



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxxxii.

An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Sea-shore at or near *Whitstable* in the County of *Kent* to or near to the City of *Canterbury*, and the Works connected therewith; and to authorize the Company of Proprietors to raise a further Sum of Money. [21st July 1835.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway or Tramroad from the Sea-shore at or near Whitstable in the County of Kent to or near to the City of Canterbury in the said County*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to authorize the Company of Proprietors of the Canterbury and Whitstable Railway to vary the Line of the Railway, to raise a further Sum of Money for completing their Works, and to alter and enlarge the Powers of the Act passed for making and maintaining the said Railway*: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to authorize the Company of Proprietors of the Canterbury and Whitstable Railway to raise a further Sum of Money for completing the Undertaking, and for enlarging and amending the Powers of the Acts passed for making and maintaining the said Railway and Works connected therewith*:

6 G. 4. c. 120.

7 & 8 G. 4. c. 11.

9 G. 4. c. 29.

[Local.]

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And

And whereas the said Company of Proprietors have, by virtue and Authority of the said several recited Acts, made and completed a Railway from *Whitstable* aforesaid to or near to the City of *Canterbury* aforesaid, together with other Works in or near the Bay of *Whitstable*, consisting of a Harbour, Wharfs, Landing Places, Quays, and a Pier: And whereas the said Railway has been the Means of very considerably facilitating, expediting, and cheapening the Conveyance of Goods, and of opening a more regular, constant, cheap, and commodious Conveyance for Passengers between *Whitstable* and *Canterbury*, whereby the Commercial, Agricultural, and other Interests of those Places and the surrounding Country are materially assisted and benefited: And whereas the said Harbour is found to afford a safe and convenient Shelter for Shipping in Stress of Weather, and also very materially facilitates and expedites the loading and unloading of Vessels resorting to *Whitstable*, and availing themselves thereof: And whereas the said Company of Proprietors have, in the making, completing, maintaining, and repairing of the said Works, and carrying on the Business thereof, expended the whole of the Money authorized by the said recited Acts to be raised, and without having received any Return of Profit, being obliged to contract a further Debt: And whereas it is expedient, in order to render the said Harbour more completely available and commodious to Shipping, to construct and maintain a Reservoir for Water to cleanse the same, and prevent the Accumulation of Sediment therein: And whereas a more direct and convenient Communication between the said Railway and the City of *Canterbury* may be had by means of a Branch Railway or common Cart Road to pass across *North Lane* near the said City, and over the River *Stour*, and across a Piece or Parcel of Meadow or Pasture Land and Causeway belonging to *Deane John Parker* Esquire, into *Pound Lane* in the said City, communicating with *Saint Peter's Lane* in the same City: And whereas, in consideration both of the Expediency of the said Reservoir and Branch Railway, and of the large Outlay of Capital by the said Company on and about the said Works, and the great and necessary annual Expenditure in maintaining and repairing the same, and conducting the Business thereof, and their great Utility and Value to the Commercial, Shipping, and other Interests of that Part of the Country, it is proper that further Powers be granted to the said Company for the Purposes of improving, adding to, and maintaining the said Works, and beneficially using and carrying on the Business of the same, and of paying or securing Payment of their said outstanding Debt, by authorizing them to raise a further Sum of Money, and to charge, collect, and recover certain Rates and Duties on or in respect of all Vessels permitted to enter or use the said Harbour, or the Entrance or Approach thereof, and also on or in respect of all Waggons, Carts, and Carriages permitted to use the said Wharfs, Quays, and Landing Places for Purposes unconnected with the said Railway: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Sixth, of the Seventh and Eighth, and of the Ninth Years of the Reign of His said late Majesty King *George* the Fourth, and all and every the Powers, Privileges, Authorities, Advantages, Directions, Provisions, Rates, Tolls, Duties, and other Matters and Things in and by the same Acts respectively contained and authorized, (save and except such Part

Power of recited Acts extended to this Act, except where hereby altered or repealed.

and Parts of the same respectively as are hereby repealed, altered, or varied,) shall severally be and remain in full force and virtue, and shall be as good, valid, and effectual for carrying the said recited Acts and this Act into execution as if the same had been repeated, re-enacted, or referred to in the Body of this Act, and had been rendered expressly applicable to the Enactments herein-after contained.

II. And be it further enacted, That for the accomplishing, carrying into effect, and completing of the several Works, Matters, and Things herein-after mentioned and authorized to be made and done it shall and may be lawful for the said Company of Proprietors from Time to Time, by the Ways and Means in the said first-recited Act mentioned, to enter, purchase, take, and hold the Lands, Tenements, and Hereditaments mentioned and specified in the Schedule to this Act annexed, or any Part or Parts thereof.

Power to purchase and hold Lands mentioned in the Schedule.

III. And whereas a Survey has been taken of the Situation of the said Reservoir, and of the Line of the said new Branch Railway or common Cart Road, and a Map or Plan, with a Book of Reference thereto describing the same respectively, has been made and deposited at the respective Offices of the Clerks of the Peace for the said County of *Kent* and of the said City of *Canterbury* and County of the same City; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Hands of the said respective Clerks of the Peace, and all Persons shall have Liberty to resort to and to examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerks respectively for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Map or Plan and Book of Reference deposited with the Clerk of the Peace, to remain there and open for Inspection.

IV. And be it further enacted, That the said Company of Proprietors, in improving and maintaining the said Harbour and other Works, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan without the Consent in Writing of the Owners or reputed Owners of the Land or Ground through which such Deviation is to be made first had and obtained.

Not to deviate more than 100 Yards from Map or Plan.

V. And be it further enacted, That the said Company of Proprietors may make the said Reservoir and Railway or common Cart Road and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said County of *Kent*, and be by them certified under their Hands, to be by Mistake omitted in the said Books of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Mistakes in Books of Reference not to impede the Act.

VI. Provided always, and be it further enacted, That if the said Company of Proprietors shall not within the Space of Two Years, to be computed

Lands to be purchased within Two Years.

computed from the passing of this Act, agree for or cause to be valued and paid for the several Lands, Tenements, and Hereditaments which they are hereby empowered to take and purchase, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purpose only shall cease, determine, and be utterly void.

Power to purchase other Lands, with Consent of Owners.

VII. Provided also, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time and at any Time or Times hereafter to purchase of and from any Person or Persons willing to sell and dispose of the same, and to take and hold, any Lands, Tenements, or Hereditaments not exceeding Ten Statute Acres in the whole, for the Purpose of adding to, enlarging, or improving the said Harbour, or the Piers, Wharfs, Quays, Landing Places, and other Works near or adjoining thereto, and not exceeding Five Statute Acres in the whole, for the Purpose of making and maintaining the Docks or Reservoirs and Works connected therewith herein-after mentioned, or any Additions thereto, and not exceeding Five Statute Acres in the whole, at or near the several Engine Stations for the Time being, for the Purpose of the Mills, Manufactories, Workshops, and Storehouses herein-after also mentioned, with the Yards and Appurtenances thereunto belonging or to be therewith used, or any Additions thereto, and also any such Lands, Tenements, or Hereditaments as shall be necessary or convenient for making, using, and maintaining the Branch Railway or common Cart Road herein-after also mentioned, and the Works, Matters, and Things connected therewith, not exceeding in the whole Two Statute Acres.

Power to make Reservoirs, &c. near the Harbours, and a Branch Railway from North Lane to Pound Lane.

VIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to dig, excavate, make, erect, place, complete, and maintain at some convenient Place or Places near the said Harbour at *Whitstable* aforesaid One or more Dock or Docks, Reservoir or Reservoirs, with Mains, Pipes, Shafts, Tunnels, Drains, Gates, Sluices, Channels, and other Works, to receive, convey, collect, and pen up the Tide and Land Waters respectively, and to convey and introduce the same into the said Harbour from Time to Time and at all Times when and as Occasion shall require, for the Purpose of scouring and cleansing the same, and preventing the Accumulation or Deposit therein, or in the Entrance or Approach thereof, of any Beach, Shingle, Sand, Mud, or other Sediment whatsoever, and also to make, complete, and maintain a Branch Railway or common Cart Road across a certain Highway, Street, or Lane called *North Lane*, in the Parish of *Holy Cross Westgate* near the said City of *Canterbury* in the said County of *Kent*, over the River *Stour*, into and across a Piece or Parcel of Meadow or Pasture Land and Causeway belonging to *Deane John Parker* Esquire, lying and being in the several Parishes of *Westgate Within* and *Saint Peter the Apostle*, or One of them, in the said City of *Canterbury*, so as to open a Communication for the Purposes of the said Railway between *North Lane* aforesaid and *Pound Lane* and *Saint Peter's Lane* in the said City of *Canterbury*, and also to make, erect, and execute all such Roads, Bridges, Fences, Works, Matters, and Things as shall be requisite and convenient to or for the said several and respective Works,

IX. And

IX. And whereas the said Company of Proprietors may have Occasion to stop up, divert, and turn the several public Highways herein-after mentioned, and in lieu thereof to make other more or equally convenient Highways; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to stop up, divert, and turn a certain public Highway or Carriage Road passing upon and along the Top of the Wall at the South Side of the said Harbour, they the said Company of Proprietors making; to the Satisfaction of any Two of His Majesty's Justices of the Peace, another like Road along the South Side of the said present Road in lieu thereof, and to take and use the said present Road for the Purposes of the said Company, and also to stop up, divert, and turn a certain Causeway or public Footway passing across or through the said Piece or Parcel of Meadow or Pasture Land belonging to the said *Deane John Parker*, they the said Company of Proprietors making, to the Satisfaction of any Two of His Majesty's Justices of the Peace, a new public Footway in lieu thereof along the Side of the said new Branch Railway or common Cart Road, and to take and use the said present Footway or so much thereof as shall be required for the Purposes of the said Company.

Power to stop up and divert certain Highways.

X. Provided always, and be it further enacted, That neither of the said public Highways shall be stopped up, diverted, and turned without Notice thereof being given pursuant to an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeals against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*; and the Order for stopping up, diverting, and turning the same respectively shall be subject to Appeal to the Quarter Sessions of the Peace in manner directed by the said Act.

Notice to be given of stopping up or diverting Highways, pursuant to 53 G.3. c. 68.

XI. Provided always, and be it further enacted, That where any Bridge shall be erected by the said Company of Proprietors for the Purpose of carrying the said Railway over or across any Turnpike Road or public Highway, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Highway to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

Width and Height of Bridges.

XII. And whereas the said Company of Proprietors are willing that all Persons shall have free Liberty to use and employ the said Piers, Wharfs, Landing Places, and Quays, together with the Cranes thereon, for the Purpose of loading and unloading Goods into and from Waggons, Carts, and other Carriages thereupon, on Payment of the following Rates and Duties; be it therefore enacted, That it shall be lawful for all Persons to use and employ the said Piers, Wharfs, Landing Places, Quays, and Cranes for the Purpose of loading and unloading thereupon Goods, Wares, and Merchandize into and from the Waggons, Carts, and other Carriages herein-after mentioned, upon Payment of the Rates and Duties for the same herein-after specified; and that it shall and may be lawful for the

All Persons shall be at liberty to use the Piers, &c. for certain specific Purposes, on Payment of certain Rates.

[Local.]

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Power to re-
cover such
Rates.

said Company of Proprietors, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, and they are hereby authorized and empowered, from Time to Time and at all Times, to demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, the several Rates and Duties herein-after mentioned; (that is to say,) in respect of every Waggon or other Carriage with Four Wheels using any of the said Piers, Wharfs, Landing Places, and Quays for loading or unloading any Goods, Wares, and Merchandize, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding for each and every Load or Quantity carried or conveyed to or from any Part of the said Piers, Wharfs, Landing Places, and Quays, Six Shillings, and in respect of every Cart or other Carriage with Two Wheels using any of the said Piers, Wharfs, Landing Places, and Quays for loading or unloading any Goods, Wares, and Merchandize, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding for each and every Load or Quantity carried or conveyed to or from any Part of the said Piers, Wharfs, Landing Places, and Quays, Three Shillings: Provided always, that the said last-mentioned Rates and Duties upon Waggons, Carts, and Carriages shall not be payable in case the entire Load of such Waggons, Carts, and Carriages shall have been conveyed or shall be intended to be conveyed and shall be conveyed *bonâ fide* upon the said Railway.

Such Rates
not to be pay-
able for Goods
conveyed
upon the
Railway.

Persons using
Piers to be
under Con-
trol of Col-
lectors.

XIII. Provided also, and be it further enacted, That all and every Person and Persons, Waggons, Carts, and other Carriages, using and employing any of the said Piers, Wharfs, Landing Places, or Quays, and all Goods, Wares, and Merchandize thereupon, shall be under and subject to the Control and Direction of the Collector or Collectors of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be received and taken, and of such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf; and it shall be lawful for every or any of such Collectors or other Persons from Time to Time to order, direct, and regulate the Turns of such Waggons, Carts, and Carriages, and the Times and Places for loading and unloading the same, and to remove the same, and any Goods, Wares, or Merchandize, from the said Piers, Wharfs, Landing Places, and Quays, in case of any unnecessary or inconvenient Delay thereupon; and in case any Person or Persons shall obstruct or hinder any such Collector or other Person in regulating, placing, or removing any such Waggon, Cart, Carriage, or Goods, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and disposed of as a Penalty.

Power to
rate accord-
ing to the Re-
gister Ton-
nage of Ves-
sels instead of
the actual
Tonnage of
Goods.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time, if they shall think fit, in lieu and stead of the Rates and Duties by the said secondly-recited Act authorized to be demanded and taken for Goods, Wares, and Merchandize imported to or exported from the said Piers, Wharfs, Landing Places, Quays, and other Works in any Vessel or Ship,

to demand, take, collect, receive, and recover, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, to and for the Use and Benefit of the said Company, of and from all and every or any of the Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command of or navigating all and every or any of the Vessels or Ships resorting to or using the said Piers, Wharfs, Landing Places, Quays, or other Works, for the Purpose of importing to or exporting from the same any Kind of Goods, Wares, or Merchandize for or in respect of each and every Voyage or Arrival, the Rate and Duty herein-after mentioned; (that is to say,) for every Ton of the Burthen of any such Vessel or Ship, according to the Amount of the Number of such Tons mentioned in the Register thereof, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding One Shilling.

XV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, and they are hereby authorized and empowered, from Time to Time and at all Times to 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 Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command of or navigating every or any Ship, Boat, or Vessel entering the said Harbour, or the Entrance or Approach thereof, the several and respective Rates and Duties herein-after mentioned, and also of and from all and every the Owner or Owners, or other Person or Persons having the Management, ordering, or Control of any Timber or Spars floated or otherwise brought into or to the said Harbour, or the Entrance or Approach thereof, the Rates and Duties also herein-after mentioned; (that is to say,)

Power to recover Rates on Vessels, &c. entering the Harbour.

For every Ship, Boat, or Vessel entering or using the said Harbour, or the Entrance or Approach thereof, for the Purpose of Repair, and not remaining therein for such Purpose longer than Three Weeks, for every Ton of the Burden of such Ship, Boat, or Vessel, according to the Amount of the Number of such Tons mentioned in the Registry thereof, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding Sixpence, and for every additional Week for every such Ton not exceeding Three-pence:

For every Ship or Vessel of the Burden of Twenty of such Tons or upwards entering or using the said Basin or Harbour, or the Entrance or Approach thereof, for any Purpose whatsoever, except for the Purpose of Repair, or of importing or exporting any Goods, Wares, Merchandize, or Passengers, and not remaining therein longer than Two Weeks, for every Ton of the Burden of such Ship or Vessel, according to the Amount of the Number of such Tons mentioned in the Register thereof,

thereof, for every Week or any fractional Part of a Week that such Ship or Vessel shall remain or be therein such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding Two-pence; and for every additional Week or any fractional Part thereof, for every such Ton, not exceeding One Penny: For every Ship, Boat, or Vessel under the Burden of Twenty of such Tons entering or using the said Harbour, or the Entrance or Approach thereof, for any Purpose whatsoever, except for the Purpose of Repair, or of importing or exporting any Goods, Wares, Merchandize, or Passengers, for every Ton of the Burden of such Ship, Boat, or Vessel, according to the Amount of the Number of such Tons mentioned in the Register thereof, for the Right or Privilege of entering or using for any Purpose except as aforesaid the said Harbour, or the Entrance or Approach thereof, at all Times, for the Space of Twelve Calendar Months, not exceeding the Sum of One Shilling, or, at the Option of the said Company of Proprietors, for each and every Time of entering or using the said Harbour, or the Entrance or Approach thereof, for any Purpose except as aforesaid, and not remaining therein longer than Two Weeks, not exceeding the Sum of Five Shillings in the whole for each Time:

For all Timber and Spars, floated or otherwise, brought into or to or being in the said Harbour, or the Entrance or Approach thereof, except in Ships or Vessels, and not remaining therein longer than Two Calendar Months, for every Load or any fractional Part of a Load thereof respectively such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding Two-pence; and for every additional Week, for every such respective Load or any fractional Part thereof not exceeding One Penny.

Power to
rate Foreign
Vessels.

XVI. And be it further enacted, That the Masters, Commanders, Owners, and other Person or Persons having the Rule or Command of or navigating any Foreign Ship or Vessel, shall be subject and liable to the same Rates, Duties, Fines, and Penalties as the Masters, Commanders, Owners, and other Person or Persons having the Rule or Command of or navigating any Ship or Vessel belonging to the Subjects of this Realm, or registered at any of the *British* Ports, are by virtue of either of the said recited Acts or of this Act subject and liable to and to be raised, levied, and recovered by the same Means, and the Amount of the Number of Tons of such Foreign Ships and Vessels shall be ascertained and taken according to the estimated or reputed Admeasurement thereof.

Recovery of
Rates on
Vessels.

XVII. And be it further enacted, That it shall be lawful for any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, with or without any Assistant or Assistants, to go on board any Ship, Boat, or Vessel immediately upon or at any Time or Times after the Arrival thereof in the said Harbour (and notwithstanding the same may have left the said Harbour), to demand, collect, and receive the Rates and Duties payable by or demandable from the Masters, Commanders, Owner or Owners, or other Person
or

or Persons having the Rule or Command of or navigating such Ship, Boat, or Vessel, and all Arrears of any of the said Rates and Duties due in respect of any former Voyage or Voyages, Arrival or Arrivals of the said Ship, Boat, or Vessel, and for Nonpayment thereof or of any Part thereof respectively, on Demand, to take and distrain every such Ship, Boat, or Vessel, and all the Sails, Rigging, Tackel, Apparel, and Furniture thereto belonging, and the same respectively to remain in Possession of, detain, and keep; and in case all and singular the said Rates and Duties and Arrears thereof shall not be paid and satisfied within Five Days next after any Distress so taken as aforesaid, that then it shall be lawful for the said Collector or Collectors, or other Person or Persons, to sell and dispose of the said Distress, or of any Part or Parts thereof, and by or from the Proceeds of such Sale to satisfy himself and themselves, as well for and concerning the Rates and Duties so neglected to be paid, and for which a Distress shall be so taken as aforesaid, as also for his and their reasonable Charges in taking, keeping, and selling such Distress, rendering to the Master, Owner, or other Person having the Rule or Command of or navigating the Ship, Boat, or Vessel upon, in, or from which such Distress shall be so made or taken, the Overplus, if any such there shall be.

XVIII. And be it further enacted, That all and every the Masters, Commanders, Owners, and other Person or Persons having the Rule or Command of or navigating any Ship, Boat, or Vessel subject or liable to any of the Rates and Duties by either of the said recited Acts or by this Act imposed shall, when required by the Collector or Collectors for the Time being of any of the said Rates and Duties, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, produce to him and them and permit him and them to peruse the Register of such Ship, Boat, or Vessel and to take such Extracts therefrom as to the Tonnage of such Ship, Boat, or Vessel, as he or they may think fit; and it shall be lawful for him and them, with or without any Assistant or Assistants, from Time to Time and all seasonable Times to enter into any such Ship, Boat, or Vessel, and to admeasure the same; and if any Master, Commander, Owner, or other Person having the Command or Charge of any such Ship, Boat, or Vessel, shall, when so required, refuse or neglect to produce the Register thereof to the Person or Persons requiring the same, or shall not permit him or them to inspect and make such Extracts therefrom as aforesaid, or if any Owner, Master, Commander, or other Officer of any such Ship, Boat, or Vessel, or any other Person whosoever, shall obstruct or hinder any Person or Persons in admeasuring any Ship or Vessel in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered, levied, and disposed of as a Penalty; and if any Owner, Master, Commander, or other Person or Persons having the Rule or Command of or navigating any such Ship, Boat, or Vessel shall at any Time by any Method whatsoever evade, elude, or avoid Payment of any Rate or Duty payable by or demandable from him, or shall do any Act with Intent to evade, elude, or avoid Payment thereof, every such Owner, Master, Commander, or other Person shall forfeit and pay for every such Offence Double the Amount of such Rate or Duty, to be recovered, levied, and disposed of as a Penalty.

Masters of Vessels to produce Registers when required.

[Local.]

28 X

XIX. And

Vessels, &c.
in Harbour to
be under
Control of
Collectors.

XIX. And be it further enacted, That all Ships, Boats, Vessels, Timber, Spars, Barrels, Casks, and other Things entering or using the said Harbour, or the Entrance or Approach thereof, for any Purpose whatsoever; shall be under and subject to the Control and Directions of the Collector or Collectors of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be received and taken from the Owners, Masters, or Commanders of any Ships, Boats, or Vessels, and of such other Person or Persons as the Company of Proprietors shall from Time to Time appoint in this Behalf; and it shall be lawful for every or any of such Collectors or other Persons from Time to Time to order and require every or any such Owner, Master, Commander, or other Person or Persons having the Rule or Command of or navigating any Ship, Boat, or Vessel, to moor, ballast, load, and unload the same respectively in such proper Place or Places within the said Harbour, or the Entrance or Approach thereof, as such Collector or Collectors, or other Person or Persons, shall from Time to Time assign or direct, and also from Time to Time to order and require every or any Owner or other Person or Persons having the ordering, Management, or Control of any Timbers, Spars, Barrels, Casks, or other Things, to raft or float and moor or fix the same respectively to such Place or Places within the said Harbour, or the Entrance or Approach thereof, as such Collector or Collectors or other Person or Persons shall from Time to Time assign or direct, and also from Time to Time to require the Removal of any Ship, Boat, Vessel, Timber, Spars, Barrels, Casks, and other Things out of or from the said Harbour, or the Entrance or Approach thereof, as Occasion or Convenience shall demand or render expedient; and in case any such Master, Commander, Owner, or other Person shall refuse or neglect to moor, ballast, load, or unload any such Ship, Boat, or Vessel, and to raft or float and moor or fix any such Timber, Spars, Barrel, Cask, or other Thing at or to such Place or Places as shall be so assigned or directed, or to remove the same respectively out of or from the said Harbour, or the Entrance or Approach thereof, when so required, or shall obstruct or hinder the Removal of any such Ship, Boat, or Vessel, Timber, Spars, Barrel, Cask, or other Thing, from Place to Place in the said Harbour, or the Entrance or Approach thereof, or out of or from the same respectively, every Master, Commander, Owner, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and disposed of as a Penalty: Provided always, that it shall not be lawful to require the Removal out of the said Harbour of any Ship, Boat, or Vessel being *bonâ fide* therein for the immediate Purpose of taking in or discharging a Cargo, or being under actual Repair.

Limits of the
Entrance or
Approach to
Harbour.

XX. And be it further enacted, That for the Purposes of this Act the Limits and Boundaries of the said Entrance or Approach of the said Harbour shall extend over and include the whole Area or Extent of the said Company's Property there over which the Tide flows, exclusively of the said Harbour.

Recovery of
Rates on
Goods.

XXI. And whereas it is in and by the said first-recited Act enacted, that the Rate of Tonnage therein authorized and demanded to be taken shall be paid to such Person or Persons, at such Place or Places upon or near
the

the said Railway or Tramroad, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Meeting or Meetings, or as the Directors shall by Notice to be annexed to the Account or List of Tonnage, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as therein aforesaid, the said Company of Proprietors may sue for the same in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may and he or they is and are thereby authorized to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made; and if such Goods shall not be redeemed within Five Days next after the taking thereof the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; be it therefore enacted, That so much and such Part of the said Act shall be and the same is hereby repealed.

XXII. And be it further enacted, That all and every the Rates, Tolls, and Duties, and Sum and Sums of Money, by either of the said recited Acts or by this Act authorized to be demanded and taken, shall be paid to some Collector of the said Rates, Tolls, and Duties, or other Person or Persons appointed to receive the same, at such Place or Places at, upon, or near the said Railway or other Works, and under such Regulations, as the Company of Proprietors at some General or Special Meeting or Meetings, or as the Directors of the said Company shall, by Notice to be annexed to the Account or List of Rates, Tolls, and Duties, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or Sum or Sums of Money, or any Part thereof respectively, on Demand, to the Collector or Collectors thereof, or other Person or Persons appointed to receive the same, the said Company of Proprietors may sue for the same in any of His Majesty's Courts of Record; or the Collector or Collectors, or other Person or Persons to whom any such Rates, Tolls, or Duties, or Sum or Sums of Money, ought to have been paid, (except the Rates and Duties payable by the Masters, Commanders, Owners, or other Persons having the Rule or Command of or navigating any Ships, Boats, or Vessels, and whereof the Recovery by Distress is herein-before provided for,) may and he and they and each and every of them is and are hereby authorized to distrain, seize, and detain the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties, or Sum or Sums of Money, ought to have been paid, or any Part thereof, and any of the Horses, Cattle, and Waggon or other Carriages laden therewith or drawing the same; and in case all and singular the said Rates, Tolls, and Duties, and Sum and Sums of Money, shall not be paid and satisfied within Five Days next after any Distress so made as aforesaid, it shall and may be lawful for the Person or Persons making the same to sell and dispose of the said Goods, Horses, Cattle, Waggon, and other Things, and by or from the Proceeds of such Sale to satisfy himself or themselves as well for and concerning the Rates, Tolls, and Duties, and Sum and Sums of Money, so neglected to be paid, and for which a Distress shall be so taken as aforesaid, as also for his and their reasonable Charges in taking, keeping, and selling such

Power to
distrain for
Nonpayment
of Tolls, &c.

such Distress, rendering to the Owner or Owners, Consignee or Consignees, or other Person or Persons having the Management, ordering, or Control of the said Goods or other Things distrained, the Overplus (if any there shall be); but in case any such Owner or Owners, Consignee or Consignees, or other Person or Persons, shall be indebted to the said Company for any Rates, Tolls, and Duties, or Sum or Sums of Money whatsoever, theretofore become due, the Goods, Horses, Cattle, Waggon, and Carriages so distrained shall in like Manner be liable to the Payment of the last-mentioned Rates, Tolls, and Duties, and Monies also, and shall and may be sold and disposed of by such Collector or Collectors or other Person or Persons accordingly.

For prevent-
ing Nui-
sances.

XXIII. And be it further enacted, That if any Person or Persons shall throw or empty any Ballast, Earth, Stones, Dust, or Rubbish into the said Harbour, or the Entrance or Approach thereof, or shall take away or remove, or cause to be taken away or removed, any Ballast, Shingle, Stones, or other Things belonging to or lying or being upon the Property of the said Company, the taking away or Removal whereof may be prejudicial to the said Harbour, Piers, Wharfs, Landing Places, Quays, or other Works, or the Works made or to be made for the Security of the same respectively, or shall fix or drive, or cause to be fixed or driven, any Piles or Stumps within the said Harbour, or the Entrance or Approach thereof, or shall place any Anchor, Cable, or other Thing whatsoever upon any Part of the said Piers, Wharfs, Landing Places, and Quays, so as to obstruct or impede any Person or Persons, Waggon, Cart, or Carriage, employed or having Business thereupon, and shall not immediately, upon Notice given of such Obstruction or Impediment, remove the same, or shall in any Manner whatsoever wilfully obstruct, hinder, impede, or annoy any Person or Persons employed or having Business in, upon, or about the said Harbour, or the Entrance or Approach thereof, or any of the said Piers, Wharfs, Landing Places, or Quays, or shall cast or deposit any Dust, Dirt, Dung, Soil, Offal, or any Sort of Rubbish, or shall commit any public Nuisance or Annoyance whatsoever upon any Part of the said Piers, Wharfs, Landing Places, and Quays, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered, levied, and disposed of as a Penalty.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

XXIV. And be it further enacted, That in all Cases in which by this Act or by either of the said recited Acts any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall and may be lawful for any Justice to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Power to ap-
point Persons

XXV. And be it further enacted, That it shall and may be lawful for the Directors of the said Company for the Time being to appoint from Time

to Time One or more fit and proper Person or Persons to act as Officer or Officers of the Peace within the said Harbour, and the Entrance or Approach thereof, and upon the Piers, Wharfs, Landing Places, Quays, and other Works and Property of the said Company of Proprietors, for protecting the same respectively, and all Vessels, Goods, Matters, and Things therein or thereupon, from Spoil, Injury, or Depredation, and for preserving Peace and good Order, and preventing Damage or Accidents within and upon the same respectively; provided that every such Person shall first be approved of by some Justice of the Peace for the said County of *Kent*, and shall be by him sworn duly to execute the said Office, which Oath he is hereby authorized to administer; and every such Person shall thereupon have and enjoy within the said Limits all and singular the Powers, Authorities, and statutory and other Indemnities of a Constable by the Common Law: Provided also, that it shall be lawful for the Directors of the said Company to dismiss or remove any such Person from his Office, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

to act as
Constables.

XXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise any further Sum or Sums of Money, not exceeding altogether Forty thousand Pounds, for the several and respective Purposes herein-before mentioned or referred to, and the said Company are hereby authorized and empowered to raise any such further Sum or Sums of Money, not exceeding altogether Forty thousand Pounds, (or so much thereof as they may not have already borrowed by way of Mortgage as herein-after authorized,) by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the Undertaking, and by issuing new Shares of Fifty Pounds each to such Contributors or Subscribers, but so that each such Contributor or Subscriber shall not pay a less Price than Twenty-five Pounds for each or any such new Share of Fifty Pounds, and that all such new Shares shall be deemed and be transmissible as Personal Estate; and all Bodies Politic, Corporate, or Collegiate, and Persons, who shall contribute and pay upon or in respect of such new Shares, or who may become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby declared to be Owners or Proprietors of Shares in the said Undertaking, and shall become united to and incorporated with the said Company of Proprietors.

Power to
raise the Sum
of 40,000*l.*
by the Crea-
tion of new
Shares.

XXVII. Provided always, and be it further enacted, That when and as from Time to Time the Directors of the said Company shall determine to issue new Shares under the Provisions of this Act they shall, by an Advertisement published in the *Canterbury* Newspapers and in Two *London* daily Newspapers at the least, signify the Number of new Shares proposed to be issued, and the lowest Price intended to be taken for the same respectively; and the Proprietors of the present Shares in the said Undertaking shall, within a Period to be stated in such Advertisement, but not being less than Twenty Days from the publishing thereof, be entitled to the Option of taking all or any of such Shares so to be newly created in preference to any other Person or Persons; and that such of the said Pro-

Pre-emption
to Proprie-
tors of old
Shares.

proprietors of present Shares who within such Period of Twenty Days may signify in Writing to the Clerk or Clerks to the said Company, to be addressed to or left for him or them at *Canterbury*, their Desire to partake in the Distribution of such new Shares, shall, as between themselves, be entitled to have so many of such newly-created Shares allotted to them respectively as shall be in proportion to the Number of present Shares in the said Undertaking then belonging to them respectively.

Subject to such Pre-emption, new Shares to be disposed of by Directors.

XXVIII. Provided always, and be it further enacted, That in case any Proprietor of present Shares in the said Undertaking shall not within the Period to be fixed for such Purpose by the Directors of the said Company (and which shall not be less than Twenty Days) pay the Price or Deposit to be required on any newly-created Share or Shares to be allotted to him or her respectively, then (and without Prejudice to the Remedies of the said Company against any such Proprietor or Subscriber who shall so neglect to pay on his newly-created Share or Shares) it shall be lawful for the said Directors to allot any such Share or Shares to any other Proprietor or Person, Proprietors or Persons whomsoever, at such Price for each such respective Share of Fifty Pounds, but not less than Twenty-five Pounds for the same respectively, as the said Directors may think proper.

Power to borrow Money on Mortgage not exceeding 40,000*l*.

XXIX. And be it further enacted, That it shall be lawful for the said Company to borrow and take up at Interest all or any Part of the said further Sum or Sums of Money, not exceeding altogether Forty thousand Pounds, as herein-before authorized to be raised, or so much thereof as may not have been obtained by the Creation of new Shares as aforesaid, by such Mortgage or Mortgages of the said Undertaking, or all or any of the Tolls, Rates, Duties, or Property thereof, as to the Directors from Time to Time shall seem meet and convenient, and from Time to Time to pay off and again take up the same or any Part thereof; and the said Company of Proprietors, or the Directors thereof for the Time being, are hereby authorized and empowered to assign all or any of the Rates, Duties, Tolls, Profits, and Property of the said Undertaking, or the Rent thereon, to be reserved under any Lease thereof, as a Security for all or such Part of the said Sum of Forty thousand Pounds as shall be so borrowed as aforesaid, together with Interest thereon, to the Person or Persons advancing the same, or to his, her, or their Trustee or Trustees, Executors or Administrators; and the Costs and Charges of and attendant upon every or any such Mortgage shall be paid out of the Rates, Tolls, and Duties of the said Undertaking, or the Rent to be reserved on any such Lease, or out of the Money so to be borrowed upon Mortgage as aforesaid, or by all or any of the said Means, as the Directors shall think proper: Provided always, that no Mortgage to be granted under or by virtue of this Act shall interfere with or prejudice or affect any Mortgage or Mortgages heretofore granted with a Clause of Priority expressed or contained therein.

No such Mortgage to prejudice express Priority Mortgages heretofore made.

Mortgages to be under the Common Seal of the Company.

XXX. And be it further enacted, That every or any such Mortgage shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or as near thereto as Circumstances will permit; (that is to say,)

Form of Mortgage.

No. _____

BY virtue of an Act of Parliament passed in the _____ Year of the
 Reign of King *William* the Fourth, intituled [*here set forth the Title
 of the Act*] we, the Company of Proprietors of the *Canterbury and
 Whitstable* Railway, in consideration of the Sum of _____
 to _____ our Treasurer on our Behalf paid by _____
 of _____ (the Receipt whereof is to be signified under the
 Hand of our said Treasurer indorsed hereon), do assign unto the said
 _____ the said Undertaking, and all and singular the Rates,
 Tolls, and Duties belonging to the same, and all Rents thereof, [*or in
 case the Mortgage be only of any particular Portion of the said Under-
 taking, or of the Rents, Tolls, and Duties thereof, then specify the same,
 instead of using the preceding general Description,*] and all the Estate,
 Right, Title, and Interest in and to the Premises, to hold unto the said
 _____ his [*or her*] Executors, Administrators, and Assigns,
 until the said Sum of _____ together with Interest thereon
 after the Rate of _____ for every _____ Pounds by
 the Year, shall be fully paid or satisfied [*and in case any Clause of
 Priority be required by virtue of the Powers contained in the said Act,
 insert the same in the Words following, or as the Case may require*];
 and the said _____ Executors, Administrators, and Assigns,
 in respect of the Security and the said Sum of _____ and the
 Interest thereon, shall have Priority over every Mortgage to be made
 hereafter. Given under our Common Seal this _____ Day of _____
 One thousand _____

XXXI. And be it further enacted, That at the Time of effecting every
 or any Mortgage under the Provisions of this Act a Copy of such respec-
 tive Mortgage shall be written or entered in a Book or Books to be kept
 by the Clerk or Clerks of the said Company of Proprietors; and that no
 Mortgage shall be good or effectual unless a Copy thereof be so written
 or entered in such Book or Books; and that a Certificate of such Copy,
 having been so written or entered in the Book or Books of the said
 Company, shall be written under or indorsed upon every or any such
 Mortgage, and signed by the Clerk or Clerks of the said Company, and
 which Certificate shall be conclusive Evidence against the said Company
 of a Copy of such Mortgage having been so written or entered in the
 said Book or Books of the said Company; and such Book or Books shall
 be Evidence of the Advance or Advances that may have been made upon
 Mortgage to the said Company, and of the Equality or Priority of Secu-
 rity of the respective Mortgagees; and that the said Book or Books shall
 or may, without Fee or Reward, be perused at all seasonable Times by any
 of the Proprietors or Creditors of the said Undertaking, or other Persons
 interested in the same, or in any Mortgage or Mortgages to be granted
 under the Provisions of this Act; and that (except where any Priority of
 Security may be stipulated for under the Powers herein-after contained)
 all Persons to whom any Mortgage may be made under the Provisions of
 this Act shall, the one with the other, be equally entitled to his, her, or
 their Proportion or Proportions of the said Tolls, Duties, Rates, and
 Premises mortgaged to him, her, or them respectively, according to the
 respective Sums in such Assignments mentioned to be advanced without
 any Preference by reason of Priority of any such Mortgage, or on any
 other Account whatsoever.

Mortgages to be entered by the Clerk.

Books of Entry to be open to Inspection.

XXXII. Pro-

Power to
grant Pri-
ority of Secu-
rity.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the Directors of the said Company from Time to Time to stipulate or agree with any Person or Persons advancing any Sum or Sums of Money upon Mortgage of all or any Part of the said Undertaking, or of the Rates, Tolls, Duties, or Rent thereof, for or concerning such Priority of Security in respect of all or any Portion of the Sum or Sums of Money then advanced to or over any other Sum or Sums of Money thereafter to be advanced, or to or over the Security or Securities for all or any of such last-mentioned Sum or Sums of Money, or any Part or Parts of the same, as the said Directors may think fit or expedient.

Transfer of
Mortgages.

XXXIII. And be it further enacted; That it shall be lawful for all and every Person and Persons to whom any Mortgage or Mortgages may be made under the Provisions of this Act, or who may be entitled to the Money due thereon, and his, her, or their Executors or Administrators, from Time to Time to transfer his or their Right and Interest therein to any Person or Persons whomsoever; and such Transfer shall and may be in the Words or to the Effect following, or as near thereto as Circumstances will admit; (that is to say,)

‘ I [or We] of in consideration
‘ of the Sum of paid by of
‘ do hereby transfer all that Mortgage, Number made by the
‘ Company of Proprietors of the *Canterbury and Whitstable* Railway, to
‘ dated on the Day of for securing
‘ the Sum of and Interest, and all my [or our] Right and
‘ Property therein, to the said his [or her] Executors,
‘ Administrators, and Assigns. Dated this Day of
‘ in the Year of our Lord One thousand

Transfers to
be entered by
the Clerk.

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause a Copy to be made thereof, and entered in a Book or Books to be kept by the said Clerk or Clerks, in like Manner as the original Mortgage, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money therein due or thereby secured, or any Part thereof.

Transferees
of Mort-
gages to
have the like
Priority as
original
Mortgages.

XXXIV. And be it further enacted, That in case any Person or Persons to be interested in or entitled to any Sum or Sums of Money to be secured on Mortgage under the Provisions of this Act shall require Payment of the said Sum or Sums of Money, or any Part thereof, then and so often, from Time to Time, as Occasion may so require, it shall be lawful for the Directors of the said Company to procure or direct unto or in favour of any Person or Persons willing to advance all or any Part of the Sum or Sums of Money so required to be paid off a Transfer or Transfers of the Mortgage or Mortgages for the Sum or Sums of Money to be paid off, or to make unto or in favour of any such Person or Persons a new Mortgage or new Mortgages for any Sum or Sums of Money to

be advanced by him, her, or them, in order to discharge the Sum or Sums of Money required to be paid off, or any Part thereof; and that such Transferee or Transferees, new Mortgagee or new Mortgagees, and the respective Executors, Administrators, and Assigns of such Transferee or Transferees, new Mortgagee or new Mortgagees, severally and respectively, shall have the same or the like Priority of Security in respect of the Sum or Sums of Money to be advanced on such Transfers or new Mortgages respectively as was had or possessed in right or respect of the Mortgage or Mortgages whereof such Transfer or Transfers may be taken, or as was had or possessed in right or respect of the Mortgage or Mortgages to pay off the Sum or Sums due whereon such new Mortgage or Mortgages may be so made as aforesaid.

XXXV. And inasmuch as the said Company of Proprietors have not been able to pay all the Price or Prices which hath or have been contracted or agreed to be given, or hath or have been assessed for the Purchase or as the Value of Lands, Tenements, or Hereditaments required by them, or which ought to be paid by way of Compensation for Damages; be it therefore enacted, That upon Payment or legal Tender by or upon the Behalf of the said Company, within Nine Calendar Months after the passing of this Act, to the Proprietor or Proprietors of any such Lands, Tenements, or Hereditaments, or to other the Person or Persons who may be interested therein, or entitled to receive the same Monies, of any such Sum or Sums of Money as shall have been so contracted, agreed for, or assessed for the Purchase of any Lands, Tenements, or other Hereditaments by the said Company, or as a Compensation from them for Damages, and as respectively may remain unpaid, or upon Payment by the said Company within such like Nine Calendar Months of any such Sum or Sums of Money into the Bank of *England*, in like Manner as was directed and required by the said Act of the Sixth Year of the Reign of His said late Majesty, for the Use of the Person or Persons entitled thereto, then, and not before, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, to enter upon such Lands, Tenements, and other Hereditaments respectively not already in their Possession, and then and thereupon such Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, shall forthwith be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act and of the said recited Acts, for a clear, absolute, and indefeasible Estate of Inheritance in Fee Simple therein: Provided nevertheless, that before such Payment or Tender as aforesaid it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, Tenements or Hereditaments, not already in their Possession, of the Person or Persons entitled to such Payment for the Purposes of the said Undertaking, without the Leave or Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises not already in the Possession of the said Company of Proprietors, for any of the Purposes of this Act or of the said recited Acts or either of them, before such Payment or Deposit into the Bank of *England*, or before such Tender as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises: Provided always, that nothing herein contained shall extend or be construed to extend to apply to any

Upon Payment or legal Tender of Price for Land agreed or assessed, Company to enter upon the same.

Land not in the actual Possession of the said Company of Proprietors previous to the passing of this Act.

Annual
General
Meetings to
be holden in
the Month of
August.

XXXVI. And whereas it is by the said first-recited Act enacted, that One General Meeting of the said Company of Proprietors shall be holden on the First *Thursday* in the Month of *July* in every Year, which Time has been found to be inconvenient; be it therefore enacted, That so much and such Part of the said recited Act shall be and the same is hereby repealed, and that in lieu thereof One General Meeting of the said Company of Proprietors shall be holden on the First *Thursday* in the Month of *August* in every Year.

Act not to
extend to
Vessels in
His Majesty's
Service.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or to any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or any of His Majesty's Postmasters General; and that no such Toll, Rate, or Duty by this Act imposed shall be payable by any Officer or Officers of the Customs, Excise, or Post Office, or Persons acting under their Authority, or by the Directions of the Commissioners of Customs or Excise, or His Majesty's Postmaster General respectively, while in the Execution of their Duty.

Officers of
Customs, Ex-
cise, &c. ex-
empt from
Toll.

Saving Rights
of Commis-
sioners of
Sewers.

XXXVIII. And be it further enacted, That nothing herein or in the said recited Acts 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 the Eastern Parts of the County of *Kent*.

Saving Rights
of Company
of Free
Fishers and
Dredgers of
Whitstable.

XXXIX. And be it further enacted, That nothing herein or in the said recited Acts or either of them 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 Company of Free Fishers and Dredgers of *Whitstable*, save only in such Cases as are specially mentioned or contained in the said recited Acts or either of them, or in this present Act.

Expences of
Act.

XL. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto, shall be borne, paid, and defrayed by the said Company of Proprietors out of the Money received or to be received by virtue of the said recited Acts and this Act, or any or either of them, in preference to all other Payments whatsoever.

Public Act.

XLI. 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.

The SCHEDULE to which this Act refers.

No. on Plan I.	Owners.	Occupiers.	Description of Property.
<i>In the Parish of Whitstable.</i>			
1.	Thomas Foord, Esquire - - - }	Thomas Foord, Esquire - - - }	Pasture Field.
2.	Ditto - - - -	Henry Hunt - - - -	Ditto.
3.	Ditto - - - -	Ditto - - - -	Ditto.
4.	William Blackman -	Thomas Woolley -	Ditto.
6.	The Honourable the Commissioners of Sewers - - - }	The Honourable the Commissioners of Sewers - - - }	Outlets.
7.	Ditto - - - -	William Putwain -	House and Garden.
<i>In the Parish of Westgate Within.</i>			
No. on Plan II.			
1.	Dean John Parker, Esquire - - - }	Dean John Parker, Esquire - - - }	Pasture Field.
2.	Ditto - - - -	Ditto - - - -	Ditto.
3.	The Mayor and Commonalty of the City of Canterbury - - - }	Dean John Parker and his Under-tenants - - - }	House, Garden, and Arable Land.

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