Canal, through the Gates of the said Lock when shut, or cause or procure, or through Negligence or Design suffer any Water to pass or flow into the said Canal and Basin near *Dean's Mill*, or either of them, or any Parts or Part thereof, from the said River *Stour*, or any Branch thereof, or from any Heads of Water of any Mills upon the said River, or any Branch thereof, save and except the Water to be drawn, taken, and had, from the said Head of Water of *Dean's Mill*, at the Times, and according to the Provisions herein-before in that Behalf contained, and save also and except the Water which may necessarily or unavoidably pass or escape from the said Head of Water of *Dean's Mill*, into the said Canal and Basin, through the Sluices, Gates or other Works, through or by Means of which Water is to be drawn, taken, or had, from the said Head of Water of *Dean's Mill*, at the Times and according to the Provisions aforesaid, when the same are shut, or shall use any Water which may be collected or be in the said Canal and Basin, or either of them, or any Parts or Part thereof, or cause or procure the same to be used for any Purposes whatsoever, save and except for the Purposes of the said Canal and Basin only, and for the Purposes of scouring the said Harbour and Wet Dock, from the First Day of *November* in each Year, to the First Day of *May* in the following Year inclusive, all and every Persons and Person so offending, shall forfeit and pay for every such First Offence any Sum not exceeding Five Pounds, and for every such subsequent Offence, any Sum not exceeding Twenty Pounds, One Moiety of which Penalty or Penalties shall be paid to the Informer or Informers, and the other Moiety thereof shall be

Sea Water not to pass into the Canal, nor any Water from the *Stour*, except, &c.

paid to the Overseers of the Poor of the Parish where such Offence shall be committed, for the Benefit of such Poor.

Bodies Politic
empowered to
sell and con-
vey Lands.

XX. And be it further enacted, That after any such Part or Parts of the said Lands, Grounds, or Hereditaments, shall be so set out and ascertained as aforesaid; for making the said Harbour, Dock, and Canal, or Roads, or any Part or Parts thereof, and for providing or constructing the Wharfs and other Works and Conveniences herein-before mentioned, or any of them, it shall be lawful for the King's most Excellent Majesty, His Heirs and Successors, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed, or interested in their own Right, and for every other Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Grounds, and Hereditaments, which shall be 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 valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them shall respectively make by virtue or in pursuance of this Act; and all such Contracts, 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 or other Hereditaments to the said Company of Proprietors, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

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

Form of Con-
veyance to the
Company.

‘ I of the Sum of _____ of _____ in Consideration
‘ of the annual Rent of _____ to me paid [or, in Consideration
‘ yielded and paid by yearly or half-yearly Payments, [as may be agreed
‘ upon] by the Company of Proprietors of the *Saint Nicholas Bay*
‘ Harbour and *Canterbury Canal*, do hereby grant and release to the said
‘ Company of Proprietors, all [describing the Premises to be conveyed] and
‘ all my Right, Title, and Interest to and in the same and every Part
‘ thereof, to hold to the said Company of Proprietors for ever, by virtue
‘ and according to the true Intent and Meaning of an Act of Parliament,
‘ passed in the Fifty-first Year of the Reign of King *George the Third*,
‘ intituled [here set forth the Title of this Act]. In Witness whereof I have
‘ hereunto set my Hand and Seal, this _____ Day of
‘ _____ in the Year of our Lord

And that all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

XXI. Provided

XXI. Provided always, That where the said Company of Proprietors shall cut through or use a Part only of any small Piece or Parcel of Land or Ground for the Purposes of this Act, and the Remainder of such Piece or Parcel of Land or Ground over and above what shall be so used shall not exceed One Acre, the said Company of Proprietors shall be obliged to purchase not only such Part of the same Land and Ground as shall be so actually cut through or used, but also, at the Option of the Owner or Owners, the remaining Part of such Land or Ground, the Value thereof to be ascertained in the same Manner as by this Act is directed concerning any Land or Ground to be cut, taken, or used for the Purposes of this Act.

Company obliged to purchase small Pieces of Land separated in executing the Act.

XXII. And be it further enacted, That if any Contract, Agreement, Bargain or Sale of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, shall be made or entered into, of any Lands, Tenements, or Hereditaments, which shall be Copyhold or of the Nature of Copyhold, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor, and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable, and of Right accustomed in the same Manor, as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be willing or desirous to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold Premises in the said Company of Proprietors as a Body Corporate, would prevent such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in Case such Copyhold Premises had continued to be the Property of Individuals, the said Lord or Lords, Lady or Ladies of the said Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold Land, Tenements, and Hereditaments held of the said Manor, which shall be so purchased by or vested in the said Company of Proprietors for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company of Proprietors a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect to such Fines, Heriots, or other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate, which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, as is directed by this Act.

For adjusting the Mode of settling Contracts respecting Copyhold Lands.

XXIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Commons or Waste Grounds for the Purposes of this Act, the Conveyance thereof by the Lord or Lady of the Manor wherein the same shall be situate, shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Com-

Conveyance by Lords of Manor of Land taken from Commons to be sufficient.

mons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively, as a Vestry of every such Parish, to be convened by such Churchwardens for that Purpose, shall direct; any Thing in this Act to the contrary thereof notwithstanding.

Satisfaction
to be made.

XXIV. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell or convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, in, upon, or through which the said Harbour, Dock, Canal, Roads, Towing Paths, Quays, or other Works hereby authorized are intended to be made, or any of them, or of any Rivers, Rivulets or Streams, Millheads, Mills, Forges; or other Works from which any Water to supply the said Dock and Canal, or either of them, may or shall be diverted, may accept and receive Satisfaction for the Value of such Lands and Grounds, Mills, Forges, or other Works and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in gross Sums or by annual Rents, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Grounds, and other Hereditaments, for the Uses and Maintenance of the said Harbour, Dock, and Canal, and for supplying the same with Water; and in case the said Company of Proprietors, and the said Parties interested in such Lands and Grounds or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

If Parties
cannot agree,
Price to be
settled by a
Jury.

Yearly Rents
charged on
the Rates and
Duties.

XXV. And be it further enacted, That all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, and the Parties interested in such Lands and Grounds, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case the same shall not be paid within Sixty Days next after the same shall so become due and payable, and after Demand in Writing made thereof, of or from the Clerk or Treasurer of the said Company of Proprietors, it shall be lawful for any Three or more Justices of the Peace acting for the County, City, or Place, within which such Lands and Grounds, or other Hereditaments shall lie, and they are hereby required, upon due Proof of the Default made before them upon Oath, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates and Duties hereby granted and made payable, and to pay the same to such Bodies Politic, Corporate, or Collegiate, Trustees or other Person or Persons,

to

to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, every such Collector giving such Security to the said Company of Proprietors for the due and faithful Execution of his Office, as they the said Justices shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates and Duties, and shall have the same Power and Authority to collect the same, as if he had been appointed a Collector of the said Rates and Duties by the said Company of Proprietors, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record; or otherwise to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found in or upon the said Harbour, Dock, or Canal, or any of them, 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 one of their Clerks, Collectors of the Rates, or other known Officers, or affixed to some one of their Wharfs or Quays near to the Place where such Distress shall have been made), and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Ten Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

Or the Company's Boats, &c. may be seized or distrained upon for the same.

XXVI. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of or Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or other Hereditaments, which shall or may be taken, used, affected, or prejudiced, by Reason of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons so interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their *Cestuique* Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, annual Rent, or Rempence, or other Compensation as shall be offered by them the said Company of Proprietors, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being of the said Company of Proprietors, within Seven Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid, shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Person or Persons seized or possessed of, or interested in any such Lands, Mills, or other Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by Reason of Absence or Disability cannot agree with the said Company of Proprietors, or with any Person or Persons authorized by them for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or

If Parties are dissatisfied, or refuse or are unable to treat, &c. a Jury to be impannelled to decide the Matter.

[Loc. & Per.]

34 X

known,

known, or shall not produce and evince a clear Title to the Premises they may be in Possession of; or to the Interest they shall claim therein, to the Satisfaction of the said Company of Proprietors, or of the Person or Persons authorized by them, then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required from Time to Time, to issue a Warrant under their Common Seal to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in Question or Dispute shall arise; or in case such Sheriff or his Under Sheriff shall happen to be One of the said Company of Proprietors, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter or Matters in Question, then to the Senior Coroner of the said County; and in case he shall be so interested, then to the next Coroner of such County in Point of Seniority who shall not be so interested; and if all the Coroners shall be so interested as aforesaid, then to the last Person who filled the Office of Sheriff of the said County then in being, who shall not be so interested as aforesaid, commanding such Sheriff or Coroner, or other Person (and the said Sheriff or Coroner, or such other Person, is hereby empowered and required) to impanel, summon, and return not less than Forty-eight nor more than Seventy-two substantial and indifferent Persons qualified to serve on Juries, and the Persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the County wherein the Premises shall lie, or the Damage thereto be sustained, at some Court of General Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed and appointed, and to attend such Court of General Quarter Sessions from Day to Day, until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the County wherein such Jury shall be returned, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace as before-mentioned, or his Deputy, shall return other honest and indifferent Men of the By-standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters or Things in Controversy; and such Jury shall upon their Oaths (which Oaths as well as the Oaths to such Witnesses the said Justices are hereby empowered and required to administer) enquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money, or the annual Rent or Rents which shall be paid for the Purchase or for the Hire and Use of such Lands or Grounds, Mills, Waters, and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid, and the said Justices shall give Judgement for such Purchase Money, Rent, Recompence, or Compensation so assessed by such Jury; which said Verdict, and the Judgement thereupon, shall be binding and conclusive

Verdict of
the Jury to
be final.

conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and upon all Persons whomsoever; provided, that Fourteen Days Notice in Writing at the least, of the Hour and Place at which such Jury are so required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than shall have been previously offered by or on Behalf of the said Company of Proprietors before the summoning of such Jury, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation shall have been previously offered in respect thereof by and on Behalf of the said Company of Proprietors, or where by Reason of Absence or other Impediment or Disability there shall not be found any Person or Persons at Hand who may be legally capacitated to contract with, and make Conveyances to, or receive Compensations from the said Company of Proprietors as herein-before mentioned, then and in all such Cases all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled by the said Justices, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent as shall have been previously offered by or on Behalf of the said Company of Proprietors, or for a less Sum than shall have 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 to treat with or make Conveyances to the said Company of Proprietors by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons who is or are; by the Provisions of this Act or otherwise, legally empowered to treat and convey or receive such Compensation 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, in which case all such Costs and Expences shall be borne and paid by the said Company of Proprietors, the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, 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 awarded as aforesaid; and in case no Damages shall be given by such Verdict, where the Dispute is for Damages only, such Costs and Expences shall and may be recovered by the said Company of Proprietors, by such Ways as are herein provided for the Recovery of any Penalty incurred by this Act.

XXVII. Provided.

Persons re-
questing Ju-
ries to enter
into Bonds to
prosecute.

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

Notice of In-
jury to be
given to the
Company be-
fore Appeal
to a Jury.

XXVIII. And be it further enacted, That the said Company of Proprietors shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed 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, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on Behalf of such Person or Persons to the said Company of Proprietors, 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.

Compelling
the Sheriff to
summon a
Jury.

XXIX. 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 any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined or to give Evidence, every Person so offending having no reasonable Excuse (to be allowed by the said Justices) shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hands and Seals of any Two of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus after such Penalty and the Charges of such Distress and Sale shall have been deducted; and every such Penalty so recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Party who shall appear to the said Justices to be injured by the Default of such Person.

Punishing
Persons guilty
of Perjury.

XXX. And be it further enacted, That all Persons who in any Examination to be taken upon Oath by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any
such

such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

XXXI. And be it further enacted, That the said Juries shall award all Determinations, Judgements, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Mills, and other Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other, and also shall settle what Shares and Proportion of the Purchase Money or Compensation for Damages shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest, in the Premises, for his, her, or their respective Interest therein.

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

XXXII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money; or giving Security for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or determined and adjusted by any Jury or Juries in Manner as aforesaid, for the Purchase of any such Lands, Waters, Mills, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or 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 awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Directors of the said Company, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively, and then and thereupon the Lands and Grounds, Water Mills, and other Hereditaments, and the Fee Simple and Inheritance thereof, 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 Investiture, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall have or ought to have been made, but also shall extend to, and shall 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 therein: Provided nevertheless, that before such

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

Payment, Security, Tender, or Investiture as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the said Harbour, Dock, Canal, and Roads, or other Works by this Act authorized to be done and executed, without Leave of the respective Owners or Occupiers thereof.

Verdicts to be recorded.

XXXIII. And be it further enacted, That all the said Judgements and Verdicts (being first signed by the Clerk of the Peace or his Deputy, present at the taking of such Verdicts, and pronouncing of such Judgements respectively) shall be kept by the respective Clerks of the Peace, amongst the Records of the Quarter Sessions of the County in which such Judgment shall be given, and shall be deemed to be Records of the said 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 take Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in proportion for any less Number of Words.

Application of Compensation when exceeding 200 l.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte*, *The Company of Proprietors of the Saint Nicholas Bay Harbour, and Canterbury Canal*, together with the Name or Names of such Person or Persons as any Three of the Court of Directors of the said Company of Proprietors shall by Writing signed by them direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements and Hereditaments which shall be so purchased taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto,

thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Court of Directors assembled, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 200 l. and exceeding 20 l.

XXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Court of Directors, or any Three or more of them when assembled, shall think fit; or in case of Infancy or Lunacy then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20 l.

XXXVII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Court of Directors, or any Three of them when assembled, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for

making out Titles.

for the said Court of Directors, or any Three or more of them when assembled, to order the said Sum or Sums so awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them], subject to the Order, Controul, and Disposition of the said Court, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court
may order
reasonable
Expences of
Purchases to
be paid by
the Company.

XXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such
Order

Order to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

Mortgagees
to convey.

[Loc. & Per.]

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in Default of their doing so, and on Payment of such Money into the Bank of England, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees; and of all and every Person or Persons in Trust for them in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company of Proprietors, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Company em-
powered to
resell Land
not wanted.

XLI. And whereas in pursuance of the Provisions of this Act, or for the Purpose of avoiding Disputes with the Owners of Lands, Grounds, and Hereditaments, which are or may be affected by making the said Harbour, Dock, Canal, or Roads and Works, the said Company of Proprietors may purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act, and Conveyances from the said Company of Proprietors shall be valid and effectual, any Thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Receipt of the Money which shall arise by Sale or Sales of such Lands, Rents or Premises, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Rents, or Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application, of such Purchase Money or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Company of Proprietors, and in the next Place to the Lessee or Lessees of such Person or Persons; and the Price at which the same shall be resold, in case of any Difference or Dispute between such Person or Persons, and the Lessee or Lessees of such Person or Persons and the said Company of Proprietors respecting such Price, the same shall be adjusted, and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein before directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Person or Persons, or the Lessee or Lessees of such Person or Persons, shall not agree or shall refuse to repurchase the same, or shall not be found after Enquiry at their last Place of Abode, and after the said Court of Directors shall have given Notice in Three succeeding London Gazettes, and in Two Newspapers published in
the

the County of *Kent*, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons could not be found, or did not agree, or refused to purchase such Lands or Buildings (as the Case may be), and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused.

XLII. And, to the End that the said Company of Proprietors may be enabled to carry on and complete the said Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, such Sum of Money as the Court of Directors shall deem necessary and competent for making and completing the said Harbour, Dock, Canal, Roads, and all the Works and Conveniences to the same belonging or requisite, and useful thereto respectively, or such Part or Parts thereof as they shall judge necessary to be so made and completed, so as that the same do not exceed the Sum of One hundred and sixty thousand Pounds in the Whole (except as hereinafter is mentioned); and the Money so to be raised, is hereby directed and appointed to be laid out and applied in the First Place for and towards Payment, Discharge, and Satisfaction of all Fees and Disbursements in obtaining and passing this Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same, and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining the said Harbour, Dock, Canal, Roads, and other Works respectively, and for other the Purposes of this Act; and so much of the said Sum as shall be raised and contributed by Subscription, shall be divided and separated into as many equal Shares of One hundred Pounds each as the same shall amount unto, which Shares shall be numbered in Numerical Progression, and shall be deemed Personal Estate, and shall be transmissible as such, and not of the Nature of real Property; and the said Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sums which they shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate and Collegiate, and all and every Person and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds for every Share, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, shall be entitled to and receive, after the same shall be completed, the entire and net Distribution of a proportionate Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum or Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politic, Corporate or Collegiate, Person or Persons, having one Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate

Company enabled to raise Money.

If not sufficient, Company may raise a further Sum among themselves,

or by Mortgage.

Form of Mortgage.

adequate proportionate Sum of Money towards carrying on the said Undertaking, in Manner herein-after directed and appointed; and in case the said Sum of One hundred and sixty thousand Pounds shall at any Time or Times be deemed or found insufficient for making, completing, and maintaining the said Harbour, Dock, and Canal, Roads, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Shares and Proportions, and in Manner and Form as is herein-before directed, or by the Admission of new Subscribers (as to them shall seem meet), any further or other Sum of Money for perfecting and completing the said Undertaking, not exceeding the Sum of Eighty thousand Pounds, and every such new Subscriber (if any) shall become a Proprietor in the said Undertaking, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall also be liable to the same Restrictions, Penalties, and Forfeitures, as if such further or other Sum hereby allowed to be subscribed for and raised, had been Part or Parcel of the said original Subscription; but in case the said Company of Proprietors shall be desirous to raise such further and other Sum, or any Part thereof, by Mortgage of the said Undertaking, instead of by Contribution or Subscription, then and in such Case it shall be lawful for the said Company of Proprietors to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Undertaking, any such further Sum or Sums of Money not exceeding in the whole the said Sum of Eighty thousand Pounds, as to them shall seem fit and convenient; and they are hereby authorized and empowered to assign and make over the said Harbour, Dock, Canal, and other Works, and the Rates and Duties to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his or their Trustee or Trustees by Deed of Mortgage, under the Common Seal of the said Company of Proprietors, according to the Form following; (that is to say),

WE, the Company of Proprietors of The *Saint Nicholas Bay* Harbour and *Canterbury Canal*, in Consideration of the Sum of
to us paid by _____ of _____
do hereby, by virtue of an Act of Parliament passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*], bargain, sell, and transfer unto the said
_____ all and singular the Rates and Duties arising by virtue of the said Act, and also the said Harbour, Dock, Canal, and Undertaking, and all the Right, Title, and Interest of us the said Company of Proprietors, of, in, and unto the same, to hold unto the said
_____ his Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same after the Rate of _____ *per Centum per Annum* shall be fully paid off and discharged. Given under our Common Seal, the _____ Day of _____

And that all Persons to whom such Mortgages shall be made, shall be equally entitled to their Proportion of the said Rates, Duties, and Premises, according

according to their respective Sums in such Mortgages mentioned to be advanced, without any Preference by Reason of the Priority of Date of any such Mortgage or on any other Account whatsoever; and the Money so to be borrowed, is hereby directed and appointed to be laid out and applied for and towards making, completing, connecting, and maintaining the said Harbour, Dock, Canal, and Works hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall within Thirty Days next after the Date thereof, be written and inserted, *gratis*, in one or more Book or Books, to be kept for that Purpose by the Clerk of the said Company of Proprietors, which Book or Books shall and may be perused at all seasonable Times by the Proprietors or Creditors of the said Undertaking, without Fee or Reward; and that all, and every Person or Persons to whom any such Mortgages shall have been made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit therein, to any Person or Persons whomsoever, which Transfer shall be made according to the Form following; (that is to say),

I, the Sum of _____ of _____ paid by _____ in Consideration of Form of Transfer of Mortgages.

do hereby transfer a certain Mortgage made by the Company of Proprietors of The *Saint Nicholas Bay* Harbour and *Canterbury* Canal, (Number _____) bearing Date the _____ Day of _____ for securing the Principal Sum of _____ and the Interest now due and here after to become due thereon, and all my Right and Property therein, to the said _____ his Executors, Administrators, and Assigns. In Witness whereof I have hereto set my Hand and Seal, this _____ Day of _____ in the Year of our Lord _____

And that every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date and Names of the Parties in the said Book or Books to be kept for entering the said original Mortgages, for which last mentioned Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, or his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made such an Assignment or Assignments, at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

XLIII. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it more expedient to borrow such further Sum of Eighty thousand Pounds or any Part thereof, by Promissory Notes under the Common Seal of the said Company of Proprietors, it shall

[Loc. & Per.]

35 A

and

and may be lawful for them so to do, and that such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal or less Rate of Interest, as the said Company of Proprietors shall think proper, and either with or without Power in the Holders of such Notes to have an Option of being admitted to hold a Share of One hundred Pounds, in lieu of the Principal Money thereby to be secured, or so much or such Parts thereof as the said Company of Proprietors, or their Directors for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon, so nevertheless that no Person be in any Case admitted to hold a Share of One hundred Pounds, in lieu of a less Principal Sum of Money than One hundred Pounds advanced on the Security of such Notes, the Particulars of such Options being at all Times expressed in the said Notes, and the Rates and Duties by this Act authorized to be taken, and which shall arise and be taken by virtue of this Act, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim or Lien on the said Rates and Duties, in Proportion to the respective Sums mentioned thereby to be secured and advanced, as if the same were advanced upon Mortgages or Assignments of the said Rates and Duties, in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of Date of any such Securities, or on any other Account whatsoever; and the Interest of the Money to be so borrowed on Mortgage or Promissory Notes as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or to any of them.

Interest to be paid in Preference to Dividends.

Subscribers to hold and have a Vote for every Share by themselves or Proxies, not exceeding 100 Votes by Proxies, to give more than 20 Proxies.

XLIV. And be it further enacted, That every Body or Bodies Politic, Corporate or Collegiate, or other Person or Persons, who shall by virtue of this Act have subscribed or undertaken for one or more Share or Shares of and in the said Undertaking, and his, her, and their Successors, Executors, Administrators, and Assigns, shall be and be deemed a Proprietor and constituent Member of the said Corporation hereby created, and shall have a Vote for every such Share in every such General or other Assembly, to be held as herein-after appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand or Hands, or under the Seal of any Corporation Aggregate, and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question or Questions, as to the Election of proper Officers, or the Determination of any other Matter or Thing shall be proposed, discussed, or considered in any General or other Assembly of the said Company of Proprietors to be held by virtue of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing one Vote for every Share: Provided nevertheless, that no Proprietor shall be entitled to have or hold more than One hundred Votes by Proxies, and that no Person shall be entitled to give more than Twenty Proxies on Account of the whole Number of his, her, or their Shares in the said Undertaking; and the Appointment of every Proxy shall be made according to the Form following:

I ^{of} Proprietors of The *Saint Nicholas Bay Harbour and Canterbury Canal*, do hereby nominate, constitute, and appoint ^{one of the} ^{Form of} ^{Proxy.}
 of _____ in my Name and in my Absence to
 vote or give my Assent or Dissent to any Business, Matter, or Thing relating thereto, which shall be proposed at any General or Special Assembly of the Proprietors of the said Undertaking; or any Adjournment thereof, at all Times hereafter, until I shall revoke this Appointment by Notice in Writing under my Hand, to some Clerk to the said Company of Proprietors. In Witness whereof I have hereunto set my Hand, this

Day of _____

And that at every General or other Assembly of the said Company of Proprietors, one of the Proprietors present shall be appointed Chairman, and shall not only have a single Voice as a Proprietor in respect of each Share as aforesaid, but in case of an Equality of Votes shall have the decisive or casting Vote, although he may have voted before in relation to the Matter in question. Chairman at General Assembly.

XLV. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act in Execution, shall be held at the City of *London* Tavern in *Bishopsgate Street, London*, upon the *Tuesday* next after Ten Days from the passing of this Act, at the Hour of Eleven in the Forenoon, and the Second General Assembly of the said Company of Proprietors shall be held at such Place and Hour as the Court of Directors of the said Company of Proprietors, shall appoint; and all future General Meetings of the said Company of Proprietors, except such General Assemblies as herein-after mentioned, shall be held on any Day within the First Twenty Days in the Months of *June* and *December* respectively in every Year, at the Hour of Eleven in the Forenoon, at such Places as the Court of Directors of the said Company of Proprietors shall from Time to Time direct and appoint, of which General Assemblies Fourteen Days previous Notice at the least shall be given by publick Advertisement in any Two or more of the *London* Newspapers, and in Two or more Newspapers published at *Canterbury* or in the County of *Kent*, and in such other Manner as the Court of Directors of the said Company of Proprietors shall direct; and the said Company of Proprietors at their First General Assembly shall chuse and elect by Ballot out of the said Proprietors, a Court of Directors to manage the Affairs of the said Undertaking as hereafter is directed, consisting of Twenty-one Persons, Ten of whom shall be respectively possessed in their own Right of Five or more Shares in the said Undertaking, which were originally subscribed for at *London*, and who shall not at the Time of such Election be resident in the County of *Kent*, and other Ten of the said Twenty-one Persons shall at the Time of such their Election be possessed of Five or more Shares in the said Undertaking, which were originally subscribed for at *Canterbury*, or which were originally subscribed as Shares taken by Land Owners, and who shall at the Time of their Election be resident in the said County of *Kent*; and One of such Twenty-one Persons shall at the Time of such Election be possessed in his own Right of Five or more Shares in the said Undertaking, subscribed for either at *Canterbury* or in *London*, and who shall be resident in *London*, *Canterbury*, or elsewhere; and which Twenty-one Persons shall continue as Directors of the said Undertaking, until the General Assembly of Proprietors to be held in the Month of *June* then next following; and that the said First and other General Assemblies, and electing Directors, &c.

said Company of Proprietors at such their General Assembly to be held in the Month of *June* as aforesaid in every Year, and at no other Time, shall choose and elect out of such of the said Proprietors as at the Time of such Election shall respectively be qualified in Manner herein-before prescribed, a like Court of Directors, consisting of Twenty-one such Persons, to manage the Affairs of the said Company of Proprietors as herein-after directed; and every such Court shall continue for One Year from the Time of their Election, and until another shall be chosen in their Stead, unless any Member or Members of such Court of Directors shall die or refuse to act, or cease to be qualified in Manner before prescribed, or shall hold any Place, Office, or Employment with Salary or Contract, under the said Company of Proprietors, in any of which Cases it shall be lawful for the said Court of Directors to order a General Assembly of the Proprietors to be called in the Manner herein-before prescribed, in order to fill up such Vacancy or Vacancies for the Remainder of the said Year, and so from Time to Time as Occasion may require, or permit the same to remain open until the next usual Day of Election in the Month of *June* following, as the said Court of Directors shall think fit; and that at every such annual Election, Seven of the said Twenty-one Directors shall retire by Rotation from the said Court, but shall not be thereby ineligible to be re-elected thereto; and that in order to ascertain which of them shall by such Rotation be the Seven Directors so to retire annually, a Ballot shall be held amongst themselves, at and in the Court of Directors next preceding such annual Day of Election, at which Ballot for the Second annual Election after the passing of this Act, the Names of the said Twenty-one Directors shall be written on separate Pieces of Paper, and put into a balloting Glass, and after the same shall have been shaken together, the Chairman then presiding in the said Court shall draw out Seven of such Papers, and such Persons whose Names shall appear upon such Seven Papers so first drawn out, shall be the Seven Directors who shall so retire therefrom; and at such Ballot for the Third annual Election after passing this Act, the Names of the Fourteen Directors who shall have remained in the said Court upon the aforesaid Ballot shall in like Manner be ballotted, and the First Seven of them which shall be so drawn, shall be the Seven Directors who shall then retire from the said Court for that Year, but shall not be thereby ineligible to be re-elected thereto; and at such next Court previous to the Fourth annual Election, it shall be lawful for the Governor or Deputy Governor then present, to declare the Seven Directors who shall then have remained in the said Court during the preceding Three Years, to be the Persons then to retire therefrom, but shall not be thereby ineligible to be re-chosen to the said Court for the Year ensuing; and from and after that Time, the Rotation of Seven Directors, according to such Priority of their Election so annually to retire, shall be observed every Year afterwards at such Elections; and that every Proprietor who shall be chosen to be such Director, shall take the same Place, and be entitled to the same Privilege in respect of such Rotation, as the Person was entitled to, whose Vacancy such new Director shall be chosen to supply; and that the said Company of Proprietors shall have Power and Authority at any such annual General Assembly to elect such Twenty-one Directors, and at any other General Assembly to supply any Vacancy or Vacancies in the said Court of Directors, by Shew of Hands, or to proceed to any such Election by Ballot, if the same shall be demanded by any One Proprietor; and in case such Ballot shall be so demanded, the same shall commence immediately, and continue

to be open for and during the Space of Three Hours from the Time that the First Ballot Paper shall be put into the Glass or Glasses appropriated to receive the same.

XLVI. And be it further enacted, That the said Company of Proprietors of the said Undertaking; at every or any General Assembly, shall have Power and Authority to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet, (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Directors only excepted), and shall have a Power to make such Bye Laws, Rules, Orders, and Regulations, for the good Government of the said Company of Proprietors and the said Directors, and the Clerks, Collectors, Treasurer, Harbour Master, Lock Masters, Officers, Assistants, Servants, and others appointed or employed under or by virtue of this Act; and for better regulating the said Harbour and Dock, and the Mooring and Stationing of Vessels therein, and for well governing, ordering, and managing the Officers and Crews of such Vessels, and the Boatmen, Servants and others employed therein or belonging thereto, and for the Relief and Assistance of the Ships and Vessels resorting to or seeking Shelter at or in the said Harbour or Dock, and for better regulating and managing the several Works, Matters, and Things, by this Act authorized and directed to be made, done, and constructed, as well whilst the same are doing as after they shall be finished, and for the more safe and convenient shipping, lading, discharging, carrying, conveying, laying and depositing of Goods, Wares, and Merchandize upon, to, or from the said Canal, or from any Quays, Wharfs, or Landing Places belonging to the said Harbour, Dock, and Canal, and for better governing and regulating Porters, Carters, Carmen, and others carrying Goods, or using or driving Horses, Waggon, Carts, Drays, Trucks, Sledges, or other Carriages for conveying Goods, Wares, and Merchandize to or from the said Harbour, Dock, Canal, Quays, Wharfs, or Landing Places, as to the said General Assemblies shall seem meet and fitting, and to impose and fix such reasonable pecuniary Penalties or Forfeitures not exceeding Five Pounds (to be recovered in Manner herein-after mentioned), for the Non-observance, Non-performance, or other Breach of or Offence against any of such Bye-Laws, Rules, Orders, and Regulations, and also to make such other Bye-Laws, Rules, Orders, and Regulations, as shall be thought necessary or expedient by such General Assemblies, for effecting the Purposes of this Act and the due Execution thereof; and all such Bye-Laws, Rules, Orders, and Regulations, and all Alterations thereof, being reduced into Writing under the Common Seal of the said Company of Proprietors; shall be printed, and a Copy or Copies thereof, in legible Characters, shall be affixed on some conspicuous Place or Building near or adjoining to the said Harbour, Dock, and Canal, for the Perusal and Inspection of all Persons interested therein, and shall be binding upon and observed by all Parties using or in any Way concerned in the said Undertaking and Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Bye-Laws, Rules, Orders, and Regulations, be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and the said Company of Proprietors shall have Power to adjourn themselves from

Power to make Bye-Laws and Regulations for the Government of the Company and its Officers.

Time to Time to such Place or Places as shall at such General Assemblies be thought meet and convenient.

General Assemblies for choosing Directors to consist of Fifty at first, and afterwards of Twenty-five Proprietors.

XLVII. Provided always, and be it further enacted, That if at such First General Assembly there shall not be Fifty Proprietors present, and if at any subsequent General Assembly there shall not be Twenty-five Proprietors present, no Choice of any Directors or Director, nor any Removal of any Person or Persons from among such Directors, nor any Election of any Person or Persons in the Room of such of the said Directors as shall die or be so removed shall be made at that Time; but in such Case there shall be another Assembly of the Proprietors of the said Undertaking at the same Place, in Fourteen Days then next following, by Order of the Governor of the said Court of Directors, and so from Time to Time until there shall be so many Persons present at such Assembly as herein-before prescribed, and such Choice, Removal, or new Appointment of any Director shall then take place, and the Person or Persons then chosen to be such Director or Directors 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 the said First Assembly herein-before appointed.

Assembly of Proprietors may be specially convened.

XLVIII. 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 held, it shall be lawful for any Twenty-one or more of them possessed of Two hundred Shares in the Whole at least in the said Undertaking, to require the same in Writing, addressed to the Court of Directors, who upon Receipt of such Requisition shall cause Fourteen Days Notice at least to be given thereof in any Two of the *London* Newspapers, and in any Two Newspapers published in the County of *Kent*, and in such other Manner, and at such Time or Place, 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 held, (such Place being where the same shall be directed from Time to Time by the General Assemblies of the said Company of Proprietors, and not elsewhere); and the said Company of 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 Special General Assembly shall consist of Twenty-five Proprietors at the least), shall be as valid with respect to the Matter specified in such Notice, as if the same had been done at any Ordinary General Assembly.

Directors to elect and appoint Officers, and take Security from them.

XLIX. And be it further enacted, That it shall be lawful for the said Court of Directors, and they are hereby authorized and required, at their First Meeting after their Election, and from Time to Time afterwards, to nominate, elect, and appoint, by Writing under their Common Seal, a Treasurer or Treasurers, and also One or more Clerk or Clerks to the said Company of Proprietors, and all such other Officers as they shall judge requisite and expedient for conducting the said Undertaking; on which Treasurer or Clerk all Writs, Notices, and other legal Proceedings
against

against the said Company of Proprietors, shall be deemed good Service on the said Company of Proprietors, taking such Security for the due Execution of their respective Offices as the said Court of Directors shall think proper; and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Court of Directors 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 of the said Court of Directors, and of all or any Committees or Sub-Committees, by virtue of and under the Authority of this Act; 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 *gratis*, 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 if any such Clerk or Clerks to the said Company of Proprietors and Court of Directors or Committees shall refuse to permit any Proprietor so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Ten Pounds; and whenever any Treasurer or Clerk shall die or be removed, or quit the Service of the said Company of Proprietors, it shall be lawful for the said Court of Directors to appoint some other fit Person or Persons in the Place of the Treasurer or Clerk so dying, quitting, or being removed as aforesaid; and shall also have Power and Authority to audit and settle all Accounts, and direct the Receipt and Payment of all Monies received and paid on account of the said Undertaking by the Treasurers, Receivers, Harbour Masters, Collectors of Rates and Duties, and all other Officers to be by them appointed, or other Persons to be employed by or concerned for or under them in and about the said Undertaking and the Works thereto belonging; but no Vote or Votes by Proxy shall be admitted in or as to the Audit or Settlement of any such Accounts.

L. And be it further enacted, That the said Directors at their First Meeting to be held next after their Election as aforesaid, and also at their First Meeting next after such annual Election as aforesaid, shall elect and choose from among themselves by Ballot, which Ballot shall continue open for the Space of One Hour from and after the said First Ballot Paper shall have been put into the balloting Glasses, a Governor and a Deputy Governor to preside at their several Meetings or Courts, who shall continue in their several Offices for the Space of One Year thenceforth, and shall not afterwards be disqualified from being re-elected; and in case of Death or Resignation, or Removal of such Governor or Deputy Governor before the regular Determination of his Office, the Clerk or Secretary of the said Company of Proprietors shall, upon Notice thereof in Writing to the Rest of the said Directors, requiring their assembling together at a Day and Place in *Rochester* to be therein mentioned, within the Space of Eight Days then next following, at which Meeting the Directors then present shall elect in like Manner some other Director or Directors in the Room of the Person or Persons whose Office or Offices shall have so become vacant, and such Person or Persons so elected shall continue in such Office or Offices respectively during the Whole Time that the Person or Persons whose

Regulations
respecting the
Court of Di-
rectors, and
Powers of the
same.

Office or Offices shall so become vacant, would otherwise have been entitled to continue therein, and to exercise the Duties thereof; and that such Governor, or in his Absence such Deputy Governor, and in the Absence of both of them, any other Director who shall be chosen by Shew of Hands at any Court or Courts of Directors, shall preside at such Court or Courts; and that no Member of the said Court of Directors (although he may be a Proprietor of more Shares than Five in the said Undertaking) shall have more than One Vote at any Meeting of such Directors, except the Chairman, and who, in case of an Equality of Votes upon any Question agitated in the said Court, shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Court of Directors, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Nine; and every such Court of Directors shall from Time to Time have the Keeping, Care, and Use of the Common Seal, and shall also from Time to Time make Reports of their Proceedings to the General Assemblies of Proprietors, and shall also prepare new Bye-Laws and Regulations, Improvements, and other Matters, to be laid before any General Assemblies of Proprietors of the said Company, and also 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 Time and Place as they shall think fit; and the said Directors shall by their Clerk or Clerks keep a full and true Account of all Money disbursed, and Payments made, and of all and every Sum and Sums of Money which shall be received in respect of such Undertaking, by and from any Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or any Part thereof, and shall regularly, by their Clerk or Clerks as aforesaid, write and enter into 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 their Orders and Proceedings, which Book or Books shall be deposited with and kept under the Care and Direction of the said Court of Directors, (provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto, as herein-before mentioned, for his or her Inspection); and the said Court of Directors shall have Power from Time to Time to appoint an Engineer or Engineers to inspect and superintend the Works of the said Undertaking, and an Architect or Architects for erecting and surveying any Buildings to be erected by the said Company of Proprietors, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer, Architect, and Land Surveyor, shall be paid by the said Company of Proprietors such Salary or Allowance as the said Court of Directors shall direct or appoint; and any such Court of Directors may remove any such Engineer, Architect, and Land Surveyor, whenever they shall think proper; and such Court of Directors shall have full Power and Authority to contract for and purchase Lands, Messuages, Tenements, Hereditaments, and Materials for the Use of the said Undertaking; to employ, order, and direct the Workmen; to place and displace Collectors, Under Officers, Clerks, Servants, and Agents; to make all Contracts and Bargains touching the said Undertaking, and to sell or demise such Lands or Buildings as shall not be wanted for the Use of the said Company of Proprietors; and to do, execute, and perform all other Mat-
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ters and Things whatsoever necessary and expedient to be done in and about the said Undertaking, and which the said Company of Proprietors are by this Act empowered to do, save and except such Acts, Matters and Things only as are hereby directed to be done by the Proprietors at their General Assemblies, as herein mentioned.

LI. And be it further enacted, That it shall be lawful for the said Court of Directors at their First Meeting after their Election in every Year, or at any subsequent Meeting, to nominate and appoint one or more Committee or Sub-Committees, (every such Committee consisting of Three or more Directors), and such Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever in and about the said Undertaking, which the said Court of Directors shall from Time to Time entrust to the Management of such Committees, and such Committees shall meet at such Times and Places as they shall think proper, and all Powers hereby vested or which shall be vested in such Committees, by the said Court of Directors as aforesaid, shall be exercised by the major Part present at their respective Meetings, the whole Number of Members present not being less than Three; and at all Meetings of such Committees respectively, one of the Members present shall be appointed Chairman, and all Questions shall be decided by the Majority of Votes, and the Chairman shall have the casting Vote in case of an equal Division, but no other Member shall have more than one Vote; and such Committees shall from Time to Time make Reports, and send Copies of their Proceedings to the Court of Directors, and shall at all Times be subject to the Controul of the said Court of Directors, and shall obey all their Orders and Directions in and about the Affairs of the said Company of Proprietors, so that such Orders and Directions be not contrary to the express Directions, Regulations and Provisions contained in this Act.

Power to appoint Committee.

LII. And be it further enacted, That the said Court of Directors shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Proprietors of the said Undertaking, in order to defray the Expences of or carry on the same, as they shall from Time to Time find wanting and necessary for those Purposes; so that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Undertaking: Provided always, that Twenty-one Days previous Notice of such Calls respectively shall be given by Advertisement in Two *London* Newspapers, and Three *Canterbury* Newspapers published in the County of *Kent*, and by Letter from the Clerk to the several Proprietors; and provided also, that no such Calls be made but at the Distance of Three Calendar Months at least from each other; all which Money so to be called for, shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid, and applied in such Manner as the said Court of Directors shall from Time to Time order and direct.

Directors to make Calls.

LIII. Provided always, and be it enacted, That if any Subscriber or Subscribers to the said Undertaking, shall be minded and desirous to pay or advance immediately into the Hands of the said Court of Directors, or of the Person or Persons whom they shall appoint to receive the same, the full Amount of his, her, or their Subscription, for the Share or Shares for which he, she, or they may have subscribed, or any Part thereof, not

Directors may allow Interest to Proprietors on Payments in Advance.

[Log. & Per.]

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being

being less than a Sum of Thirty Pounds, without waiting for the said Call or Calls, then and in such Case it shall be lawful for the said Court of Directors to pay to the said Subscriber or Subscribers, out of the Funds of the said Company of Proprietors, Interest upon the same at the Rate of Five Pounds *per Centum per Annum*, upon the Amount which such Payment in Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment in Advance, up to the Period of such subsequent Call respectively, according to the Sum then in Advance over and above the Amount of the said Call.

Subscribers to pay the Calls on their Subscriptions.

LIV. Provided always, and be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or shall be Owner or Owners; Proprietor or Proprietors of any Share or Shares in the said Undertaking, 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 Court of Directors 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 Court of Directors; 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 Court of Directors, in the Name of the said Company of Proprietors, are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Directing the Proceedings in Actions for Calls.

LV. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and alledge that the Defendant or Defendants being an Owner or Owners, Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such and so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors, of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, and that no Wager of Law shall be allowed in any such Action.

Manner of enforcing Payment of the Calls.

LVI. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls

Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of One Calendar Month after such Call or Calls shall have been made, and Notice thereof given as aforesaid, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, at some General or Special Assembly to be held after such Neglect or Refusal to pay such Call or Calls as aforesaid, to declare all and every or any of the Share and Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited; and from thenceforth the said Share or Shares so declared to be forfeited, shall be vested in the said Company of Proprietors, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall vest in or accrue to the said Company of Proprietors, until Notice in Writing thereof shall be given by the Treasurer, or by the Clerk or Clerks of the said Company of Proprietors, to the Person or Persons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company of Proprietors, or left at his, her, or their Dwelling House, or usual or last known Place of Abode Fourteen Days at the least before such Share or Shares shall vest in or accrue to the said Company of Proprietors, or until Notice shall be published in the *London Gazette*, and One *London Newspaper*, and in any Two Newspapers published in the County of *Kent*, in case such Person or Persons cannot be found; and in such Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for his, her or their Call or Calls in respect of his, her, or their Share or Shares in the said Undertaking; and no such Share or Shares shall be forfeited to or vested in the said Company of Proprietors, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and all Expences attending the Application for the same, within the Time specified in such Notice; any Thing contained in this Act to the contrary thereof in anywise notwithstanding.

LVII. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Court or Directors for the Time being, and they are hereby authorized and empowered, from Time to Time, to sell or cause to be sold by public Action or by private Contract, and by Writing under the Common Seal of the said Company of Proprietors, to assign and transfer such and so many of the Shares or Share of such Defaulter or Defaulters as the said Court of Directors shall from Time to Time find necessary, and direct to be sold unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignment and Transfer shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares, so forfeited to or vested in the said Company of Proprietors and sold as aforesaid, and all Persons claiming;

claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Court of Directors shall not by virtue of this Act, at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale to pay the Arrears due by such Defaulter or Defaulters, for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate; to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

The Com-
pany not to
sue for Calls
on forfeited
Shares.

LVIII. Provided also, and be it enacted, That nothing herein contained shall empower the said Company of Proprietors or Directors to sue the original Proprietors of any Share or Shares which shall be declared to be forfeited in Manner and according to the Tenor, true Intent and Meaning of this Act, except such as shall revert, in pursuance of the last preceding Clause, for any Call or Calls for Money subsequent to the Declaration of such Forfeiture; but when any such forfeited Share or Shares shall be sold, the Purchaser or Purchasers thereof shall be liable to the future Calls in the same Manner as if he, she, or they had been the original Proprietor or Proprietors of such Share or Shares.

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

LIX. Provided also, 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 each Share 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 Court of Directors for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, 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 or may pay the same, and 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 Owner or Owners deceased shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors

tors shall be and they are hereby authorized and empowered to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, 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 Life-time, by virtue of any Call 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 such 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 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, 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.

LX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and their respective Successors, 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 Transfer of which Shares shall be in the Form or to the Effect following:

I Shares may be sold.
 in Consideration of paid
 to me by do hereby bargain, sell, assign, Form of Transfer.
 and transfer to the said Share or Shares
 of the Undertaking called 'The Saint Nicholas Bay Harbour and Can-
 terbury Canal' (being Number of the Shares in the said Under-
 taking) to hold to the said his Executors, Ad-
 ministrators, and Assigns, subject to the same Rules, Orders, and Re-
 strictions, and on the same Conditions that I held the same immediately
 before the Execution hereof; and I the said
 do hereby agree to take and accept the said Shares,
 subject to the same Rules, Orders, Restrictions, and Conditions: As
 Witnesses our Hands and Seals, the Day of

And that on every such Sale the said Transfer (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, in the Presence of Two credible Witnesses) 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 registered, in a proper Book or Books, to be provided by the said Company of Proprietors, and kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company of Proprietors, and shall have testified or indorsed the Registry of such Memorial on the said Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk or Clerks No Title till Registry.
 is or are hereby required to register such Memorial accordingly; and until such Memorial shall have been registered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her, or them,
 [Loc. & Per.] 35 D

them, or any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

After a Call
no Share to be
sold until the
Money shall
be paid.

LXI. And be it further enacted, That after any Call of Money shall have been made by such Court of Directors as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon 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 declared at a General Assembly in Manner before directed.

Regulations
as to the Ac-
quisition of
Shares.

By Marriage.

By Will, or
in a Course
of Admini-
stration.

By any other
Means.

LXII. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said Undertaking 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 further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the 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*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, 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 Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, shall be made and sworn to by any Executor or Executors of such Will, before One of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein-before mentioned; and that in all Cases other than are herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons, before One of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon enter and register the Name or Names of every

every such new Proprietor or Proprietors in the Register Book, or List of Proprietors in the said Undertaking; and that in all or any of the said Cases, it shall and may be lawful to and for the said Court of Directors, at any Meeting after Three Calendar Months Notice shall have been given by the said Clerk or Clerks to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times at the Intervals of Three Days between each Advertisement in Two *London* Newspapers, and in Two Newspapers published in the County of *Kent*, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited and sold, and disposed of in such Manner as the said Court of Directors shall direct, or otherwise become consolidated in the general Fund of the said Company of Proprietors.

LXIII. And, for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein; be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their first or at some subsequent General Assembly, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors, and after such Entry made to cause their Common Seal to be affixed thereto; and every Proprietor requiring the same, may have a Certificate of such Entry for each Share, certified under the Hands or Hand of the Clerks or Clerk to the said Company of Proprietors, on paying to the Clerk Two Shillings and Sixpence and no more for every such Certificate, and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner or Proprietor of any of the said Shares from selling or disposing thereof; and in case any such Certificate shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and delivered by the Clerk on the same Terms and Conditions as aforesaid.

Names of Proprietors and Number of their Shares to be entered in a Book, and Certificates of the Number delivered to them.

LXIV. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as original or future Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act.

For the Purpose of making and recovering Calls, the Persons whose Names are standing in the Company's Books as Proprietors are to be deemed the actual Proprietors.

LXV. And

Commence-
ment of the
Harbour
Duties.

LXV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors by their Directors, or such Person or Persons as they shall appoint, and they are hereby authorized and empowered from Time to Time and at all Times, from and after the Time that the Sum of Thirty-one thousand four hundred Pounds, being One-third Part of the Estimate of the Expence of making the said Harbour, shall appear by a Return made to the Quarter Sessions to be holden for the Eastern Division of the County of *Kent*, or any Adjournment thereof, to the Satisfaction of the Justices of the Peace then and there present, or the major Part of them, to have been laid out by the said Company of Proprietors, to ask, demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, of and from all and every the Master, Commanders, or Owners, or other Person or Persons having the Rule or Command of any Ship or Vessel, Bark, or Boat within the said Harbour, or from either of them, the several Rates or Duties specified in the First Schedule to this Act.

Duties on Ex-
ports and Im-
ports.

LXVI. And be it further enacted, That there shall be paid to the said Company of Proprietors, or to such Person or Persons as they shall appoint to collect and receive the same (over and above the Rates herein-before granted and authorized to be taken), for all Goods, Wares, and Merchandize imported or exported to or from the said Harbour, such Rates or Duties as the said Company of Proprietors shall order or direct to be paid, not exceeding the Rates or Duties contained in the First Column of the Second Schedule to this Act, which said Rates and Duties shall be paid by the Merchant or Merchants, or other Person or Persons exporting or importing such Goods, Wares, and Merchandize, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon the Delivery or Shipping of the same respectively.

Duties on
Profits of
Salvage.

LXVII. And be it further enacted, That the Master or Owner of every Boat or Vessel belonging to the said intended Harbour, which shall be employed for the Purpose of assisting any Ship or Vessel cast away, or out of its Course, or otherwise in Distress at Sea, or in taking up any Goods wrecked at Sea, or upon the Main, or upon the Coast, or any Anchor or Cable found at Sea, shall pay a Half Part of One equal Share of the Profits arising thereby, to the said Company of Proprietors, or their Collector appointed by them to demand and receive the same, whether such Ship, Vessel, Goods, Anchor, or Cable be brought into the said Harbour, or the Bay thereunto adjoining or not, the same to be paid before any Division shall be made of the Earnings upon any such Occasion; and the said Master or Owner who shall pay any such Half Part of such Share, shall at the same Time deliver to the said Collector receiving the same, an Account in Writing, signed by him, of the whole Amount of such Earnings as aforesaid, and of the Number of Shares into which the same is divisible or to be divided, and of such necessary Charges and Expences as the Parties concerned in such Service shall have been at on Account thereof; and if any such Master or Owner shall wilfully deliver a fraudulent or erroneous Account to such Collector as aforesaid, he shall, over and above Payment of such Half Part of the Share so made payable as aforesaid, forfeit and pay a Sum equal to such Half Part thereof.

LXVIII. Provided.

LXVIII. Provided always, and be it further enacted, That the said Rate of One Half Part of One Share of the Profits arising from any Boat or Vessel being employed for the Purpose of assisting any Ship or Vessel cast away, or out of its Course, or otherwise in taking up any Wreck, Goods, or any Anchor or Cable as aforesaid, shall and may, if the said Directors think proper, be recovered from the Person or Persons liable to the Payment thereof, by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Salvage how
to be reco-
vered.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to charge His Majesty, or any other Person on his Behalf, with the Payment of any Rates or Duties under this Act, in respect of any of His Majesty's Ships of War, or any Ship, Transport, or Packet of His Majesty, His Heirs and Successors; or any Vessel employed in His Majesty's Revenues of Customs or Excise; or any Ship, Transport, or Packet employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General; or any Vessel employed in or upon His Majesty's Service; or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging; and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Exempting
Vessels on His
Majesty's Ser-
vice.

LXX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to charge any Vessel arriving within the Limits of the said Harbour by Stress of Weather, and unloading and reloading her Cargo therein, with the Payment of any of the Duties upon Goods, Wares, or Merchandize imported or exported, expressed or mentioned in the Second Schedule to this Act: Provided always, that every such Vessel shall be subject and liable to the Payment of the Harbour Dues for Wharfage of Vessels mentioned in the Fourth Schedule to this Act.

Exemptions
for Vessels
arriving by
Distress of
Weather.

LXXI. And whereas the Inhabitants of the Town of *Great Yarmouth*, in the County of *Norfolk*, are at a very great and constant Charge and Expence for the repairing, maintaining, and clearing the Haven and Piers belonging to the said Town, without the least Aid or Contribution from any other Port or Place whatsoever; be it therefore enacted by the Authority aforesaid, That all Ships and Vessels, *English* built and manned according to the Act or Acts of Navigation, belonging to the said Town of *Great Yarmouth*, shall be free and exempt from all and every the Duties, Sum or Sums of Money, charged and payable by this Act, any Thing therein contained to the contrary notwithstanding; so as the Master of every such Ship or Vessel belonging to the said Town of *Great Yarmouth*, or some other Mariner on his Behalf respectively, shall produce and shew to any Person lawfully authorized to demand the Duties imposed by this Act, a Certificate made upon Oath before the Mayor or Deputy Mayor of *Great Yarmouth* aforesaid, (which Oath they the said Mayor or Deputy Mayor are hereby empowered to administer), and under the Seal of Office of Mayoralty, that such Ship or Vessel does belong to the said Town of *Great Yarmouth*, and that the Inhabitants thereof are Owners of the whole or major Part of every such Ship or Vessel.

Exemption of
Yarmouth
Vessels from
Harbour
Dues.

[*Loc. & Per.*]

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LXXII. And

Vessels not to
be cleared till
Duties paid.

LXXII. And be it further enacted, That for the more effectually securing the Payment of the said Rates and Duties herein-before granted and authorized to be taken, no Collector or Comptroller of His Majesty's Customs, Receiver of Entries, or Ships Surveyor or Searcher, Waiter, or other Officer of the Customs whatsoever, shall at any Time after the said Harbour shall be made, give or make out any Cocket or other Discharge or take any Report outwards for any Ship or other Vessel within the said Harbour, or permit any Ship or other Vessel to go out of the said Harbour, or from any Landing Place within the Limits thereof, until the Master or Owner or other Person having the Rule or Command of such Ship or other Vessel, shall produce a Certificate from the Collector or Collectors, who shall be appointed in pursuance of this Act, that the Rates or Duties by this Act herein-before granted and imposed are paid or secured to be paid, which said Certificate the said Collector or Collectors is and are hereby required to give without Fee or Reward.

How Ton-
nage Duties
for the Har-
bour shall be
ascertained.

LXXIII. And be it further enacted, That the Master or other Person having the Rule or Command of any Ship or other Vessel lying within the said Harbour, shall and he is hereby required to produce and shew on Demand, to the Person or Persons appointed to collect the Rates and Duties aforesaid, the Custom House Register of the Burthen or Tonnage of such Ship or Vessel; and in case of Refusal, Failure, or Delay in producing and shewing the same, or in case there be no such Register, or in case the said Company of Proprietors, or such Person or Persons appointed to collect the Rates and Duties aforesaid, shall not be satisfied therewith, or shall entertain any Doubt of the Correctness thereof, in Regard to the Tonnage of such Ship or Vessel, it shall and may be lawful for the Person or Persons appointed to collect the Rates and Duties aforesaid, to detain and to enter, either alone or with any Person or Persons for his or their Assistance, into such Ship or Vessel, and admeasure the same in Manner following; (that is to say), by taking the Length of the Keel of every such Ship or other Vessel so much as she treads on the Ground, and the Breadth within Board by the Midship Beam from Plank to Plank, Half of which Breadth shall be accounted for the Depth, and the Length so taken being multiplied by the Breadth, and the Product thereof by the said accounted Depth, and the Whole divided by Ninety-four, the Quotient shall give and be deemed to give the true Contents of the Tonnage, according to which Rule or Method all Ships and Vessels using the said Harbour shall be measured, for computing, ascertaining, and collecting the said Rates or Duties of Tonnage, any Custom, Practice, or Usage to the contrary notwithstanding; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Tonnage than shall then be set forth and contained in the Account which shall have been given thereof, then the Master or Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, or gauging, all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons respectively, shall pay the Costs and Charges of such weighing, measuring, or gauging,
and

and shall also pay such further Damages as shall appear to any Two or more Justices of the Peace acting in or for the said County of *Kent*, on the Oath of any credible Witness, to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector or Collectors, the same shall and may be recovered from the said Company of Proprietors in any of His Majesty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, Privilege, or Protection, nor more than One Imparlanse shall be allowed; and if any Master, Commander, or other Officer of any Ship or Vessel, or any other Person or Persons, shall obstruct or hinder any Person or Persons so employed from weighing, measuring, or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person, shall for every such Offence forfeit any Sum not exceeding Ten Pounds, over and above the said Rates.

Penalty on any Person obstructing such measuring, &c.

LXXIV. And for the more orderly Government of the said Harbour, and for the better preserving the same, and the Works to be erected there from Injury or Damage, as well as for the Accommodation of Ships or Vessels coming into or going out of the said Harbour; be it enacted, That the said Court of Directors may and they are hereby authorized and empowered to nominate and appoint such Person as they shall think proper, to be a Harbour Master, with such annual Allowance or Salary, payable out of the Rates or Duties by this Act granted and made payable, as they shall think fit; and such Harbour Master shall from Time to Time order and require all and every Person having the Rule or Command of any Ship or other Vessel entering into, lying, being, or abiding within the said Harbour, to lie, anchor, moor, and ballast such Ship or Vessel in such proper Place or Places within the same, as such Harbour Master shall assign or direct for those Purposes (having due Regard that to the best of his Skill and Knowledge, such Ship or other Vessel shall be ordered to lie, anchor, moor, or ballast in a Place of Safety); and in case the Person or Persons having the Rule or Command of any such Ship or other Vessels shall refuse or neglect to obey the Orders so given, every Person so offending, for every such Refusal or Neglect, shall forfeit and pay any Sum not exceeding Ten Pounds to the said Company of Proprietors.

Power to regulate Vessels lying within the Harbour.

LXXV. And be it further enacted, That if at any Time after the said Harbour shall have been completed, it shall be found by a Presentment of the Grand Jury assembled at any Quarter Sessions of the Peace for the Eastern Division of the County of *Kent*, that the same has been suffered to get so much out of Repair as not to afford the usual Shelter and Security to Vessels endeavouring to enter or lying within the same, and such Presentment certified under the Hand of the Clerk of the Peace for the said County to the said Court of Directors of the said Company of Proprietors, and the said Harbour shall not be sufficiently repaired and amended within Six Calendar Months from the certifying of such Presentment as aforesaid, then and from thenceforth the said Rates and Duties, by this Act granted and made payable for or in respect of Ships and Vessels using the said Harbour, shall be suspended until One Calendar Month after the assembling of the Quarter Sessions of the Peace for the Eastern Division of the said County of *Kent*, next after the Suspension of such Duties, unless the said Harbour shall before that Time have been repaired; and it shall be found by a Grand Jury assembled as aforesaid at such Quarter Sessions, and certified

Harbour to be kept in good Repair.

by

by the said Clerk of the Peace to the said Court of Directors of the said Company of Proprietors, that the said Harbour has been properly repaired and amended: Provided always, that if the Grand Jury assembled at such Quarter Sessions shall again present that the said Harbour is not sufficiently repaired, such Rates and Duties shall continue suspended until One Calendar Month after the next Quarter Sessions, unless at such next Quarter Sessions it shall be found and certified in Manner aforesaid, that the Harbour is sufficiently repaired; and such Rates and Duties shall continue to be suspended so long as such Grand Juries shall continue to find from Sessions to Sessions that the Harbour remains not sufficiently repaired.

Rates of Goods passing the Lock and Short Cut not payable upon Imports previously paid.

LXXVI. 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 Use and Behoof, for all Goods, Wares, and Merchandize, carried or conveyed through the said Lock and Short Cut connecting the said River *Stour* and Canal, such Rates and Duties as the said Company of Proprietors shall order or direct to be paid, not exceeding the Rates or Duties contained in the Second Column of the said Second Schedule to this Act, which said Rates and Duties shall be paid by the Merchant or Merchants, or other Person or Persons, carrying or conveying such Goods, Wares, and Merchandize, through the said Lock and Short Cut, upon carrying or conveying the same respectively through the said Lock and Short Cut: Provided always, that the said Rates and Duties herein-before granted and authorized to be taken upon Goods, Wares, and Merchandize, carried or conveyed through the said Lock and Short Cut, shall not be paid upon Goods, Wares, and Merchandize, for which the said Rates and Duties herein-before granted and authorized to be taken upon Imports to the said Harbour, shall have been previously paid to the said Company of Proprietors: And provided also, that in case any Goods, Wares, and Merchandize, which shall have paid the said Rates and Duties herein-before granted and authorized to be taken upon Goods, Wares, and Merchandize, carried or conveyed through the said Lock and Short Cut, shall be afterwards exported from the said Harbour; then and in such Case the Owners or Exporters of such last-mentioned Goods, Wares, and Merchandize, shall pay to the said Company of Proprietors, upon such Exportation, the Difference only between the said Rates and Duties herein-before granted and authorized to be taken upon Exports from the said Harbour, and the Rates and Duties paid upon the carrying or conveying such last-mentioned Goods, Wares, and Merchandize, through the said Lock and Short Cut.

Allowance if Goods exported.

Rates of both Columns in Second Schedule to bear the same Proportion.

LXXVII. Provided always, and be it further enacted, That the Rates and Duties which shall from Time to Time and at all Times, be ordered or directed by the said Company of Proprietors, to be paid for Goods, Wares, and Merchandize, carried or conveyed through the said Lock or Short Cut, shall always bear the same, or as near a Proportion as can be, to the Rates and Duties which shall at the same Time or Times be ordered or directed by the said Company of Proprietors, to be paid for Goods, Wares, and Merchandize, imported or exported to or from the said Harbour, as the Rates and Duties contained in the said First Column of the said Second Schedule, bear to, the Rates and Duties contained in the said Second Column of the same Second Schedule.

LXXVIII. And,

LXXVIII. And, in Consideration of the great Charges and Expences which the said Company of Proprietors must sustain and incur in making and maintaining the said Canal hereby authorized to be made and maintained; be it further enacted, That it shall be lawful 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 mentioned in the Third Schedule to this Act, for the Tonnage of all Minerals, Merchandize, and other Goods, Matters and Things whatsoever, which shall be carried or conveyed upon any Part of the said Canal; and in the same Proportion for any Quantity less than a Ton, and for any Distance less than a Mile; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat or other Vessel shall be navigated or pass upon the said intended Canal, 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 or other Vessel so to be navigated on the said intended Canal, 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.

Rates of Tonnage on the Canal.

Fraction of a Quarter of a Mile to be taken as a whole Quarter of a Mile.

LXXIX. And be it further enacted, That all the Rates and Duties authorized by this Act to be received, collected, and taken, shall be paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Court of Directors of the said Company of Proprietors shall from Time to Time direct or appoint; and in case any Owner or Master, or any other Person or Persons having the Rule or Command of any Ship or other Vessel within the said Harbour or Dock, or any Factor or Consignee thereof, or Person or Persons having the Charge or Command of any Boat or other Vessel using the said Canal, or passing through the said Lock and Short Cut connecting the said River *Stour* and Canal, shall neglect or refuse to pay any such Rates or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same, then and in such Case it shall and may be lawful for the Collector or Collectors, or other Person or Persons appointed in pursuance of this Act to receive the same, to go on board such Ship, Boat or other Vessel, to demand, collect, and receive the said Rates or Duties; and on Non-payment thereof to take and distrain every such Ship, Boat, or other Vessel, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof; and all or any Part of the Goods, Wares or Merchandize, in respect whereof such Rates or Duties shall be payable, either on board such Ship, Boat, or other Vessel, or on Land, and the same to detain until the respective Rates or Duties shall be satisfied and paid; and in case of any Neglect or Default in Payment of the said Rates or Duties for the Space of Five Days after any Distress or Distresses so made or taken, that then it shall and may be lawful to and for the said Company of Proprietors, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the same to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distress or Distresses, and out of the Produce of the Sale thereof, to satisfy themselves or himself, as well for and in respect of the Rates or Duties so neglected or delayed to be paid, as also for and in respect of their or his reasonable Charges in taking, keep-

Recovery of Rates and Duties authorized to be collected.

ing, appraising, and selling the same, rendering the Overplus (if any such there be) to the Owner upon Demand; and it shall and may be lawful for the said Company of Proprietors, in case of Non-payment of the Rates and Duties as aforesaid, instead of recovering the same in Manner aforesaid, or in case the Whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered by Action of Debt or Trespass on the Case, in any Court of Record at *Westminster*.

Persons eluding Payment to continue chargeable.

LXXX. And be it further enacted, That if any Master, Owner, or other Person having the Rule or Command of any Ship, Boat, or other Vessel, or the Owner, Factor or Consignee of any Goods, Wares, or Merchandize, shall by any Means whatsoever, at any Time or Times, elude, evade, or avoid the Payment of the Rates or Duties hereby made payable, or any Part of the same, each and every Person eluding, evading, or avoiding Payment as aforesaid, shall forfeit and pay to the said Company of Proprietors, a Sum equal to the Amount of such Rates and Duties; and shall also stand charged with and be liable to the Payment of the said Rates and Duties, which shall and may be recovered from such Master or Owner, Factor, or Consignee, or such other Person having such Rule or Command respectively, at any Time or Times, either by the Means herein-before prescribed for the levying of the said Rates and Duties, or by the same Method, and in such Manner as is herein-after directed for levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act, and with the like Costs.

Duty on Coals imported by Ship Owners for Sale, to be paid by the Coal Buyer at the said Harbour, and not by the Ship Owner.

LXXXI. Provided always, and be it further enacted, That in cases where the Owner of any Ship or Vessel shall import a Cargo of Coals into such Harbour for Sale, the Duty payable on such Coals, according to the Rates contained in the Second Schedule to this Act annexed, shall be paid by the Person or Persons who may purchase the same at the said Harbour of the Ship Owner importing the same, and not by such Ship Owner.

Rates may be altered.

LXXXII. And be it further enacted, That it shall and may be lawful for the Court of Directors of the said Company of Proprietors, from Time to Time to lower or reduce all or any of the Rates and Duties by this Act granted, and again to raise the same to such Sum or Sums of Money as they shall think proper, not exceeding the Sums by this Act allowed to be taken, as often as it shall be deemed necessary for the Benefit of the said Undertaking; the said Company of Proprietors nevertheless always observing the Provisions herein-before contained, as to the Proportion between the Rates and Duties mentioned in the First and Second Columns of the Second Schedule to this Act.

Wharfage Duties to be paid.

LXXXIII. And be it further enacted, That if any Goods, Wares, Merchandize or other Things, shall be brought upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company of Proprietors, or their Lessees, then and in such Case there shall be paid to the said Company of Proprietors, or to the Collector, or other Person or Persons whom they shall appoint to demand, receive, and recover the same, over and above the Rates and Duties herein-before granted and authorized to be taken, and in such and the same Manner as such Rates and Duties are hereby

hereby directed and appointed to be paid and recovered, such Sum *per* Ton or otherwise, as the said Company of Proprietors or their Court of Directors shall from Time to Time fix and appoint, not exceeding the Rates and Charges in the Fourth Schedule to this Act particularly specified and set forth.

LXXXIV. And, for the better ascertaining and more easy, effectual, and just Collection of the said Rates hereby directed to be paid to the said Company of Proprietors, for Goods, Wares and Merchandize carried on the said Canal, or carried or conveyed through the said Lock and Short Cut connecting the said River *Stour* and Canal; be it further enacted, That the Person having the Care of every Boat, Barge, or other Vessel navigating upon the said Canal, or passing through the said Lock and Short Cut, shall give to the Collector of the said Rates, or to any other Officer to be appointed for such Purpose, at the Place or Places where he shall attend for that Purpose, a just Account in Writing, signed by the Person or Persons sending or consigning such Goods and other Things as shall be embarked in each such Boat or other Vessel, or by his or their Clerk or Agent, which Account shall contain a Statement of the Quantities and Weight of such Goods and other Things, and of their Nature, Sort, or Kind, which shall be embarked in each such Boat or Vessel; and in case the Person having the Care of such Boat or Vessel, shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall wilfully or knowingly give a false Account, or shall wilfully do any other Act whereby the Payment of the said Rates, or any Part thereof, shall be avoided, or if the Person or Persons sending or consigning such Goods or Things, or his or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things (and so in Proportion for any less Quantity than a Ton) which shall be in or be conveyed by such Boats or other Vessels respectively, over and above the Rates which shall be payable for the same by virtue of this Act.

Masters of Boats to give an Account of their Lading.

LXXXV. And be it further enacted, That the Tonnage of Timber, and all other Goods, Merchandize, Articles, and Things whatsoever, conveyed upon and along the said Canal, or carried or conveyed through the said Lock and Short Cut connecting the said River *Stour* and Canal, shall be ascertained and charged according to the real Weight thereof, and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One hundred Weight, any Usage to the contrary thereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates, and the Master or other Person having the Care or Charge of any Boat or other Vessel navigating the said Canal, or passing through the said Lock and Short Cut, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh or gauge, or cause to be weighed or gauged, such Boat or other Vessel, and all such 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 or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge

What Quantities of Goods shall be deemed a Hundred Weight.

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

Charge of such Boat or other Vessel, then it shall and may be lawful to and for the said Court of Directors of the said Company of Proprietors, or their said Collectors, and they are hereby authorized and empowered to charge for such Goods and Things according to the Weight thereof declared by the Gauge of such Boat or other Vessel, and the graduated Index thereon; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing or gauging, all which Costs and Charges, upon Refusal of Payment 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 a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Company of Proprietors shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize or other Things, such Damages as shall have arisen from such Detention; and in Default of 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.

Masters to put
their Names
on the Out-
side of Boats.

Weight of
the Lading of
Vessels to be
marked.

LXXXVI. And be it further enacted, That every Owner, Master, or Person having the Care or Command of any Boat or other Vessel passing upon the said Canal, or through the said Lock and Short Cut, shall cause his Name and Place of Abode, and the Number of his or her Boat or other Vessel to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on a black Ground Three Inches high at the least, and of a proportionable Breadth on the Outside of the Head or Stern of every such Boat or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal of such graduated Dimensions and of such convenient Height, and under such Regulations as the Court of Directors of the said Company of Proprietors shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby clearly ascertained and shewn, and shall permit and suffer every such Boat or other Vessel to be gauged, weighed, or measured, at the Expence of the said Company of Proprietors, whenever it shall be required by them or any Person or Persons appointed for that Purpose, at such Place or Places on the said Canal or Short Cut as they shall appoint; and every Owner, Master, or other Person having the Care or Command of any Boat or other Vessel, who shall navigate the same upon the said Canal, or pass with the same through the said Lock and Short Cut, without having such Name, Figures and Index thereon, as are herein-before directed, or shall alter, erase, deface, or destroy the same or any Part thereof, or shall fix any false Name, Figures, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of
Ships and
Boats to be
accountable
in certain

LXXXVII. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship or other Vessel lying or being in the said Harbour or Dock, or having the Charge or Care of any Boat or other Vessel navigating upon the said Canal, or passing through

through the said Lock and Short Cut, shall be and is hereby made answerable for any Damage, Spoil, or Mischief which shall be done to the said Harbour, Dock, or Canal, or any of the Works to be constructed under this Act, through Unskilfulness or Negligence by him, or by such Ship, Boat, or other Vessel, or by any of the Mariners, Boatmen, Servants or Crew on board of or employed in or about the same, or by or in the loading or unloading of any Ship, Boat, or other Vessel, or by any other Means whatsoever; and also for any Trespass, Damage, Spoil, or Mischief, which may be done by him or by such Person and Persons as aforesaid, to the Owners, or Proprietors of any Buildings or other Erections, Lands, Tenements, or Hereditaments, adjoining to the said Harbour, Dock, Canal or other Works, or to any of them; and the said Master or Owner of such Ship, Boat or other Vessel, may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; 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.

Cases for Damages done to the Harbour and Canal.

LXXXVIII. And be it further enacted, That in case the Owner or Owners of any Ship, Boat, or other Vessel, using the said Harbour or Dock, or employed on the said Canal, or passing through the said Lock and Short Cut, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or by any other Person on board any Ship, Boat or other Vessel, or any of them, such Servants, Boatmen, Watermen, or other Person as aforesaid, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, Watermen, or other Person as aforesaid, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace for the County, City, or Place where such Penalty or Satisfaction shall have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

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

LXXXIX. And be it further enacted, That the said Company of Proprietors shall and may and they are hereby empowered, in such Parts of the said Canal or Short Cut as shall not be of sufficient Breadth for admitting a Boat or other Vessel to turn about or lie whilst another Boat shall pass by, or to admit Two Boats or other Vessels to pass each other, to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal or Short Cut, at convenient Distances from each other, for the turning, lying, or passing by of any such Boats or other Vessels; and all such Boats and other Vessels which shall be haled or navigated upon the said Canal or Short Cut, shall, upon meeting any other Boat or Vessel navigating thereupon, 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 Court of Directors, shall from Time to Time direct or appoint; and that if any Boat or other Vessel shall be placed or shall lie abreast in any Part of the said Canal or Short Cut, not being moored at both Ends, or if any Person

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

Obstructions of the Navigation to be removed;

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or

or Persons shall obstruct the Navigation of the said Canal or Short Cut, by Means of loading, unloading, misplacing, or otherwise misconducting any Boat or other Vessel, and shall not immediately upon Request made alter the Situation of such Boat or other Vessel, or alter or lessen the Loading thereof as the Case shall require, so as that the said Obstruction shall cease and be removed; or if any Person or Persons shall float any Timber upon the said Canal or Short Cut, or throw any Trees, Ballast, or other Thing or Things into any Part of the said Canal or Short Cut, or shall obstruct the Navigation thereof, every Person so in any such Cases offending, shall for every such Offence forfeit a Sum not exceeding Ten Pounds, and it shall be lawful for the said Court of Directors of the said Company of Proprietors, or their Servants, to cause any such Boat or other Vessel to be reloaded, or unloaded, if necessary, or to be removed, and also to remove such Timber, or other Thing or Things, in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to keep and detain such Boat or other Vessel and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such reloading, unloading or Removal, shall be paid, or otherwise to recover the Expences incurred thereby in like Manner as any Penalty is hereby directed to be recovered; and if any Boat or other Vessel shall be sunk in any Part of the said Harbour, Dock, Canal or Short Cut, or any of the Locks or Entrances thereof respectively, and the Person or Persons having the Care of such Boat or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred and occasioned; and if the same shall not be paid within One Calendar Month after Notice given to any Owner of such Vessel of such Offence, then to sell the same for the Payment thereof, rendering the Overplus, if any, after Payment of such Expence and the Expence of the Sale, to the Owner or Owners thereof.

and Vessels
sunk to be
weighed up.

Penalty for
destroying the
Ropes of Ves-
sels.

XC. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy or injure any Rope, Chain, or other Thing by which any Ship or other Vessel lying in the said Harbour or Dock, or within any Part of the Entrance Pier thereof, shall be moored and fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that such Penalty shall not in any Manner preclude or bar, or affect the Recovery of any Damages in any Action which may be brought for any Injury which may arise from cutting, breaking, destroying, or injuring any such Rope, Chain, or other Thing as aforesaid: Provided also, that nothing herein contained shall hinder or restrain any Harbour Master or Masters, to be appointed in pursuance of this Act, or his or their Assistant or Assistants, from exercising in a due and reasonable Manner any of the Powers and Authorities hereby vested in them, or to hinder or restrain the Owner or Owners, Occupier or Occupiers, of any of the Quays or Wharfs from casting off any Rope or Ropes that may be fastened to any Post or Posts, or other Fixture or Fixtures, on such Quays or Wharfs, without the Licence and Consent in Writing of such Owner or Owners, Occupier or Occupiers, for that Purpose had and obtained.

XCI. And

XCI. And be it further enacted, That if any Person or Persons shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, or Clough, belonging to the said Canal or Short Cut, or any of the Works thereto belonging, or when necessarily emptying a Lock for the Purpose of passing into or entering the same, shall neglect to shut the Top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he shall draw the Paddles, Valves, or Cloughs of or belonging to the Bottom Gates thereof or any of them, or shall suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall flush or draw off or cause to be flushed or drawn off the Water from any Part of the said Canal, or shall leave any Gate or Gates, Paddle, Valve, or Clough of any Lock open and running after any Boat or other Vessel shall have passed through the same (except in such Cases as are otherwise ordered), or shall draw or cause to be drawn any Paddle, Valve, or Clough on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person 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 Ten Pounds.

Or misusing the Locks or doing other Damage to the Navigation.

XCII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously demolish or break down any Quays, Wharfs, or any of the Works which shall be constructed in or which shall belong to the said Harbour, Dock, Canal, or Short Cut, or if any Person or Persons shall wilfully and designedly break, throw down, or destroy any Bridges, Locks, Tunnels, Banks, or other Works to be erected and made by virtue of this Act, or any Part thereof, every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person or Persons shall be tried shall have Power and Authority to cause such Person or Persons to be punished by Transportation for Seven Years, or in such other Manner as any Felons may be punished by the Laws and Statutes of this Realm.

Persons destroying the Works to be deemed guilty of Felony.

XCIII. And be it further enacted, That no Boat or other Vessel having on board any Pole, Shaft, or Instrument, used or to be used in punting or navigating such Boat or other Vessel, pointed or spiked with Iron or otherwise, of less Area at each End thereof than Ten square Inches, shall pass along any Part of the said Canal or Short Cut; and it shall be lawful for the Agents or Servants of the said Company of Proprietors to seize such Poles, Shafts, or Instruments, in case they shall be found on board any such Boat or Vessel; and the Master, Owner, or Person having the Care of such Boat or Vessel, shall forfeit a Sum not exceeding Ten Pounds for every such Pole, Shaft, or Instrument found on board his Boat or Vessel.

Penalty on having on board Shafts pointed with Iron.

XCIV. And be it further enacted, That every Boatman or other Person navigating or having the Care of any Boat or other Vessel upon the said Canal or Short Cut, which shall pass through any Lock to be made thereon, shall, under the Direction and Supervision of any Lock-keeper to be appointed by the said Company of Proprietors, in going upon the said Canal and other Works, from a higher to a lower Level, previously to his bringing his Boat or Vessel into any Lock, shut the lower Gates of such Lock, and the Paddles or Sluices thereto belonging, before he shall

Regulations of Vessels passing the Locks.

draw the Paddles or Sluices of the upper Gates thereof; and after he shall have guided or brought his Boat or Vessel into the said Lock, he shall then shut the upper Gates thereof, and the Paddles or Sluices thereof, before he shall draw the Paddles or Sluices belonging to the lower Gates thereof; and in going up the said Canal from a lower to a higher Level, such Boatman or other Person shall first guide his Boat or Vessel into the said Lock, and carefully shut the lower Gates thereof, and the Paddles or Sluices thereto belonging, before he shall draw the Paddles or Sluices of the upper Gates thereof; and as soon as he shall have passed with his Boat or Vessel out of the said Lock, such Boatman or other Person shall securely shut the upper Gates thereof, and the Paddles or Sluices thereof; and at all Times Boats or Vessels going up the said Canal or Short Cut, if within Sight of any Boat or Vessel coming down, and at a Distance not exceeding Two hundred Yards below any Lock, shall pass through such Lock before the Boat or Vessel coming down, and then the Boat or Vessel above such Lock shall come down, and if there shall be more Boats or Vessels than One below and One above any Lock at the same Time within the Distance aforesaid, such Boats or Vessels shall go up and come down through such Locks by Turns as aforesaid, until all the Boats or Vessels going up or coming down shall have passed the same, in order that One Lockfull of Water may serve Two Boats or Vessels; and if any Person or Persons shall offend against any such Provision or Provisions, Rule or Rules, Regulation or Regulations, for entering or passing any such Lock or Locks, or for opening or shutting any Gate or Gates thereof, or for drawing or shutting the Paddles or Sluices thereof, or any of them, then and in every such Case every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Power to
make inclined
Planes.

XCV. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it more convenient that Goods, Wares, and other Matters and Things should be conveyed by inclined Planes instead of Locks, to and from the summit Level of the said Canal or Short Cut, it shall be lawful for the said Company of Proprietors or their Court of Directors, to cause such inclined Planes to be made for such Purposes at both Ends of the said summit Level; and the same when so made, shall be taken and considered as Part of the said Canal, in like Manner as if such Planes had been made navigable; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Punishment
of Persons
damaging
Fences.

XCVI. And be it further enacted, That in Case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence to be put up or placed under the Authority of this Act, for the fencing of the Towing Paths of the said Canal (such Offence or Offences not amounting to Felony), every Person so offending and being thereof convicted before any Justice of the Peace (not interested in the Premises) for the County, City, or Place where the Offence shall be committed, or the Offender shall be or reside, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and no Person shall be deemed incompetent to give Evidence of such Offence by Reason of his or her being a Proprietor of the said Canal, or the Owner of such Gate, Stile, Post, Rail,
or

of other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, One Moiety of which Penalty or Penalties shall be paid to the said Company of Proprietors, or the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence, shall be the Informer, and shall give Evidence of the Offence, then the Whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall (over and above the Payment of such Penalty as last mentioned) make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, for the Damage done by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damage to be added to such Penalty or Penalties, and levied therewith in Manner above mentioned; and for Want of such Distress, such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

XCVII. And be it further enacted, That no Person or Persons shall take away any of the Beach, Shingle, Sand, Gravel or Earth, from any Part of the Strand or Shore of *Saint Nicholas Bay*, within One thousand Yards at the least from the Outfides of each of the Piers, measuring along the Coast from each Pier, either for the Purpose of ballasting any Vessel or for any other Purpose whatsoever, on Pain of forfeiting Twenty Shillings for every Ton so taken: Provided always, that nothing herein contained shall be construed to restrain the taking of any such Beach, Shingle, or Gravel, for the repairing of any Roads belonging to the respective Parishes within which the Part of the Shore from which the same shall be taken shall be, as far as the same may now be lawfully taken for that Purpose: Provided also, that it shall be lawful for the said Company of Proprietors to take for their own Use and Disposal, all the Beach, Shingle, Sand, Gravel, and Earth, which may be dug up, dug out, or excavated within the Pier Heads, or in the making of the said Harbour, Dock, or Canal, or other Works authorized to be made by this Act, and it shall also be lawful for the said Company of Proprietors to take and use any Quantity of the Beach, Shingle, Sand, Gravel, or Earth, from any Part of the Shore along the Coast, from *Reculver* to the lower *Gore End* in the Parish of *Birchington*, for making, maintaining, and repairing any of the approach Roads to be made by the said Company of Proprietors, or for any other Purpose whatsoever, appertaining to the making, maintaining, or repairing of the said Harbour, Dock, Canal, or other Works, without being subject to any Penalty for the same.

Beach not to be taken within certain Limits, unless for the Parish Roads, or for the Use of Harbour, &c.

Beach, &c.
to be taken
under the
Expenditors'
Direction.

XCVIII. Provided always, and be it further enacted, That such last-mentioned Beach, Shingle, Sand, Gravel, or Earth, so to be taken from the Shore from *Reculver* to the *Lower Gore End* in the Parish of *Birchington*, for the Purposes aforesaid, shall be taken from such Parts or Part only of the Shore between the Places aforesaid, as the Expenditor of the Vallies of *Wademarsh*, *Downbarton*, and *Peet*, and the Expenditor of the Level of *Rushborne* Sea Wall for the Time being, shall from Time to Time, within the Limits of their respective Vallies and Level, in Writing point out and direct; and such Expenditors respectively are hereby required, from Time to Time and at all Times hereafter, when thereunto called upon by the said Company of Proprietors, their Clerk or Clerks, known Agent or Collector, to point out and direct in Writing, from what Parts or Part of the Shore between the Places aforesaid, such last-mentioned Beach, Shingle, Sand, Gravel, or Earth, shall be taken by the said Company of Proprietors for the Purposes aforesaid, and, in so doing, the said Expenditors respectively, shall have Regard as well to the Convenience of the said Company of Proprietors, as to the Safety of the Sea Wall between the Places aforesaid, within the Limits of their respective Vallies and Level; and if such Expenditors or either of them, shall refuse to comply with the Requisites of this Act in this Behalf, such Expenditors or either of them so refusing, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Compensa-
tion for
Shingle, &c.
to the Lord
of the Manor
of Down-
barton.

XCIX. And whereas *Edward Wolfstenholme* Esquire, is or claims to be Lord of the Manor of *Downbarton*, in the said Isle of *Thanet*, and as such to be entitled to all the Manorial and other Rights and Privileges thereunto belonging, and particularly to all Wrecks of the Sea, and to certain Muscle Rocks or Beds, which said Muscle Rocks or Beds may be destroyed by this present Act; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to make the said Company of Proprietors, or any Person or Persons by them authorized, to take and use any of the Beach, Shingle, or Muscle Rocks belonging to the Lord of the said Manor, without making reasonable Compensation to the Lord or Lords, Lady or Ladies of the said Manor of *Downbarton* for the Time being, or to the Person or Persons who now is or shall be hereafter entitled thereto, to be ascertained as other Compensations are directed to be ascertained under this Act.

Rights of
Lords of
Manors and
Land Owners
to the Fishery
preserved.

C. Provided always, and be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors through which the said Canal shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal as shall be made in, over, or through the Common or Waste Lands within his, her, or their Manors respectively, and over or through any other Lands or Grounds in the Waters whereof such Lord or Lords, Lady or Ladies, now hath or have, or is or are entitled to the Right of Fishery, and that the Owner or Owners of any other Lands or Grounds through which the said Canal shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal as shall be made in, over, or through his, her, or their Lands or Grounds respectively, wherein he, she, or they had the Right of Fishery before the passing of this Act, so as that in the Use or Exercise of the said Right of Fishery, the said Canal and other Works hereby authorized to be made shall not be damaged, prejudiced,
or

or obstructed, or any Water drawn or taken from or out of the same, and so as that 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, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of them respectively, on account of any Repairs or Works to be done in and about the same, or for any other Purposes of the Navigation of the said Canal; and also that it shall be lawful for the said Lord or Lords of such Manor or Manors, or his or their Game-keeper or Gamekeepers, and the Owner or Owners of such Lands and Grounds through which the said Canal shall be made (being qualified by Law so to do), to take and kill Game or Wild Fowl upon so much of the said Canal, Trenches, Towing Paths, and other the Lands and Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid, in like Manner as if the Land or Ground so to be set out as aforesaid, had remained undisposed of by virtue of this Act.

CI. Provided always, and be it enacted, That the Right of Fishery, as well in the new Bed of the River *Stour*, where the said River *Stour* shall be diverted for the Purposes of this Act, as in that Part of the said Canal which shall be made by so diverting the said River *Stour*, shall belong to the same Person or Persons, Body or Bodies Politic or Corporate, as the Fishery in the present Bed of the said River *Stour*, where the same is so to be diverted, now belongs; and such Person or Persons, Body or Bodies Politic or Corporate, shall have in such new Bed of the River *Stour*, and in such Part of the said Canal, such and the like Remedies against any other Person or Persons, for stealing or taking, or killing or destroying, except by the Means aforesaid, any Fish therein; as they now have against such other Person or Persons for stealing, taking, killing, or destroying Fish in such present Bed of the said River *Stour*.

Right of
Fishery in the
Streams di-
verted, to be
preserved.

CII. And whereas the Mayor, Jurats, and Commonalty of the Town of *Fordwich*, and the Liberties thereof, are bound to maintain and repair the Bridges in the said Town over the said River *Stour*; but the Tolls and Duties which the said Mayor, Jurats, and Commonalty, are entitled to have, receive, and take at the said Bridges, are very inconsiderable, and not sufficient for the Maintenance and Repair of the said Bridges: And whereas the said Mayor, Jurats, and Commonalty, have been from Time to Time obliged to apply a considerable Part of certain Tolls, Rates, and Duties, which the said Mayor, Jurats, and Commonalty, are entitled to have, receive, and take, for Goods, Wares, and Merchandize, carried on the said River, and landed on the Quay of the said Town or elsewhere, within the said Town and the Liberties thereof, (and which last-mentioned Tolls, Rates, and Duties, together with certain small Dues, constitute the only other Revenue of the said Mayor, Jurats, and Commonalty), in Addition to the said Bridge Tolls and Duties, in the Maintenance and Repair of such Bridges: And whereas such Tolls, Rates, and Duties, which the said Mayor, Jurats, and Commonalty are entitled to have, receive, and take, for Goods, Wares, and Merchandize, carried on the said River, and landed on the Quay of the said Town or elsewhere, within the said Town and the Liberties thereof, will be very much diminished when the

Compen-
sation to the
Town of
Fordwich,
towards Re-
pair of Bridges
on the River
Stour.

said Canal and other Works shall be completed, and the Navigation by the Means thereof from the Sea to the City of *Canterbury* shall be opened, and will not, with the said small Dues, be more than sufficient to defray the other necessary Expences of the said Mayor, Jurats, and Commonalty, independently of the Maintenance and Repair of the said Bridges; be it therefore enacted by the Authority aforesaid, That the said Company of Proprietors shall yearly and every Year, on the Sixth Day of *April* in each Year, pay to the said Mayor, Jurats, and Commonalty, of the said Town of *Fordwich* and the Liberties thereof, the Sum of Twelve Pounds, to be from Time to Time applied by the said Mayor, Jurats, and Commonalty, together with such Bridge Tolls and Duties, in the Maintenance and Repair of the said Bridges; and that the said yearly Sum of Twelve Pounds, in every case of Default or Refusal of Payment thereof by the said Company of Proprietors, shall be recovered from them by the said Mayor, Jurats, and Commonalty, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Stones to be
erected every
Mile.

CIII. And be it further enacted, That as soon as conveniently may be after the said Canal shall have been completed, the said Company of Proprietors shall cause the same to be measured, and Stones with proper Inscriptions to be erected, and for ever after maintained on one Side thereof respectively, at the Distance of a Mile from each other.

Navigation to
be free upon
Payment of
Rates, under
certain Re-
strictions.

CIV. And be it further enacted, That all Persons shall have free Liberty to use with Horses, Cattle, and Carriages, the private Roads and Ways (except the Towing Paths) and Passages to be made by virtue of this Act, for the Purpose of conveying any Minerals, Timber, or other Goods, Wares, Merchandize, and Things to or from the said Harbour, Dock, and Canal, and every Part thereof, without paying any Thing for the same; and also to navigate and pass upon and use the said Canal with any Boats or Vessels, and also to use the said Towing Paths with Men, or with Horses or other Cattle, for haling and drawing such Boats and Vessels, but for no other Purpose, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the Sums mentioned in the Third Schedule to this Act: Provided nevertheless, the said Boats and other Vessels, shall not without the Consent of the said Court of Directors, pass through any Lock on the said Canal 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 Seven 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; and provided that no Boat or other Vessel of less Dimensions than Sixty Feet in Length, and Six Feet in Breadth, or of less Burthen than Twenty Tons, shall pass along the said Canal, without the Consent of the said Company of Proprietors or their Court of Directors, Agents, or Servants, in Writing first had and obtained for that Purpose: Provided always, that in case such Boat or other Vessel of less Dimensions or Burthen as aforesaid shall pay for Twenty Tons of Merchandize, it shall be lawful for such Boat or other Vessel to pass without such Consent as aforesaid.

CV. And

CV. And be it further enacted, That if at any Time after the said Harbour, Wet Dock, Canal and Works, shall have been completed, it shall appear to any Three or more of His Majesty's Justices of the Peace for the County, City, or Place in which such Harbour, Wet Dock, Canal and Works, shall respectively be situate, upon View of the same, that the Piers, Walls or Banks of the said Harbour have been suffered to be so much out of Repair, as not to afford a sufficient Defence to the adjacent Levels against the Sea, or that the Sides and Bottom of the said Harbour and Wet Dock, or of either of them, or any Parts or Part thereof, have been suffered to be so much out of Repair as to permit the Sea Water to escape or ooze through the same, in greater Quantities than necessarily and unavoidably escapes or oozes through Works of that Description, or that the Lock between the said Wet Dock and the said Canal, or the Gates, Paddles, Valves or Cloughs thereof, have been suffered to be so much out of Repair as to permit the Sea Water to escape or pass through the same when the same are shut, from the said Wet Dock to the said Canal, in greater Quantities than necessarily and unavoidably escapes or passes through Works of that Description, or that the Sluices, Gates or other Works, through or by Means of which Water is to be drawn, taken or had, from the said Head of Water of *Dean's Mill* for the Purposes aforesaid, or any of them, or any Parts or Part thereof, have been suffered to be so much out of Repair as to permit the Water to escape or pass through the same, when the same are shut, from the said Head of Water of *Dean's Mill* into the said Canal and Basin near *Dean's Mill*, or either of them, in greater Quantities than necessarily and unavoidably escapes or passes through Works of that Description, then and in every such Case such Three or more Justices may, by any Writing under their Hands and Seals, order and direct such Repairs of the said Piers, Walls, Banks, Sides or Bottom of the said Harbour or Wet Dock, Lock or Gates, Paddles, Valves or Cloughs thereof, Sluices, Gates or other Works respectively, or such other Matters or Things to be done by the said Company of Proprietors, as may be necessary for remedying such Dangers or Defects as aforesaid respectively, with which Order the said Company of Proprietors is hereby required to comply, within a reasonable Time after the same shall have been made and shewn to their Clerk or Clerks, known Agent or Collector.

When Harbour, &c. is out of Repair, Three Justices to order thereon.

CVI. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, 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 Arches, Tunnels, Culverts, Back Drains, or other Passages, over, under, by the Side of or into the said Canal or other Works, 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 other Works, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drains or other 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 other Work to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle, in all Cases where by Means of the said Canal or other Works, the

Drains to be made to convey Water from the Lands adjoining.

Cattle of any Person or Persons occupying Lands adjacent to the said Canal or other Works, shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and to erect Arches, Drains, Culverts, and other Works under the said Canal in the Levels of *Saint Nicholas* and *Chislett*, to convey fresh Water to and for the Use of those Levels in dry Seasons; 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 after One Calendar Month's Notice in Writing, shall by or on Behalf of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal or other Works, 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 be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Three or more of the Justices of the Peace for the County, City, or Place, within which such Lands shall lie, 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 cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, 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 Two Calendar Months after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, 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 contiguous or adjoining 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 other Works, sufficiently cleansed and opened to convey Water into and along the same: And provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal or other Works which may injure the said Navigation.

Harbour, &c. not subject to the Commissioners of Sewers, but not to prejudice their Rights, &c. as to Drainage, &c.

CVII. And be it further enacted, That the said Harbour, Wet Dock, Canal, or any of the Works to be made by virtue of this Act (save and except the Arches, Tunnels, Culverts, Back Drains and other Passages last mentioned, and any other Works which shall be made by virtue of this Act for the Purposes of Drainage, and shall communicate with the adjoining Sewers, Drains, Ditches, or Watercourses), shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers: Provided always, that nothing herein contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers or Authorities of the Commissioners of Sewers for the several Limits in or through which the said Harbour, Wet Dock, Canal and other Works, will lie or pass, as far as regards such Arches, Tunnels, Culverts, Back Drains, and other Passages, and such other Works for the Purposes of Drainage, communicating

communicating with the adjoining Sewers, Drains, Ditches, or Water-courses, by virtue of the general Laws relating to the Sewers; but that such Rights, Privileges, Powers, and Authorities of the said Commissioners of Sewers, as far as regards such Arches, Tunnels, Culverts, Back Drains, and other Passages, and such other Works for the Purposes of Drainage, communicating with the adjoining Sewers, Drains, Ditches, or Water-courses, shall remain, continue, and be in full Force and Effect: Provided also, that if the said Company of Proprietors shall deem it advisable and expedient, that the Level of *Rushborne Sea Wall*, or the Vallies of *North Chislett*, *South Chislett*, *Wademarsb*, *Downbarton*, and *Peet*, within the said Limits, or any or either of them, shall be scoured and drained into and through the said Harbour, so as to act as an additional Scour of back Water, for cleansing and deepening the Mouth of the said Harbour, and shall, with the Concurrence of the Commissioners of Sewers for the said Limits, construct proper Sluices, Gates, and Works, for that Purpose, then and in such Case such Sluices shall be under the sole Management and Direction of the said Commissioners of Sewers for the said Limits.

CVIII. And be it further enacted, That if any Swivel Bridge, Swing Bridge, or Draw Bridge (except such as may be made for the private Use of any Owner or Occupier of Land) shall be laid over or across the said Canal, all and every Person or Persons opening any such Draw or Swing Bridge or Swivel Bridge, shall and he 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, and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings; and in case 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 the Sum of Five Pounds; and if any Person or Persons shall wilfully open any such Draw Bridge or Swing Bridge when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Swivel,)
Swing, or)
Draw Bridges
to be shut
after Vessels
passed.

CIX. And be it further enacted, That the said Company of Proprietors shall at their own Costs twice in every Year, once in the Month of *June*, and once in the Month of *September*, sufficiently cut, mow and destroy all the Thistles and other noxious Weeds growing upon or by the Sides of the said Harbour, Wet Dock, Canal, Towing Paths, and other Works to be made by virtue of this Act, so as that such Thistles and other noxious Weeds may not seed or injure the adjoining Lands or Grounds; and also shall at their like Costs (within Three Calendar Months after the said Canal 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, Trenches or Passages, or such Part or Parts thereof respectively as shall be necessary, or as, in case of any Dispute concerning the same, the Justices of the Peace for the County, City or Place, wherein such Towing Paths shall be situate, shall at their General Quarter Sessions or General Sessions of the Peace judge necessary and appoint, 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,

For fencing
off Towing
Paths.

Cattle, 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 like Costs and Charges, make, erect and set up, and from Time to Time maintain and support, such convenient Brick Bridges, and of such sufficient Width, for the Passage of Waggon and other Carriages over the same, across the said Canal at *Chamber's Wall*, and at Number 27, in the Maps or Plans and Books of Reference hereinbefore mentioned, and such convenient Brick, Wooden or other Bridges, and of such sufficient Width, for the Passage of Waggon and other Carriages over the same, across the said Canal at Number 34 or 35, Number 38, Number 42, Number 80 or 81, Number 90, Number 96 or 97, Number 102, Number 109 or 110, and 117, in the said Maps or Plans and Books of Reference, and such and so many other Brick, Wooden, or other convenient Bridges across the said Canal, or any Aqueduct, Conductor or Watercourse, leading into the same; and also such and so many convenient Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, and to make such and so many convenient Roads and Ways over, under or by the Side of the said Harbour, Wet Dock, Canal and other Works, to be made by virtue of this Act, as may be necessary and expedient, or as, in case of any Dispute about the same, the Justices of the Peace of the County, City or Place, within which such Dispute shall arise, shall at the General Quarter Sessions or General Sessions of the Peace, from Time to Time judge necessary and appoint, for the Use and Accommodation of the Occupiers and Owners of any Lands, Grounds, Mills or Hereditaments adjoining to or near the said Harbour, Wet Dock, Canal and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway or Footpath, until they shall at their Costs and Charges have made and provided a good and sufficient temporary Road, Bridleway or Footpath, for the Accommodation of all Persons whomsoever, and until such good and sufficient Stone, Brick or other Bridge or Bridges, Passage or Passages, Arch or Arches, over, across or under the said Highways, public Bridleway or Footpath, as shall be necessary and expedient, or as, in case of any Dispute about the same, the Justices of the Peace of the County, City or Place, within which such Dispute shall arise, shall, at the General Quarter Sessions or General Sessions of the Peace, from Time to Time judge necessary and appoint, for the Use and Accommodation of all Persons whomsoever, shall have been made and provided by the said Company of Proprietors at their own Expence; and all such Gates, Stiles, Bridges, Arches and Passages, shall from Time to Time thereafter be supported, maintained and kept in sufficient Repair, by the said Company of Proprietors at their own Expence.

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

CX. And be it further enacted, That in case the said Company of Proprietors or their Agents shall refuse or neglect to cut, mow, and destroy the said Thistles and other noxious Weeds growing in, upon or by the Sides of the said Harbour, Wet Dock, Canal, Towing Paths, and other Works

as aforesaid, at the several Times aforesaid, or shall refuse or neglect to divide and separate, and to keep divided and separated, the said Towing Paths in Manner herein-before directed, or to make, erect, and set up such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Roads, Ways, Bridges, Arches, or other Passages as last herein-before directed, for the Space of Three Calendar Months next after the same shall have been appointed by the said Justices at the General Quarter Sessions or General Sessions of the Peace as aforesaid, to be made, erected, and set up, or shall refuse or neglect to maintain and support such Gates, Stiles, Bridges, Arches, and other Passages, when erected, set up and made, for the Space of Three Calendar Months next after Notice in Writing shall have been given, by or on the Behalf of any Person or Persons who shall find himself, herself, or themselves, aggrieved by reason of the same not being maintained and supported, to the Clerk or Clerks of the said Company of Proprietors, then and in every such Case it shall and may be lawful for every or any Person or Persons, who shall find himself, herself or themselves aggrieved, by any such Refusal or Neglect as aforesaid, to cut, mow, and destroy such Thistles and other noxious Weeds, or to make, erect, and set up such Posts, Rails, Hedges, Ditches, and other Fences, Gates, Stiles, Roads, Ways, Bridges, Arches, and other Passages, as shall have been so appointed by the said Justices at the General Quarter Sessions or General Sessions of the Peace to be made, erected, and set up, by the said Company of Proprietors, or to maintain, repair, and support such Posts, Rails, Hedges, Ditches, Gates, Stiles, Bridges, Arches, and other Passages, from Time to Time as Occasion shall require, so that in cutting, mowing, or destroying such Thistles, and other noxious Weeds, or in making, erecting, setting up, maintaining, repairing and supporting such Works respectively, the said Navigation, 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 any Two or more of His Majesty's Justices of the Peace for the County, City, or Place, in which the same shall be expended, incurred, or sustained, shall be repaid to the Person or Persons who shall have expended, incurred, or sustained the same, by the said Company of Proprietors, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from any Clerk or Clerks of the said Company of Proprietors; and in Default of Payment of the said Costs and Charges within the Time aforesaid, it shall and may be lawful for any Two or more of His Majesty's Justices of the Peace for the County, City, or Place, where the same shall have been incurred, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, which shall be found in or upon the said Canal and other Works, to and for the Use of the Person or Persons who shall have incurred or sustained such Costs and Charges, rendering to the said Company of Proprietors, or to some one of their Clerks or Collectors, the Overplus (if any) after deducting the reasonable Charges and Expences of making such Distress and Sale, to be settled also by the Justices granting such Warrant, or the Person or Persons who shall have expended, incurred, or sustained such Costs and Charges, shall and may sue for and

Owners may do it at Company's Expence.

recover the same against the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*: Provided always, that the said Company of Proprietors shall not be liable to repair or amend the said Roads or Ways, or any Part of the Roads over the Approaches to any of the Bridges to be made as aforesaid, after such Roads or Ways over such Approaches shall have been first made and used, for the Space of One Year, and then put into good Repair by the said Company of Proprietors, any Thing herein contained to the contrary notwithstanding; but nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the said Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

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

CXI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal shall be made, do or shall at any Time or Times hereafter chuse to erect other Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, then and so often, or in any such Case it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said Court of Directors, to make, fix, and erect, at their own Costs and Charges, one or more Gate or Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences of the same or the like Constructions, with others made and erected by the said Company of Proprietors, in, over, or near to the said Canal or the Towing Paths thereof respectively, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require; so as that the Navigation of, in, or upon, the said Canal be not prevented or obstructed thereby, for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors as aforesaid.

Works damaged by High Tides or Floods to be repaired by the Company.

CXII. And whereas it may happen from high Tides or Floods, or from some unexpected Accidents, that the Locks, Weirs, Floodgates, Dams, Banks, Trenches, or other Works belonging to the said Harbour, Dock, and Canal, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damages; be it therefore further enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or 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 Harbour, Dock, or Canal, and other Works or Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or an 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

may be necessary or proper for 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 Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall, if the same cannot be agreed upon between the Parties, be settled and determined, or assessed by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done by making and completing the said Harbour, Dock, and Canal.

CXIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands, adjoining or lying contiguous to the said Canal and other Works, or any of them, shall, by Reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof, to, or left at the last Place of Abode of such Owner or Occupier, by the Clerk or any Agent of the said Company of Proprietors, it shall then be lawful for the Court of Directors of the said Company of Proprietors, (an Order in Writing for that Purpose having been first obtained from any Two or more of the said Justices), 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 or Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices, or any Two of them, shall be repaid to the Court of Directors of 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 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 Forfeitures and Penalties are herein-after directed to be recovered.

Enabling the Company to cleanse the adjoining Watercourses at the Land Owners Expence.

CXIV. And be it further enacted, That any Owner or Owners of any Lands or Grounds through which the said Canal shall be made by virtue of this Act, may make, build, construct, and use any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective own proper Lands and Grounds adjoining to the said Canal, and that any Lord or Lords, Lady or Ladies of any Manor or Manors through which the said Canal shall pass, may make, build, construct, and use such Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses on the Waste, so that the making, constructing, or using thereof respectively, shall not in any Manner obstruct or prejudice the Navigation of the said Canal or any Part thereof, or damage the Towing Path or Fence on the Side thereof: Provided nevertheless, that it shall not be lawful to or for any Lord or Lords, Lady or Ladies of any Manor, or any Owner or Owners of Land, to make any Cut or Wharf through

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

or upon the Towing Path of the said Canal or any Part thereof, without making proper Bridges over the same, nor without undertaking to keep the same in Repair, and not to obstruct the Towing Path, nor without the Consent in Writing of the Court of Directors of the said Company of Proprietors first had and obtained.

But if not done, the Company may make Wharfs, &c.

CXV. Provided always, and be it further enacted, That if any such Lord or Lady of a Manor, or Land Owner, shall not make, build, and construct such proper and sufficient Wharfs, Warehouses, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Company of Proprietors or their Court of Directors shall think necessary, on such Lands, Grounds, or Wastes, within Three Calendar Months after Notice shall have been given to them for that Purpose by the said Court of Directors, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance 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 an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to an House) for making, erecting, and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and keeping the same in Repair, and for laying out and making necessary and convenient Roads to and from the said Canal, they the said Company first making Satisfaction for the same in such Manner as is and hath been herein-before directed, with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act; and in case any such Lord or Lady of a Manor or Owner shall make such Wharfs, Warehouses, and other Conveniences, and shall suffer them to be out of Repair, and shall not repair the same within Twenty-one Days after Notice from the said Court of Directors for that Purpose, it shall and may be lawful to and for the said Company of Proprietors to repair the same, and to charge the Expences thereof to such Lord or Lady of the Manor or Land Owner, and to recover the same in such Manner as any other Sum of Money payable to the said Company of Proprietors is hereby directed to be recovered.

Regulations as to Wharfage.

CXVI. And be it further enacted, That no greater Rate or Sum of Money shall be demanded or taken by any such Lord, Lady, or Land Owner, as or for the Wharfage of any Minerals, Timber, or other Goods, Matters, or Things whatsoever, which shall be loaded therefrom, into, or discharged thereupon from any Boat or other Vessel on the Line of the said Canal, than the Rates or Sums for the same specified and set forth in the Fifth Schedule to this Act.

Private Wharfs not to be used exclusively.

CXVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower any Person or Persons to make Use of any Wharf, Quay, Landing Place, Crane, Weighbeam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining to the said Canal, for his, her, or their private exclusive Use only; any Thing herein-before contained to the contrary notwithstanding.

Power to provide Warehouses at a Distance from the Canal.

CXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to erect or otherwise provide any Warehouses or other Buildings for depositing or keeping any Goods, Merchandize, or other

other Things, carried or conveyed, or intended to be carried or conveyed upon the said intended Canal, or for an Office or Offices for transacting the Business of the said Company of Proprietors therein, at any Distance from the said Canal which they shall judge necessary or convenient, and for that Purpose the said Company of Proprietors may and are hereby authorized and empowered to purchase, lease, or hire any Ground or Buildings where they shall think proper; provided the Owners and Proprietors of, and other Persons interested in such Ground or Buildings, or the Guardians, Committees, or Trustees of such of them as shall be under any Disability or Incapacity of acting for themselves, shall be consenting to sell or let the same, (and which Consent in Writing they are hereby respectively authorized and empowered to give), but not otherwise.

CXIX. And whereas the said Company of Proprietors in making and forming the said Harbour, Dock, and Canal, may have Occasion to divert and turn several Roads and Ways, and in lieu of such old Roads and Ways at a considerable Expence make other more or equally convenient Roads and Ways; be it therefore enacted, That where it shall appear necessary that any Road or Way shall be diverted or turned in the Line or Track of the said Harbour, Dock, or Canal, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to divert and turn such Road or Way, an Order in Writing from any Two or more of His Majesty's Justices of the Peace for the County, City, or Place within which the Road or Way so to be turned shall be situated (which Order such Two or more Justices are hereby authorized and required at their Discretion to grant) being first obtained for that Purpose, and the said Company of Proprietors first making a new Road or Way of not less Width than the former, and when such new Road or Way shall be completed and finished, the Part of the old Road or Way so to be diverted and turned shall be and become vested in Fee Simple in the said Company of Proprietors, with full Power for them to sell or dispose of the same in such Manner and Form, and under such Regulations, as are herein-before directed with respect to Lands which shall be purchased by the said Company of Proprietors, and not found necessary to be made Use of for the Purposes of this Act, or as near thereto as the Circumstances of the Case will admit; and the Land constituting the new Road or Way, shall from thenceforth for ever be vested in or belong to such Person or Persons, and be subject and liable to such and the same Laws, Rules, and Regulations, in every respect, as the old Road or Way so to be diverted or turned shall have been subject and liable to immediately prior to such Diversion or turning.

Power to divert Roads, &c. on making others, and vesting old Roads in the Company.

CXX. Provided always, and be it further enacted, That wherever the Course of any Road or Way shall be altered in pursuance of this Act, and a new Road or Way opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road or Way shall be first made to the Owner of the Land which shall be cut and used for the Purpose of making such new Road or Way, and in the next Place to his Lessee or Lessees; and in case such Owner, or his Lessee or Lessees, shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Company of Proprietors or with their Court of Directors for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like

Owners of Lands used in making a new Road to have the first Offer of the old Road.

Manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled and ascertained, and such Owner, or his Lessee or Lessees, shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury; and in case such Owner, or his Lessee or Lessees, shall refuse to pay such Money upon Demand made thereof by the Clerk to the said Company of Proprietors, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Company of Proprietors by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner, or his Lessee or Lessees, shall not agree or shall refuse to purchase any such old Road or Way, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place where such old Road or Way shall lie, stating that such Offer has been made by or on Behalf of the said Company of Proprietors, and that such Owner, or his Lessee or Lessees, has not agreed or has refused to purchase such old Road, as the Case may be; and such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner, or his Lessee or Lessees: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner, or his Lessee or Lessees, shall be entitled to the first Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Land respectively in Manner aforesaid.

Agents, Collectors, &c. to give Possession of Houses, &c. when removed.

CXXI. And be it further enacted, That if any Agent, Harbour Master, Toll Collector, Wharfinger, Lock-keeper, or other Servant of the said Company of Proprietors occupying any House, Offices, or Buildings, belonging to the said Company of Proprietors, without paying Rent for the same, shall be discharged from his Office by or by the Order of the Court of Directors of the said Company of Proprietors, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Company of Proprietors, in his Custody, Power, or Possession, within Fourteen Days next after Notice of such Discharge shall be given to him or left at such House, Offices, or Buildings; or if the Wife or Family of any such Agent, Harbour Master, Toll Collector, Wharfinger, Lock-keeper, or other Servant, as shall happen to die while in the Service of the said Company of Proprietors, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company of Proprietors, in his, her, or their Custody, Power, or Possession, within Fourteen Days after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, City, or Place, where such House, Offices, and Buildings shall be, and he is hereby required, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said Company of Proprietors which shall be found

therein, and to deliver Possession of, such House, Offices, and Buildings, together with the Books, Papers, Matters and Things found therein belonging to the said Company of Proprietors, to the new appointed Agent, Harbour Master, Toll Collector, Wharfinger, Lock-keeper or other Servant, or to such other Person or Persons as the said Company of Proprietors or their Court of Directors shall appoint to receive the same.

CXXII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all Tythes both Great and Small, for and in respect of the Lands which shall be taken or made Use of by them for the Purposes of this Act, to the several Persons who now are or hereafter may become entitled to such Tythes, according to their respective Interests therein, such Tythes to be estimated at the Average Value of Seven Years, commencing on the Twenty-ninth Day of *September* One thousand eight hundred and three, and ending on the Twenty-ninth Day of *September* One thousand eight hundred and ten, such Average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Hereditaments are by this Act directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an annual Rent.

Compen-
sation to be
made for
Tythes.

CXXIII. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of and belonging to the said Company of Proprietors, shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates, Taxes, and Ecclesiastical Dues in the several Parishes and Places where they are respectively situated, the Lands according to the same Quantity and Quality, and the Dwelling Houses, Wharfs, Warehouses, Lock-houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses, of a like and similar Size, Nature, Dimension, or Description, in the respective Parishes where the same shall be situate are or shall be assessed and charged; and that the Rates, Duties, and other personal Property of the said Company of Proprietors, liable to be rated to the Poor or other Parochial Taxes or Ecclesiastical Dues in any such Parishes or Places, shall be rated and assessed in like Manner and in the same Proportion as other personal Property rateable in the said Parishes and Places respectively, shall be rated and assessed, and according to the Length of the Line of the said Canal in such respective Parishes and Places, and not otherwise or in any other Manner; provided, that before such personal Property shall be rated, Ten Days Notice shall be given in Writing to or left at the Dwelling House or usual Place of Abode of the Treasurer or Clerk, or any other Officer of the said Company of Proprietors, residing in the Parish or Place where such Rate shall be intended to be made, by the respective Overseers of the Poor of the Intention so to do: Provided always, that the Lands which shall be taken for the said Harbour, Wet Dock and Canal, and other Works to be made by virtue of this Act, shall remain subject, liable to, and chargeable with such and the like Rates and Charges for any Wall and Water Scotts, as such Lands would be subject to and chargeable with from Time to Time in case this Act had not been made.

Mode of
rating Lands
and Buildings.

CXXIV. And

Proceedings
entered in the
Books of the
Company to
be Evidence.

CXXIV. And be it further enacted, That all Orders and Proceedings of the said Company of Proprietors at their several and respective General or Special Assemblies, or of their Court of Directors or Committees, at their several Meetings, which shall be entered in a Book or Books to be kept for such Purposes, and be signed either by the Chairman of such General or Special Assembly, or by the Governor or Deputy Governor, or by the Clerk or Clerks of the said Company of Proprietors, shall be deemed and taken to be Originals, and shall be admitted in Evidence in all Courts and Places whatsoever.

Margate Pier,
Commissioner's
Compensation.

CXXV. And whereas an Act was passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for rebuilding the Pier of Margate, in the Isle of Thanet in the County of Kent; for ascertaining, establishing, and recovering certain Duties in lieu of the ancient and customary Droits; for the Support and Maintenance of the said Pier; for widening, paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Highways, and publick Passages, in the Town of Margate, and Parish of Saint John the Baptist, in the said Isle of Thanet; for settling the Rates of Porters, Chairmen, Carters, and Carmen, within the said Town; and for preventing Encroachments, Nuisances, and Annoyances therein;* and another Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act to amend and render more effectual, an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, for rebuilding the Pier of Margate, in the Isle of Thanet in the County of Kent, and for other Purposes mentioned in the said Act;* and another Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled, *An Act to amend and render more effectual Two Acts for the Maintenance and Support of the Pier and Harbour, and paving and lighting the Town of Margate, in the County of Kent:* And whereas it is expedient that some Compensation should be made to the Commissioners appointed to put the Three several before mentioned Acts in Execution, for any Loss which they may sustain by the said intended Harbour at *Saint Nicholas Bay* being made; be it therefore enacted, That the said Company of Proprietors shall be, and they are hereby authorized and required, at the Expiration of One Year from the Time when any of the Rates and Duties shall have become payable, and be collected by virtue of this Act, by and out of such Rates and Duties, or out of any Money to be borrowed on the Credit of the said Rates and Duties, to pay or cause to be paid to the Commissioners for putting in Execution the said Three recited Acts, or to their Treasurer for the Time being, or to such Person or Persons as they or any Five of them shall authorize and appoint to receive the same, yearly and every Year during the Time the said Pier of *Margate* shall be supported and kept in Repair under the Authority of the said recited Acts or either of them, the Sum of Six hundred and twenty Pounds Sterling, which shall be paid and payable by equal quarterly Portions and Payments, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, in every Year; the First Payment thereof to be made on such of those Days as shall next happen after the Expiration of One Year from the Time above-mentioned; and all such Sum and Sums of Money shall be applied by the Commissioners for putting the said recited Acts in Execution, towards the Repair and Support of the said Pier of *Margate*, and to or for no other Use or Purpose whatsoever;

soever; and that the Receipt of the Treasurer or Treasurers, or of such Person or Persons as the said Commissioners for putting the said Three recited Acts into Execution, shall authorize and appoint to receive the same, shall be a sufficient Discharge to the said Company of Proprietors for such Payments.

CXXVI. And be it further enacted, That in case the said Sum of Six hundred and twenty Pounds, or one or more Quarterly Payments of the said Annual Sum of Six hundred and twenty Pounds, shall be in Arrear and unpaid by the Space of One Calendar Month next after the same shall have become payable, it shall and may be lawful to, and for the Commissioners appointed or to be appointed under or by virtue of the said Three recited Acts, to sue for and recover the same from the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Treasurer for the Time being of *Margate Harbour*, in which Action no Essoign, Protection, Privilege or Wager of Law, or more than one Imparance shall be allowed.

Compensation to Commissioners of Margate Pier to be recoverable by Action at Law.

CXXVII. And whereas by an Act made in the Twenty-seventh Year of His present Majesty's Reign, intituled, *An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury, and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City, and for removing and preventing Encroachments, Obstructions, Nuisances and Annoyances therein*; it was (amongst other Things) enacted, for raising an additional Fund for the Purposes of the said Act, that from and after the passing of the same Act, for all Coal, Coke or Cinder, which should be brought or conveyed through any of the Turnpikes to be erected or appointed by virtue of the said Act, for the Purpose of collecting a Duty on such Coal, Coke or Cinder, there should be paid to the respective Collectors to be appointed by virtue of the said Act, the Sum of One Shilling per Chaldron for such Coal, Coke or Cinder, as had been usually sold by Admeasurement, (every such Chaldron containing Thirty six Bushels *Winchester* Measure,) and the Sum of One Shilling per Ton for all such Coal, Coke or Cinder, as had been usually sold by Weight, and brought through such respective Turnpikes (every such Ton containing Twenty Hundred), and so in Proportion for every greater or less Quantity than a Chaldron or Ton, and the Commissioners appointed for putting the said Act into Execution, or any Nine or more of them, were thereby empowered to erect or appoint any Number of Turnpikes which they should think necessary or expedient within the Liberties of the said City, or at any of the Avenues leading into the said City, at any Distance not exceeding Three Miles from the said City, for the Purpose of collecting the said Duty on Coal, Coke or Cinder; and the said Duty is thereby directed and required to be paid at the respective Turnpikes so to be erected or appointed; and it is by the said recited Act provided, that so soon as the Sum of Four thousand Pounds, Part of the Money to be borrowed on the Credit of the said recited Act, shall be paid off and discharged, the Duty therein-before granted upon or in respect of Coal, Coke or Cinder, shall from thenceforth cease and determine; but such Sum of Four thousand Pounds, Part of the Money which has been borrowed on the Credit of the said recited Act, hath not yet been paid off and discharged: And whereas after the said Canal and

Certain Duties on Coal to be paid over to the Commissioners for paving and lighting the City of Canterbury.

other Works to be made by virtue of this present Act shall be completed, considerable Quantities of Coal, Coke or Cinder, will be brought or conveyed to the said City of *Canterbury* and the Neighbourhood thereof, upon the said Canal, without passing through any of the Turnpikes which have been erected or appointed by virtue of the said recited Act, whereby the Payment of the Duty imposed by the said Act, which would otherwise be paid upon such Coal, Coke or Cinder, will be avoided, and the additional Fund thereby provided will be materially lessened, and will become inadequate for the Purposes of the said Act; for Remedy whereof, be it further enacted, That from and after the said Canal and other Works shall be made and completed, and the Navigation thereof shall be opened for Barges, Boats or other Vessels, for all Coal, Coke or Cinder, which shall be carried or conveyed through the Lock intended to be made by virtue of this Act, at the East End of the Village of *Sturry*, in the said County of *Kent*, or on any inclined Plane which may be made instead of such Lock, (being within the Distance of Three Miles from the said City), from the Middle into the Upper Level of the said Canal, there shall be paid to and for the Use and Behoof of the Commissioners for the Time being acting in Execution of the said recited Act, for the Purposes of the same Act, the like Duty or Sum of One Shilling *per* Chaldron for such Coal, Coke or Cinder, as have been usually sold by Admeasurement (every such Chaldron containing Thirty-six Bushels *Winchester* Measure), and the Sum of One Shilling *per* Ton (every such Ton containing Twenty Hundred) for all such Coal, Coke or Cinder, as have been usually sold by Weight, and carried or conveyed through such Lock, or on such inclined Plane, from the Middle into the Upper Level of the said Canal, and so in Proportion for every greater or less Quantity than a Chaldron or Ton, which last-mentioned Duty upon Coal, Coke or Cinder, shall in the first Instance be paid to such Person or Persons as the said Court of Directors of the said Company of Proprietors shall from Time to Time direct or appoint, in the same Manner as the Rates and Duties mentioned in the First and Second Columns of the Second Schedule to this Act are hereby directed to be paid; and all and every the Powers, Authorities, Fines, Forfeitures, Penalties and Provisions herein before given, enacted and provided, for or touching the Payment, collecting or Recovery of the said Rates and Duties mentioned in the First and Second Columns of the Second Schedule to this Act, shall apply and extend, and shall be deemed to apply and extend, to the Payment, collecting and Recovery of the said last-mentioned Duty upon Coal, Coke or Cinder, carried or conveyed through the said Lock, from the Middle into the Upper Level of the said Canal.

CXXVIII. Provided always, and be it further enacted, That all the Monies which shall from Time to Time be paid to such Person or Persons so to be appointed by the said Court of Directors of the said Company of Proprietors, to collect and receive the said Duty upon Coal, Coke or Cinder, carried or conveyed through the said Lock, or on such inclined Plane, from the Middle into the Upper Level of the said Canal as aforesaid, shall from Time to Time be accounted for and paid over by such Person or Persons, to the Commissioners for the Time being acting in Execution of the said recited Act, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same, for the Purposes of the said recited Act; and all such Monies shall be accounted for and paid over, or recovered by or from such Person or Persons,

Application
of Duties on
Coal paid to
Commissioners
for paving
and lighting
the City of
Canterbury.

Persons, in like Manner as any Monies received by any Officer or Officers appointed by virtue of the said recited Act, are directed to be accounted for and paid, or can or may be recovered by or by virtue of the said recited Act; and every such Person or Persons duly accounting for and paying over such Monies as aforesaid, shall be allowed and paid, by the Commissioners for the Time being acting in Execution of the said recited Act, or any Nine or more of them, for his or their Pains and Trouble in receiving, accounting for, and paying over the same, upon the full Amount of the Monies so by him or them received, at and after the Rate of Five Pounds for every One hundred Pounds, and so in Proportion for any greater or less Sum than One hundred Pounds.

CXXIX. Provided always, and be it further enacted, That if the Commissioners for the Time being acting in Execution of the said last recited Act, or any Nine or more of them, or their Collectors or Collector, appointed or to be appointed by virtue of the same Act, shall collect or receive at any of the Turnpikes erected or appointed, or to be erected or appointed by virtue of the same last recited Act, the Duty upon Coal, Coke or Cinder, granted or imposed by the same Act, upon any Coal, Coke or Cinder, which shall be carried or conveyed through the said Lock, or on such inclined Plane, from the Middle into the Upper Level of the said Canal, then and in such Case the Duty upon Coal, Coke or Cinder, made payable by this present Act upon such Coal, Coke or Cinder, as shall be carried or conveyed through the said Lock, or on such inclined Plane, into the Upper Level of the said Canal, shall from thenceforth cease and determine.

In certain Cases no Duty on Coals to be paid.

CXXX. Provided also, and be it further enacted, That when and as soon as the said Sum of Four thousand Pounds, Part of the Money borrowed on the Credit of the said recited Act, shall be paid off and discharged, the Duty herein-before granted upon, or in respect of Coal, Coke or Cinder, carried or conveyed through the said Lock, or on such inclined Plane, from the Middle into the Upper Level of the said Canal, shall from thenceforth cease and determine; any Thing in this Act to the contrary hereof notwithstanding.

When 4,000l. paid, this Duty to cease.

CXXXI. Provided always, and be it further enacted, That no Dividend shall in any One Year exceed the Rate of Ten Pounds *per Centum per Annum* upon the Shares and Capital Stock of the said Company of Proprietors; and all Surplus Profits, Income, and Gains, beyond what may be sufficient to pay such Dividend as aforesaid, and all annual and contingent Expences and Repairs of the said Harbour, Dock, Canal, and other Works, shall from Time to Time be laid out and applied in the Purchase of Stock in the Public Funds, or other Public or Government Securities, in the Name of the said Company of Proprietors of the *Saint Nicholas Bay* Harbour and *Canterbury* Canal, and the Interest arising from such Stock in the Public Funds or other Government Securities, shall in like Manner, after Payment in each Year of such Dividends not exceeding Ten Pounds *per Centum per Annum* as aforesaid, and all other annual and contingent Expences and Charges for Management, Repairs, or otherwise, be also, in like Manner laid out and applied, until the full Sum of Fifty thousand Pounds shall be invested as a Fund for the maintaining, repairing, and extending the said Harbour, Dock, Canal, and other Works; which Sum

Dividend not to exceed 10l. per Centum and a Surplus Fund to be invested, of 50,000l.

of

of Fifty thousand Pounds shall be for ever after vested in the said Company of Proprietors; and the Interest, Dividends, and annual Profits thereof, shall be for ever applied, as far as the same will extend, in the repairing, amending, extending, and improving the said Harbour, Dock, Canal, and other Works; and from and after the Completion of the investing of such Surplus Fund as aforesaid, the Rates and Duties allowed to be taken by this Act, shall be from thenceforth lowered as far as the same can be done, leaving sufficient for the Payment of such Dividend of Ten Pounds *per Centum* as aforesaid: Provided always, that if at any Time thereafter the Produce of such Rates and Duties, when so lowered, shall not be sufficient to pay such Dividend as aforesaid, and, together with the Interest of such accumulated Surplus Fund, to maintain, repair, support, and improve the said Harbour, Dock, Canal, and other Works, or any Damage which may have arisen thereto, such Rates and Duties, or any of them, may be again increased and raised, so as the same shall in no Case exceed the Rates and Duties specified in this Act.

The Accounts of the Directors to be annually laid before Parliament.

CXXXII. And be it further enacted, That the said Directors shall yearly lay or cause to be laid before each House of Parliament, a true Account of the Receipt and Application of all Monies which shall be received by the said Directors by virtue of this Act; and in every such Account shall be set forth what Alteration (if any) shall have been made in any of the Rates or Duties made payable by this Act; and the said Directors shall also at the same Time lay before each House of Parliament, a Report of the Progress which shall have been made by the said Directors in building the said Dock and other Works, directed by this Act to be built and constructed, and what Sums of Money shall have been yearly expended.

Penalties and Forfeitures how to be recovered and applied.

CXXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively, before any One of His Majesty's Justices of the Peace for the County, City, or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered to administer); and in case of Non-payment thereof forthwith by the Offender or Offenders, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant for such Purpose; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, have been recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case sufficient Distress shall not be found, or such Penalties shall not be forthwith paid, it shall and may be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of such County, City, or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid or satisfied; and the Penalties, Forfeitures, and Fines when paid or levied, if not otherwise directed to be applied

applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers of the said Company of Proprietors, and be applied to the Purposes of this Act.

CXXXIV. Provided nevertheless, and be it further enacted, That it shall be lawful for the Court of Directors of the said Company of Proprietors, from Time to Time if they shall see Cause, to pay and apply such Part of the said Penalties, Forfeitures, and Fines, or any of them, to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, who shall not have been a Witness on the Trial of the Information; any thing herein contained to the contrary thereof in anywise notwithstanding. Power to give Informer Part of the Penalties.

CXXXV. And be it further enacted, That if the said Company of Proprietors shall think itself aggrieved by any Order, Decree, Judgment, or Determination of the Commissioners of Sewers for the several Limits in or through which the said Harbour, Wet Dock, Canal, and other Works, will lie or pass, relating to any of the Arches, Tunnels, Culverts, Back Drains, and other Passages herein-before directed to be made by the said Company of Proprietors, which shall be within the Jurisdiction of the Justices of the said County of *Kent*, or any other Works which shall be made by virtue of this Act for the Purposes of Drainage, which shall communicate with the adjoining Sewers, Drains, Ditches or Watercourses, and be within the Jurisdiction aforesaid; or 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 their Court of Directors or Committees, 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 every such Case the said Company of Proprietors, or such Person or Persons, may within Six Calendar Months next after such Order, Decree, Judgement, or Determination shall have been made or given, appeal, the said Company of Proprietors in all Appeals against any such Order, Decree, Judgement, or Determination of the said Commissioners of Sewers, to the Justices of the Peace of the County of *Kent*, at the General Quarter Sessions of the Peace to be holden in and for the said County, and the said Company of Proprietors in all other Appeals, and such other Person or Persons as aforesaid, to the Justices of the Peace at the General Quarter Sessions, or General Sessions of the Peace, to be held in and for the said County, City or Place, in which the Cause of Appeal shall arise, the Clerk to the said Company of Proprietors, or such Person or Persons first giving Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Clerk for the Time being to the Commission of Sewers for the said Limits, or to the Person or Persons appealed against, or to the Clerk to the said Company of Proprietors, and forthwith after such Notice of Appeal, entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear and determine the said Appeal at such General Quarter Sessions or General 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, City or Place; and the said Justices may if they see Cause mitigate any Forfeiture or Fine, and may order any Money to be returned Appeal.

which shall have been levied in pursuance of such Rule, Bye-Law, Order, Judgement or Determination; and may also order and award such further Satisfaction to be made to the Party injured, as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Compelling
Witnesses to
attend.

CXXXVI. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed; having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Conviction of
Offenders.

CXXXVII. And, for the more easy and speedy Conviction of Offenders against this Act; be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of Con-
viction.

BE it remembered, That on the _____ Day of _____ in the _____ Year of our Lord _____ is convicted before me _____ and _____ [or, before us] _____ One [or, Two] of His Majesty's Justices of the Peace for the County, City, Town, or Liberty of _____ [specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be]. Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above mentioned.

Distress not
unlawful for
Want of
Form.

CXXXVIII. And be it further enacted, That when any Distress shall be made for any Sum 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 considered a Trespasser or Trespassers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or the Appointment of the Collector or Collectors, Receiver or Receivers, or any other Agent of the said Company of Proprietors, or in any other Proceedings relating thereto; nor shall the said Party or Parties distraining be deemed or considered a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall afterwards happen to be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass, or on the Case.

CXXXIX. Provided

CXXXIX. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suits to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in Case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement, shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

CXL. Provided always, and be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; or in Case there shall be a Continuation of Damages, then after Three Calendar Months next after the doing or committing of such Damage shall have ceased and not afterwards, and every such Action or Suit shall be laid, brought, and tried in the County or City in which the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may at his, her, or their Election, plead specially or 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 under the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Ten Days Notice shall have been given, or after a sufficient Satisfaction has been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid shall have expired, or shall be brought in any other County, City, or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Limitation of Actions.

General Issue.

CXLI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

The

The First SCHEDULE to which the foregoing Act refers.

HARBOUR DUES on Tonnage of Vessels frequenting the Ports in Trade.		
	Tonnage of Vessels, independent of Cargo, as follows:	£ s. d.
	Foreign, to unload, or load - per Ton	— 1 6
	British from Foreign, ditto - - -	— 1 3
	Ditto Coastwise Traders - - -	— 1 —
	Colliers - - - - -	— — 6
	Loaded with Limestone, Lime, Sand, Manure, Ballast, or any Description of Compost for the Land - - - - -	— — 3
Vessels running for the Harbour by Strefs of Weather -	For every Vessel running into the Harbour by Strefs of Weather, and not unloading, of less Burden than 20 Tons, for each Ton - - - - -	— — 6
	From 20 to 60 Ton - - - - -	— — 6
	From 60 to 100 Ton - - - - -	— — 9
	From 100 to 120 Ton and upwards - - - - -	— 1 —
	For every Vessel coming into the Harbour for Shelter or in Distress, lying longer than Fourteen Days after the Weather abates and the Wind permits, unless for the Purpose of Repairs, Two-pence per Ton per Day for the same.	

The SECOND SCHEDULE to which the foregoing Act refers.

		RATES and DUTIES for Goods.	First Column	Second
			for Goods im- ported and exported to and from the Harbour.	Column for Goods carried through the Lock and Short Cut.
			s. d.	s. d.
Grain	-	For every Quarter of Wheat, Wheat Meal, Tares, Beans, Peas, Mustard Seed, Canary Seed, and Seeds of every other Description	— 4	— 3
Bran, &c.	-	For every Quarter of Bran or Pollard	— 2	— 1½
Hay, &c.	-	For all Hay and Straw, per Ton	2 —	— 6
Oats, &c.	-	For every Quarter of Oats, Barley, Malt, Rye, and all other Grain, not specified above	— 2½	— 1½
Groceries	-	For every hundred Weight of One hundred and twelve Pounds of Groceries, Spice, Tea, Sugar, Bacon, Butter, Cheese, Pork, Salt, Salt Fish, &c.	— 2	— 1½
Coals, &c.	-	For every Chaldron of Coals, Coke, Culm, Breeze or Coal Ashes, sold by Measure of Thirty-six Bushels Winchester Measure	1 6	1 3
		For the like sold by Weight, per Ton	1 6	1 3
Stone for Building, Lime, &c.	-	For every Ton of Portland Stone, Purbeck, Yorkshire, and all other Sort of Stone for Building, to be calculated at the Rate of Fourteen Cubic Feet to the Ton, Chalk, Lime, and Limestone for the Use of Building	1 6	1 —
Stone for Roads	-	For every Ton of Granite Stone, Flints, Gravel, Sand, and all other Materials for making or repairing Roads	1 —	— 9
Manure	-	For every Ton of Chalk or Lime for the Purpose of Manure, and of all other Sorts of Manure	— 6	— 4
Timber	-	For every Load of Fifty Cubic Feet of Oak, Elm, Ash, Beech, Fir, Deals, Battens, and all other Sorts of Timber, except Mahogany and Tick	2 —	1 6
Mahogany	-	For every Cubic Foot of Mahogany and Tick	— 1	— 1
Wine, &c.	-	For every Gallon of Wine, Spirits, or Sweet Oil, contained in Cask, Butt, or Pipe	— ½	— ½
Ale, &c. in Cask or Bottles	-	For every Nine Gallons of Ale, Porter, Cyder, and Perry	— 1	— 1
		For every Nine Gallons of Table Beer	— 1	— 1
		For every Dozen of Ale, Porter, Cyder, Perry, &c. in Bottles	— 1	— 1
Wine, &c. in Bottles	-	For every Dozen of Wine, Spirits, or Sweet Oil in Bottles	— 2	— 1½
		For every Hundred Weight of Tallow or Candles	— 1	— 1
		For every empty Cask	— 1	— 1
Iron, &c.	-	For every Ton of Iron, cast as well as wrought, Lead, Brass, Copper, Pewter, and all other Sorts of Metallic Substance	1 6	1 3
Wool, &c.	-	For every Hundred Weight of Wool, Hops, and Rags	— 2	— 1½
Drapery, &c.	-	For every Hundred Weight of Woollen Cloths, Drapery, Linen, and all other Sorts of Haberdashery	— 3	— 2½
		For every Hundred Weight of Vegetables	— 1	— 1
		And for every Hundred Weight of Goods, Wares, and Merchandize, not before specified	— 3	— 2½
		For every Vessel bringing in or taking out Ballast, for every Ton	— 6	— 6

The Second Schedule—*continued.*

	£	s.	d.
For every Fishing Boat or Vessel, for each Time it shall go out of the said Harbour or the Limits thereof, being of the Burthen of Three Tons, and not exceeding Eight Tons, shall pay the Sum of	—	1	—
8 Tons, and not exceeding 20 Tons	—	2	—
20 ————— 30	—	3	—
30 ————— 40	—	3	6
40 and upwards	—	4	—
For every Ten Thousand or a Last of Herrings landed, shipped, imported, exported, or otherwise brought into the said Harbour or its Limits, by any other Means, or by any other Vessels, than such as shall have paid the aforefaid Rates	—	3	—
And so in Proportion for any greater or less Quantity.			
For every One Thousand Mackrel so landed, shipped, imported, or exported, by any other Means, or by any other Vessels, than such as shall have paid the aforefaid Rates	—	2	6

The THIRD SCHEDULE to which the foregoing Act refers.

RATES of TONNAGE on the CANAL.	
Coals; Iron, Stone, &c. &c.	For Coals, Coke, Culm, Breeze, Ashes, per Chaldron or Ton, whether sold by Weight or Measure, Three-pence per Mile: For Iron (Cast as well as Wrought), Stone, Bricks, Tile, Slate, Chalk, Lime, Limestone for Building, Timber of every Description, Bacon, Butter, Cheefe, Tea, Sugar, Coffee, Pitch, Tar, Hemp, Flax, Salt, Pork, Wheat, Beans, Pease, Seeds of all Descriptions, Hops, Wool, Flour, Hides, Leather, Oak, Bark, Lead, Brass, Copper, and all other Minerals, Three-pence per Ton per Mile.
Manure.	For Chalk, Lime, Coal, Ashes, Dung, and all other Sorts of Manure, Three Halfpence per Ton per Mile.
Materials for Roads.	For Granite Stone, Flints, Beach, Gravel, Sand, and all other Materials for making or repairing Roads, Two-pence per Ton per Mile.
Goods not before specified.	For all other Goods, Wares, and Merchandize, not before specified, Four-pence per Ton per Mile.
Passage Boats.	For Passengers, Male or Female, landing from or embarking into any Ship, Vessel, or Boat, within the Harbour or its Limits, or travelling on the Canal from Canterbury to the Sea, or vice versa in Passage or Pleasure Boats, or otherwise, or any Distance thereon, to pay One Shilling each Person, to be collected by the Owners of such Boats, and paid by them to the Treasurer of the Company, or any other Person whom they may appoint.

The FOURTH SCHEDULE to which the foregoing Act refers.

RATES of WHARFAGE at the Harbour and Dock.	
For Coals, Coke, Culm, Ashes, Breeze, and all Sorts of Manure, lying upon or at any Wharf, for any Time not exceeding the Space of Fourteen Days, per Chaldron or Ton	s. d. — 6
For the same, lying longer than Fourteen Days, per Chaldron or Ton per Week	— 6
For Stone of all Descriptions, for Fourteen Days or less, per Ton	— 6
For the like, for any Time exceeding Fourteen Days, per Ton, per Week	— 6
For Timber of all Descriptions, for Fourteen Days or less, per Load of Fifty Cubic Feet	1 6
For the like, for any Time exceeding Fourteen Days, per Week	1 6
For Iron, Brass, Copper, and all other Minerals, for Fourteen Days or less, per Ton	1 —
For the like, for any Time exceeding Fourteen Days, per Ton, per Week	1 6
For Hemp, Flax, Pitch, Tar, Rosin, for Fourteen Days or less, per Ton	2 —
For the like, for any Time exceeding Fourteen Days, per Ton, per Week	1 —
For Grain and Seeds of all Descriptions, for Fourteen Days, per Quarter	— 2
For the like, for any Time exceeding Fourteen Days, per Quarter, per Week	— 2
For Meal and Flour, for Fourteen Days, or less, per Sack	— 2
For the like, for any Time exceeding Fourteen Days, per Sack, per Week	— 2
For Bran or Pollard, for Fourteen Days or less, per Quarter	— 1
For the like, for any Time exceeding Fourteen Days, per Quarter, per Week	— 1
For Hops, Wool, and Rags, for Fourteen Days or less, per Ton,	1 6
For the like, for any Time exceeding Fourteen Days, per Ton, per Week	1 6
For Lime and Limestone for Building, for Fourteen Days or less, per Ton	1 —
For Lime and Limestone for Building, for any Time exceeding Fourteen Days, per Ton, per Week	1 —
For all other Goods, Wares, and Merchandize, not before enumerated, for Fourteen Days or less, per Ton	2 6
For the like, for any Time exceeding Fourteen Days, per Ton, per Week	1 6
For every trading Vessel belonging to Canterbury and Sandwich, laid up in Ordinary in the Winter Season, to pay not exceeding Ten Shillings and Sixpence per Week each.	

The FIFTH SCHEDULE to which the foregoing Act refers.

For all Goods carried over or discharged upon or from any Wharf on the Canal, a Sum not exceeding per Ton -	s. d. — 4
For all Goods lying upon or at such Wharf, for Fourteen Days or less, and not more than One Month, any Sum not exceeding per Ton - - - - -	— 6
For all Goods lying upon or at such Wharf, for any Time exceeding One Month, any Sum not exceeding per Ton, per Month, after the first Month - - - - -	— 2
The said Tonnage Dues to be paid by the Master or Owner of the Vessel.	

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