



ANNO QUINTO

GEORGIIV. REGIS.

Cap. cxlviii.

An Act for the more effectually improving the Navigation of the River *Medway* from *Maidstone* to *Halling* in the County of *Kent*, and to alter and enlarge the Powers of an Act of the Forty-second Year of His late Majesty for improving the Navigation of the said River. [21st June 1824.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act passed in the Thirty-second Year of His present Majesty's Reign, for improving the Navigation of the River Medway from the Town of Maidstone, through the several Parishes of Maidstone, Boxley, Allington, and Aylesford, in the County of Kent, and for the better and more effectually improving the Navigation of the said River*, whereby certain Persons therein named, and their respective Executors, Administrators, and Assigns, were incorporated by the Name of "The Company of Proprietors of the Lower Navigation of the River *Medway*," for the better managing, carrying on, and maintaining the Navigation of the said River, and were thereby empowered to cleanse, scour, enlarge, widen, deepen, improve, and render more straight the Channel of the said River, and to dig and cut the Banks of the said River, and to remove, take up, and deepen the Shoals and Shallows in such Channel; and also

[Local.]

to make, build, erect, set up, support, and maintain in, over, or upon the said River such Locks, Weirs, Toll Houses, and other Works and Conveniences necessary for the Purposes aforesaid; and also otherwise to improve the Navigation of the said River as therein mentioned, between the Lock in the Town of *Maidstone* aforesaid, and the lower Part of a certain Orchard, now or late in the Occupation of *George Hunt* the younger, on the West Side of the said River below *Aylesford* Bridge: And whereas the said Company have proceeded in the Execution of the Works directed by the said Act, and have made considerable Progress therein, and for that Purpose raised among themselves a capital Stock of Sixteen thousand Pounds, and have expended the whole of the same, and also incurred Debts, which at present they are unable to pay: And whereas the said Company cannot effectually complete the said Works and Improvements intended by the said Act under the Powers and Provisions thereof, and by reason thereof the Persons interested in the Navigation of the said River *Medway* are deprived of the Benefits and Advantages that would arise if the same were completed: And whereas the Navigation of the said River *Medway*, from the Extremity of the Limits of the said Company below *Aylesford* Bridge to a certain Place called *Bewley Cliff*, in the Parish of *Burham* in the said County of *Kent*, is also much obstructed by Shoals or Shallows, and by the circuitous Course of the said River, and such Shoals have of late Years increased in Number and Extent, and the Channel of the said River has generally decreased in Depth: And whereas the said River is capable of being greatly improved by the Completion of the said Works directed by the said recited Act, particularly the Alteration of *Aylesford* Bridge and the Removal of *Preston Shoal*, and by the Removal of other Shoals, and by making and maintaining a navigable Cut or Canal from a Place called *Ozier Bed Reach* in the Parish of *Ditton* in the said County, to a certain other Place called *Newwhythe* in the Parish of *East Malling* in the same County, and another navigable Cut or Canal from a Place called *Haystack Hole* to a certain other Place called *Occupells*, both in the said Parish of *East Malling*, and also by widening the said River at various Places and by making and maintaining a Horse Towing Path from the said Place called *Occupells* to a certain Wharf called the *Lower Town Wharf*, at the Bottom of *Saint Faith's Street* in the Town of *Maidstone* aforesaid: And whereas such Alterations in and to the said River would be of great Advantage to the Commerce, Trade, Agriculture, and Manufactures of the Town and Parish of *Maidstone* aforesaid, and the several other Parishes and Places adjacent or near to the said River, and would also be of great public Utility; and the said Company of Proprietors are willing to undertake to make and complete the said Alterations and Improvements, at their Expence, Costs, and Charges, but the same cannot be effected without the further Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Company of Proprietors of the Lower Navigation of the River *Medway*, and they are hereby fully authorized and empowered, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Cut or Canal, navigable and passable for Barges and other Vessels, from and out of the said River at or near the said Place called *Ozier Bed Reach*,

Company empowered to make and maintain navigable Cuts from the River

Reach, in the Parish of *Ditton* aforesaid, unto and into, and to communicate with the said River at or near *Newbythe* aforesaid, in the said Parish of *East Malling*; and also a like navigable Cut or Canal from and out of the said River, at or near the said Place, called *Haystack Hole* aforesaid, in the Parish of *East Malling* aforesaid, unto and into, and to communicate with the said River at or near the said other Place called *Occupells* aforesaid, in the Parish of *East Malling* aforesaid; and also from Time to Time to cleanse, scour, enlarge, widen, deepen, improve, and render more straight the Channel of the said River from *Maidstone* to *Halling* in the said County of *Kent*, through the several Parishes of *Maidstone*, *Boxley*, *Allington*, *Aylesford*, *Ditton*, *East Malling*, *Burbam*, *Birling*, *Snodland*, *Wouldham*, and *Halling*, and to dig and cut away the Banks of the said River and projecting Points thereof, and to provide and make proper Places for Ferry Boats to be used in conveying Horses for towing the said Barges and Vessels, to lie by the Sides of the said River, where such shall be necessary, and to remove, take up, and deepen the Shoals and Shallows in such Channel; and for the Purposes aforesaid, or any of them, the said Company of Proprietors and their Successors, and their Deputies, Agents, Servants, and Workmen are hereby authorized and empowered to enter in and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, and Collegiate whatsoever, and to survey and make Levels of the same, or any Part thereof, and to set out and ascertain what Parts thereof they shall think necessary and proper for making the said proposed Cuts or Canals, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for effecting, completing, preserving, maintaining, and using the said Cuts or Canals and Towing Paths, or any other of the Purposes aforesaid; and also to dig up, cut, remove, and take away all Trees, Roots of Trees, Beds of Earth, Gravel, Stone, or Sand, and all other Obstructions and Impediments whatsoever, which may obstruct, hinder, or prevent the Tides and Current of the said River from flowing, or Rafts, Boats, Barges, Lighters, or other Vessels from being navigated or towed upon the said River with Men, Horses, or otherwise, so as to make and maintain a safe and effectual Navigation at common Neap Tides on the said River, and through the said Cuts or Canals within the Limits aforesaid, for Boats, Barges, Lighters, and other Vessels, and to throw out and lay upon the Lands adjoining the said River, the Soil and Materials arising from the cutting and making the said Cuts or Canals, or either of them, or from the Removal of such Shoals and Shallows, or otherwise in the carrying into Effect the Works before-mentioned, and to remove and take away the same, and to bring on any other Materials which may be necessary for effecting the Purposes of this Act and the said recited Act, or either of them; and also to make, build, erect, set up, support, and maintain in, over, or upon the said River as aforesaid, and the said Cuts or Canals, and upon the Lands adjoining or near to the same, such and so many Bridges, Culverts, Walls, Banks, Toll Houses, Sluices, Flood Gates, Dams, Tunnels, Arches, Posts, Gates, Stiles, Hedges, Ditches, Fences, and other Works and Conveniences necessary for the Purposes aforesaid and of this Act or the said recited Act, at such Places between *Maidstone* and *Halling* aforesaid, and in such Manner as the said Company of Proprietors or their Successors shall think necessary and convenient; and from Time to Time to alter, repair, lengthen, heighten, increase, enlarge, remove, and amend the same within the Limits aforesaid, and to carry and convey

Medway to communicate with the Places herein mentioned;

and to cleanse and widen the River, &c.

Power to enter on Lands;

and to remove Obstructions;

to erect Bridges, Flood Gates, &c.

and to make
Towing Paths;

making Sa-
tisfaction for
Damages.

Repealing
Power of
digging Clay,
&c. within
2000 Yards
of the River.

Owners of
Land may
construct
Wharfs, and
use Land ad-
joining the
River, &c.
notwith-
standing the
Towing
Paths.

convey in, over, and upon any Lands or Grounds (not being a Park, Paddock, Garden, Orchard, Yard, or planted Walk or Avenue to any House, or inclosed Ground planted and set apart as a Nursery for Trees), all Sorts of Materials for making, perfecting, improving, and finishing the Works aforesaid, and for altering, repairing, and maintaining the same; and to lay, place, and work up the said Materials upon the Lands or Grounds adjoining to the said Works, and also to dig, take, and carry away any Clay, Gravel, Chalk, Earth, Stone, or other Materials for the Purposes of making or repairing the Works in or from the Grounds of any Person or Persons adjoining to the said Works (not being the Scite of any Messuage or other Building, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or an inclosed Ground planted and set apart as a Nursery for Trees); and also to make, set out, appoint, maintain, and keep on the Lands or Grounds adjoining, or near the said River, Cuts, or Canals, Towing Paths, Roads, Banks, and Ways, convenient for the towing, haling, or drawing, with Horses or otherwise, of Rafts, Boats, Barges, Lighters, and other Vessels passing upon the said River, within the Limits aforesaid (such Towing Paths, Roads, Banks, and Ways, not exceeding Ten Yards in breadth in any one Place), and to do and perform all such Acts, Matters, and Things necessary or proper for carrying on, completing, and maintaining the Works, and executing the Purposes aforesaid, according to the Tenor and true Meaning of the said recited Act and this Act, subject nevertheless to such Provisoos, Limitations, and Restrictions as are herein-after mentioned touching and concerning the same, they the said Company of Proprietors, their Successors, Officers, Agents, Servants, Workmen, and Labourers, doing as little Damage as may be in the Execution of the several Powers to them hereby granted; and the said Company of Proprietors or their Successors, making Satisfaction in the Manner herein-after mentioned, to the Owners and Occupiers of, and Persons interested in, such Lands, Tenements, or Hereditaments, or other Property whatsoever respectively, as shall be taken, used, or prejudiced, and for all Materials taken, or Damages by them sustained in or about the Execution of all or any of the Powers of this Act, according to the Tenor and true Meaning of the same.

II. And whereas in and by the said recited Act, the said Company of Proprietors and their Successors, are (amongst other things) empowered to dig, take, and carry away any Clay, Gravel, Chalk, Earth, Stones, or other Materials, for the Purposes of making or repairing the Works authorized by the said Act, not exceeding the Distance of Two thousand Yards from some Part of the said River, by the said Act directed to be done, in or from the Grounds of any Person or Persons adjoining or lying near to the said Works; be it enacted, That the said Power shall be and the same is hereby repealed.

III. Provided always, and be it further enacted, That it shall be lawful for the Owners of any Lands or Grounds which shall be taken and used for such Towing Paths as aforesaid, by virtue of the said recited Act or this Act, to make and construct any Wharfs, Quays, Watering Places, and other Works and Conveniences in or upon his or their Lands or Grounds which shall be so taken and used for the said Towing Paths, and to use and occupy the same for his and their Use and Benefit, at his and their

their Will and Pleasure, so that such Wharfs, Quays, Watering Places, and other Works, and such Use and Occupation of the said Towing Paths, do not obstruct or prejudice the Navigation of the said River, Cuts, or Canals, or other Works, or the Passage on the said Towing Paths; any thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

IV. And whereas a Map or Plan, describing the Lines of the said intended Cuts or Canals, and the Lands in and through which the same are to be carried and made, and a Book of Reference thereto, containing a List of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Kent*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, and that all Persons shall and may at all seasonable Times have Liberty to resort to and take Extracts and Copies from the same, as Occasion shall require, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and for every Copy Sixpence for every Seventy-two Words, and so in proportion for any greater Number of Words; and such Map or Plan, and Book of Reference, or true Copies thereof, shall be allowed as and given in Evidence in all Cases whatsoever.

Cuts to be made according to Plan.

Maps, &c. allowed as Evidence.

V. And be it further enacted, That the said Company of Proprietors, or their Successors, in making the said Cuts or Canals, shall not deviate more than One hundred Yards from the Course or Direction in the said Map or Plan, and in the said Book of Reference respectively set forth, nor cut, carry, and convey the same into, through, across, or over any other Part or Parts of the several Estates, Lands, and Grounds, now or late belonging or reputed to belong to such Person or Persons respectively, than are mentioned in the said Book of Reference.

Not to deviate more than 100 Yards from Plan.

VI. Provided always, and be it further enacted, That the said Company of Proprietors and their Successors shall and may make the said Cuts or Canals through, across, or over the Lands or Grounds of any Person or Persons 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 Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have by Mistake been inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Land Owners being omitted in the Book of Reference, not to obstruct the making of the Canal, &c.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize the said Company of Proprietors or their Successors, or any other Person or Persons, in making the said Cuts or Canals, and other Works hereby authorized, to take, use, pull down, injure, or damage any House or other Building which was erected or built before the First Day of *January* One thousand eight hundred and twenty-four, or any Land or Ground which, on the last-mentioned Day, was set apart and used as and for a Garden,

Not to injure Houses, &c.

[*Local.*]

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Yard,

Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the respective Owners thereof.

Width and
Depth of
Cuts.

VIII. And be it further enacted, That the said Cuts or Canals shall not be of a less Width than One hundred Feet, nor more than One hundred and twenty Feet, (exclusive of the Towing Path) at High Water Mark, at common Tides, and shall be made of sufficient Depth to allow Three Feet of Water therein at Low Water.

For fencing
Towing
Paths, and
making
Bridges, &c.

IX. And be it further enacted, That the said Company of Proprietors shall, at their own Costs, within One Calendar Month next after any Part of the said Navigation and navigable Cuts and Towing Paths thereto belonging shall be dug out and formed, divide and separate, and keep constantly divided and separated, the Towing Paths hereby authorized to be made, or such Part or Parts thereof respectively as shall be declared necessary by any Two Justices of the Peace of the said County, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors; and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid, and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also all such Bridges, Arches, Culverts, and Passages over, under, or by the Side of, or into the said Navigation and navigable Cuts, and the said Towing Paths, of such Dimensions and in such Manner as the said Justices shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to such Navigation, and navigable Cuts and other Works, or any of them respectively; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time and at all Times thereafter, be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation and navigable Cuts, in manner herein directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over, under, or by the Sides of, or into the said Navigation or navigable Cuts as aforesaid, for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Navigation and navigable Cuts, or to maintain and support such Gates, Stiles, Bridges, Arches, and Passages, when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Thirty Days next after the Time to be appointed for those Purposes by the said Justices, or after

Notice

Notice shall be given by or on the Behalf of the Owners or Occupiers of any of such Lands or Hereditaments, who may be aggrieved by any such Refusal or Neglect, then and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Justices shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, or their Clerk for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Navigation and navigable Cuts, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices, or every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may have and recover the same of and from the said Company of Proprietors by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by the said recited Act and this Act directed.

X. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Cuts, Canals, Towing Paths, and other Works and Conveniences hereby authorized to be made, or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest therein, Husbands, Guardians, Trustees, and Feoffees in Trusts for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein; and for every

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

every other Person or Person whomsoever, who is or are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract with the said Company or their Successors, for the Sale of, and to sell and convey the same, and every Part thereof, unto the said Company of Proprietors and their Successors, for the Purposes of this Act ; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, or their Successors, and according to the following Form, or as near thereto as the Circumstances of the Case will admit ; *videlicet*,

Form of Conveyance to the Company.

I of of in consideration of the Sum to me paid by the Company of Proprietors of the Lower Navigation of the River *Medway*, do hereby grant, release, assign, and confirm unto the said Company of Proprietors, their Successors and Assigns, all [*describe the Premises to be conveyed*] and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold unto the said Company of Proprietors, their Successors and Assigns, for the Use of the said Navigation for ever, by virtue and according to the true Intent and Meaning of an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]. In witness whereof, I have hereunto set my Hand and Seal this Day of

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes, and shall operate as and be a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Conveyance by Lords of Manors of Lands taken from Commons to be sufficient.

XI. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross ; or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such and the like Estate and Interest of and in the Manor wherein such Lands, Tenements, Commons, Common or Waste Ground shall be situate, or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance of the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, for the Use of the said Navigation, as fully and effectually as if every Person having such Right or Rights of Common or Commons, upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance ; and the Compensation to be paid for any Right of Common, upon any such Commons

or

or Waste Grounds as aforesaid, shall be paid by the said Company or their Successors, 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 such respective Parishes to be convened by such Churchwardens for that Purpose shall direct; and that in Cases where such Rights, Commons, Profits, or Easements shall be, and extend over, and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or shall be deposited in the Bank of *England* in Manner by this Act directed (as the Case may be): Provided that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situate, the Conveyance aforesaid executed by Four or more of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor Rates, to Three-fifths at least of the Whole of the Estates which have such Common Right, to the said Company of Proprietors, their Successors and Assigns, shall also be a good and sufficient Conveyance.

XII. And be it further enacted, That so much of the said recited Act as authorizes or directs any Compensation or Satisfaction to be made for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of the said recited Act, by annual Rent, shall be, and the same is hereby repealed; and from henceforth all such Compensations and Satisfactions shall be made by a Sum or Sums in gross: Provided always, that nothing herein contained shall affect or invalidate any Compensations or Satisfactions already made, and which are or shall be payable at the Time of passing this Act: Provided always, that it shall and may be lawful for the said Company of Proprietors, with the Consent of the Parties interested, to purchase, for a Sum or Sums in gross, any annual Rent or Rents now payable by them as a Compensation or Satisfaction for any Lands, Tenements, or Hereditaments purchased for the Purposes of the said recited Act, by any annual Rent or Rents.

Compensation hereafter to be made in gross Sums, and not by annual Rents.

XIII. And be it further enacted, That so much of the said recited Act as relates to the Appointment of Commissioners for settling, determining, and adjusting such Questions, Matters, and Differences as are therein mentioned, and all the Powers by the said herein-before recited Act vested in or given to such Commissioners, shall be and the same are hereby repealed: Provided always, that nothing herein contained shall invalidate, prejudice, alter, or affect any Acts, Orders, or Judgments made, done, executed, or passed in conformity with the said recited Act by or before the said Commissioners previously to the passing of this Act.

Repeal of so much of Act as relates to Commissioners, &c.

[*Local.*]

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XIV. And

Repealing
Compensa-
sation for
Tithes.

XIV. And be it further enacted, That so much of the said recited Act as directs that Recompence and Satisfaction shall be made for all the Tithes of the Lands which shall be taken or made use of by the said Company of Proprietors, to the several Persons who may be entitled thereto, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall affect or invalidate any Recompence or Satisfaction by Rents Charge or otherwise, which the said Company of Proprietors shall have made or granted for Tithes previous to the passing of this Act.

In case the
Parties re-
fuse, or are
incapable to
treat, the
Value to be
settled by a
Jury.

XV. And for settling all Differences which may arise between the said Company or their Successors, and the several Owners of and Persons interested in the Lands and Grounds, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, 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, Recompence, or other Compensation as shall be offered them by the said Company or their Successors, or their Agent, or by or on their Behalf, and shall give Notice thereof in Writing to the said Company, within Fourteen Days next after such Offer shall have been made; and the Party and 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, Trustee or Trustees, or any other Person or Persons seised or possessed of, or interested in any such Lands or other Hereditaments as aforesaid, shall refuse to treat, or shall not agree with the said Company or their Successors, 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 shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they may claim therein, to the Satisfaction of the said Company or their Successors, or the Person or Persons authorized by them as aforesaid, then and in every such Case the said Company or their Successors 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, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to any one of the Coroners of the same County not interested therein, requiring such Sheriff or Coroner to impanel, summon, and return, and the said Sheriff or Coroner is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the said County of *Kent*, or the

the Division thereof in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in Question or Dispute shall arise, at some Court of General or Quarter Sessions of the Peace, to be holden for the same County or Division, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace of the said County or his Deputy, is hereby required and empowered to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or 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 Matter in Controversy; and such Jury upon their Oaths, or being of the Society of Persons called *Quakers* upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer), shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, and Hereditaments; and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future, temporary, or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in Part obviated or repaired by the said Company or their Successors, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury, which said Verdict and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom any Controversy shall arise, by leaving such Notice at the Dwelling House or usual Place of Residence of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Witnesses to be summoned.

Jury to view.

Justices to give Judgment.

Notice of the Time and Place of Meeting to be given.

XVI. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner, shall make default in the Premises, he shall, for each and every such Offence, forfeit and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid, shall not appear without sufficient Excuse, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid, shall not appear,

Penalty upon Sheriffs, &c. neglecting Duty.

without

without sufficient Excuse, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing, shall refuse to be sworn, examined, or to give Evidence, then and in such Case, every Person so offending shall forfeit and pay for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any one of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him, her, or them, the Overplus of the Money thereby produced, after such Penalties and the Charges and Expences of such Distress and Sale shall be deducted.

Expences of Jury how to be defrayed.

XVII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as Compensation for any Damages done or to be done to any Lands, Tenements, or Hereditaments, or other Property, than had been previously offered by or on Behalf of the said Company; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, or where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof, by or on Behalf of the said Company; or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from the said Company as herein-before mentioned, then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Justices, and be defrayed by the said Company; and the Treasurer of the said Company shall and he is hereby directed and required to pay the same accordingly, within Five Days after the same shall have been so settled, and Demand made to him thereof; and in case such Costs shall not be paid by the said Company within Five Days after the same shall be so demanded, the same shall and may be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County of *Kent*, by Distress and Sale of the Goods and Chattels of the said Company; but if any Verdict shall be given for the same Sum as had been previously offered by or on Behalf of the said Company, or for a less Sum than had been so previously offered; or in case of such Refusal or Neglect to enter into Treaty with, or to make Conveyances to, or receive Compensation from the said Company by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Company), the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Justices so taking such Verdict, and be borne and paid in the Manner following,

following ; (that is to say), One Moiety or Half Part of such Costs and Expences by the said Company, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Company shall have such Disputes or Controversies ; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid ; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged ; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

XVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster* ; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act, upon their Oath (or being of the Society of Persons called *Quakers*, upon their solemn Affirmation), shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Juries to be under the same Regulations as those of the Courts of *Westminster*.

Persons giving false Evidence subject to the Penalties of Perjury.

XIX. And be it further enacted, That all and every Person and Persons with whom the said Company or their Successors shall have any such Controversy or Dispute as aforesaid, shall, before the said Company or their Successors shall be obliged to issue out the Warrant or Warrants for the summoning of such Jury as aforesaid, first enter into a Bond to the Clerk of the said Company for the Time being, in the Penalty of Two hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning such Jury and taking such Inquest, and of the summoning and Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Persons requesting Juries, to enter into a Bond to prosecute their Complaint and pay Expences.

XX. And be it further enacted, That the said Company shall not be obliged 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, under or in consequence of this Act or the said recited Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons, to the Treasurer or Clerk of the said Company for the

No Complaint to be taken Notice of, unless previous Notice has been given to the Company.

[Local.]

41 M

Time

Time being, or left at the Office or other usual Place of Abode of such Clerk or Treasurer, 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.

Value of
Lands and
Damages to
be ascertain-
ed separately.

XXI. And be it further enacted, That the said Juries shall award all Determinations, Verdicts, and Judgments, which they shall respectively make and give concerning the Value of Lands, Tenements, and 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.

Compensa-
tion Money
to be appor-
tioned.

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

Verdicts of
Juries to be
recorded.

XXIII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the said County of *Kent*, amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof, shall be read and allowed as Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of Sixpence for every Seventy-two Words.

Mortgagees
to convey.

XXIV. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments, to be taken or used for the Purposes of this Act, 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 Six Calendar Months Interest on the said Principal Money, by the said Company of Proprietors or their Successors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, their Successors and Assigns; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company or their Successors, 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 Six Calendar Months (to be computed from the Day of giving such Notice), that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interests in the Premises to the said Company, their Successors and Assigns, for the Uses and Purposes of this Act; and in case such Mortgagee

gagee 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.

XXV. Provided always, and be it enacted, 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 and their Successors 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 and 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 Six 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-after directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company and their Successors, for the Uses and Purposes of this Act; and the said Company and their Successors shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Company only to pay real Value of Premises to Mortgagees.

XXVI. Provided also, and be it enacted, That if such Mortgage or Mortgages shall comprize any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken as aforesaid, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments so to be purchased or taken as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments so to be purchased or taken as aforesaid, to the said Company, their Successors and Assigns, for the Uses and Purposes of this Act; and 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 of *England* shall give such Receipt or Receipts as abovementioned; 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 them in the said Lands, Tenements, or Hereditaments, the Value thereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company of Proprietors and their Successors, for the Uses and Purposes of this Act and the said recited Act; and the said Company and their Successors 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.

Where Mortgages shall comprize other Property.

XXVII. 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,

Application of Compensation, amounting to or exceeding 200*l*.

1 G.4. c. 35.

chased, 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, Tenant for Life or in Tail, 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 Court of Exchequer, to be placed to his Account, *ex parte* the Company of Proprietors of the *Medway* Lower Navigation, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General, and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 Parts thereof, as the said Court shall authorize to be paid affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is not more than 200*l.* and amounts to 20*l.*

XXVIII. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person

son 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 Court of Exchequer, 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 or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three of the Committee of the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Monies and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XXIX. Provided also, and be it further enacted, That when 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, in such Manner as the said Company or their Successors shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where less than 20*l*.

XXX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful to and for the said Company, and their Successors, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 of Exchequer; 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, and 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 thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers

In case of not making out a good Title, &c. the Money to be paid into the Bank.

of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, 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.

In case of
disputed
Title the Per-
son in Pos-
session to be
deemed law-
fully entitled.

XXXI. Provided always, and be it further enacted, That when 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or 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 shown to the Satisfaction of the said Court of Exchequer; 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
of Exchequer
may order
Expence of
Purchases to
be paid by
the Company.

XXXII. Provided always, 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 Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expence as the said Court shall deem reasonable, to be paid by the said Company, or their Successors, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to
enter Lands
upon Pay-
ment or
Tender of
Purchase.

XXXIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any Lands, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, or as a Recompence for the yearly Produce or Profit 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 Compensation, 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,

found, or shall refuse to receive the same, or shall not be able to make a good Title to 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 such Sum or Sums of Money into the Bank of *England*, as herein-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company and their Successors, and their Agents, Servants, or Workmen, immediately, or at any Time, to enter upon such Lands, Grounds, or other Hereditaments respectively; and then and thereupon the Lands, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of every Person or Persons therein, shall from thenceforth become the Property of and be vested in the said Company and their Successors, to and for the Purposes of this Act for ever; and such Tender or Payment shall not only bar all Right, Title, Interest, Claim, or Demand of the Person or Persons to whom the same shall 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 or Remainder of his, her, and their Issues, and of every other Person whomsoever therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid, it shall not be lawful for the said Company, or their Successors, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Mill, Building, Tenement, or other Hereditament, for the Purpose of making the said Cuts or Canals, or either of them, or any Part thereof, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Lands, Grounds, or Premises, and commit any such Offence, before or until such Payment or legal Tender shall have been made as aforesaid, each and every Person so offending shall forfeit and pay the Sum of Ten Pounds for each and every Day he shall remain or be upon such Lands, Grounds, or Premises, to the Proprietor or Proprietors of the said Lands, Grounds, or Premises; and from and after the said Cuts or Canals, or either of them, shall be completed, then such Part or Parts of the said River as shall thereupon become useless for the Purposes of the said Navigation, and the Ground and Soil thereof, shall be and become vested in the said Company of Proprietors, and their Successors and Assigns, and shall or may be sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands to be used for the Purposes of this Act.

Not to dig or cut Lands, &c. before Payment or Tender of Purchase Money, without Consent, under Penalty of 10*l.* per Day.

XXXIV. And be it further enacted, That all and every the Lands, Grounds, Tenements, Hereditaments, Streams, Brooks, Waters, and Watercourses to be so purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, upon Payment or legal Tender of the Purchase Money for the same, in manner by this Act directed, together with the Canals, Cuts, Towing Paths, and other Works hereby authorized to be made, and all and every the Toll Houses, Buildings, Tenements, and Hereditaments which shall be erected or built or provided under the Powers of this Act, and all the Rates, Tolls, and Duties by this Act granted, shall be and stand vested in the said Company of Proprietors,

Property in the Canals, Cuts, &c. to be vested to the same Uses as the Navigation.

Proprietors, and their Successors, in the same Manner and for the like Purposes, and the Profits and Advantages to arise under this Act shall be applicable to such and the same Uses and Purposes as the Property of the said Company and their Successors, and the Tolls, Rates, and Duties of the said recited Act, and the Lands, Buildings, Tenements, and Hereditaments erected and purchased by virtue thereof, and the Profits and Advantages arising thereby or therefrom, now are or stand vested in and are applicable to (save and except as is by this Act otherwise directed).

Pieces of Land separated by the new Cuts to be purchased, if required.

XXXV. And whereas in making the said intended new Cuts or Canals from *Ozier Bed Reach* to *Newbythe*, and *Haystack Hole* to *Occupells*, Two Pieces or Parcels of Marsh Land, containing by Estimation Twenty-two Acres and Twenty-five Acres respectively, or thereabouts, will be separated and divided from the other Parts of the same Lands belonging to the same Owners, so as that the same cannot be conveniently occupied by them without a Bridge being erected for making a Communication therewith ; be it therefore further enacted, That if the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of the said Pieces or Parcels of Land respectively, so to be separated and divided as aforesaid, or either of them, shall so require, but not otherwise, the said Company of Proprietors shall take and purchase the said Pieces or Parcels of Land so to be separated and divided as aforesaid, or either of them, the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be cut, taken, or used for the Purposes of this Act.

Company empowered to re-sell Lands not wanted. ♣

XXXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Successors, by Indenture under the Common Seal of their said Company, to grant and convey, by way of absolute Sale for a Consideration in Money, or in exchange for other Lands required for the Purposes of this Act or the said recited Act, such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this or the said recited Act, and also such Part or Parts of the said River as shall become useless as aforesaid ; and such Conveyances from the said Company, or their Successors, 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 Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company, or their Successors, 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 or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof : Provided always, that before any such Sale or Disposition of such Lands or Hereditaments shall be so made, the said Company, or their Successors, shall first offer to re-sell the same to the Person or Persons from whom the same shall have been purchased, or who would have been then entitled thereto in case such Lands or Hereditaments had not been purchased by the said Company, or their Successors,

First Offer of Lands to whom to be made.

Successors, the Price at which the same shall be resold being 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 shall refuse, or shall not within Thirty Days agree to repurchase the same, 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 or 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 Hereditaments shall be situate, stating that such Offer was made by or on behalf of the said Company or their Successors, and that such Person or Persons refused or did not agree to purchase such Lands or Hereditaments (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 was refused.

XXXVII. And in order to enable the said Company, or their Successors, to make the said Alteration to *Aylesford Bridge*, and to make and complete the said Cuts or Canals, Towing Paths, and other Works authorized by this Act and the said recited Act; be it further enacted, That it shall and may be lawful to and for the said Company, or their Successors, to borrow and take up at Interest of any of their own Body, or of or from any other Person or Persons, such Sum or Sums of Money as to them shall seem meet, not exceeding in the whole the Sum of Twelve thousand Pounds; and the said Company, or their Successors, are hereby authorized and empowered to assign and make over the Navigation of the said River, and the Cuts and Canals and Works hereby and by the said recited Act authorized to be made, or any of them, and all the Tolls, Rates, and Duties arising or to arise on the said Navigation, Cuts, or Canals, or any of them, or any Part thereof, as a Security for such Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage under the Common Seal of the said Company, in the Form or to the Effect following; that is to say,

‘ **B**Y virtue of an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we the Company of Proprietors of the Lower Navigation of the River *Medway* in the County of *Kent*, in consideration of the Sum of _____ of lawful Money of *Great Britain* to us paid by _____ of _____ do hereby bargain, sell, and assign unto the said _____ Executors, Administrators, and Assigns, the said Navigation of the said River *Medway* within the Limits of the said Company, and the Cuts, Canals, and Works authorized to be made by the said Act, and also by an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled [*here set forth the Title of the said recited Act*], and all and singular the Tolls, Rates, and Duties arising and payable upon the said Navigation, Cuts, and Canals, and all the Estate, Right, Title, and Interest of the said Company of, in, to, or out of the same respectively, or such Proportions, Parts, and Shares of the said Navigation, Cuts, Canals, Tolls, Rates, and Duties, as the Money intended to be secured hereby shall bear to the Sum of _____ authorized [*Local.*] _____ 41 O _____ to

Company empowered to borrow Money to make the Canals or Cuts, &c.

Form of Mortgage.

‘ to be borrowed by the said first mentioned Act ; to have and to hold
 ‘ unto the said 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 and satisfied to him or them. Given under our Common
 ‘ Seal, this Day of in the Year of our Lord

And all Persons to whom such Mortgages shall be made shall be equally entitled to their Proportion of the said Rates and Premises, according to their respective Sums in such Mortgage 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 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 be written and inserted in one or more Book or Books to be kept for that Purpose by the Clerk of the said Company, which Book or Books shall and may be perused at all reasonable Times by any of the said Company, or their Successors, or the Mortgagees of the said Navigation, or any or either of them, without Fee or Reward ; and all and every Person and Persons to whom such Mortgage or Mortgages shall be made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer the same, and his, her, or their Right, Title, Interest, or Benefit therein to any Person or Persons whomsoever, either by Indorsement thereon or otherwise, which Assignment or Transfer may be made in the Form or to the Effect following ; (that is to say),

A Memorial of such Mortgages to be made by the Clerk.

Mortgages may be transferred.

Form of Transfer.

‘ I of in consideration of the Sum of
 ‘ paid to me by of do hereby assign
 ‘ and transfer the within Mortgage (or a certain Mortgage made to me
 ‘ by the Company of Proprietors of the Lower Navigation of the River
 ‘ *Medway*, bearing Date the Day of) and the
 ‘ Principal Sum of thereby secured, and the Interest now due
 ‘ and hereafter to grow due for the same, and all my Right and Property
 ‘ therein, unto the said Executors, Administrators, and
 ‘ Assigns. In witness whereof, I have hereunto set my Hand and Seal
 ‘ this Day of in the Year of our Lord

Memorial of the Transfer to be made.

And every such Assignment or Transfer shall, within Thirty Days from the Date thereof, be produced to the Clerk of the said Company, and an Entry or Memorial thereof, containing the Dates and Names of the Parties, shall be made by the said Clerk 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 or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage ; and it shall not be in the Power of any Person or Persons who shall have made such Assignment or Transfer, at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured

or any Part thereof; and the Tolls, Rates, and Duties hereby granted, and to be collected and received, shall be paid and applied in the first Place in paying and discharging the Interest of the Money to be borrowed by virtue of this Act, in preference to and before any Application of the said Tolls, Rates, and Duties for the Use or Benefit of the said Company of Proprietors of the said Navigation, or for any other of the Purposes of the said recited Act or this Act: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be capable of acting or voting by virtue of such Mortgage or Assignment, either as Principal or by Proxy, at any Meeting of the said Company, or of attending or being present at any Meeting whatsoever of the said Company, for or on account or by reason of his or her having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

Mortgagees to have a Preference in the Tolls for their Interest.

Mortgagees not entitled to vote.

XXXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Act or this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner or Partners, the Treasurer for the Purposes of the said Act or this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said Act or this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person or Persons in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of the said Act or this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Treasurer and Clerk not to be the same Person.

XXXIX. And be it further enacted, That all Steam Engines which shall or may be used for the Purposes of the said Navigation or of this Act, except such as shall be used by the said Company or their Successors in making the said Cuts or Canals, or removing the said Shoals, shall be constructed so as to consume their own Smoke; and in case the said Company of Proprietors, or any Person or Persons, shall use or cause to be used any Steam Engine upon any other Construction for the Purposes aforesaid (except as aforesaid), he, she, or they shall forfeit and pay the Sum of Ten Pounds for each and every Day he, she, or they shall use or cause such Steam Engine to be used as aforesaid.

Steam Engines to consume their own Smoke.

XL. Provided always, and be it further enacted, That the said Company of Proprietors, or their Successors, shall and they are hereby required,

Directing the Performance of the Works,

and the Order
in which they
are to be
performed.

Shoals to be
removed, and
Aylesford
Bridge to be
the first
Works.

Cut to New-
hythe, and
Towing
Paths to be
next made.

Cut from
Haystack
Hole to
Occupells.

If Works not
completed
within cer-
tain Periods,
Powers of Act
to cease.

If not Money
sufficient to
make the last
mentioned
Cut, Surplus
to accumulate
for that Pur-
pose.

required, by and out of the said Sum of Twelve thousand Pounds to be borrowed and received by virtue of this Act as aforesaid, with all convenient Speed to carry into effect and complete the Objects and Purposes of this Act and the said recited Act; and in the first Place to cause the several Shoals and Obstructions in the said River, within the Limits of the said recited Act and this Act, to be taken up and removed to an average Width of Ninety Feet, and to a Depth of Three Feet in the Middle (where necessary to the Navigation), sloping off to nothing at the Sides; and in the next Place (with the Consent and Approbation of the Justices of the Peace for the said County of *Kent* first had and obtained, as required by the said recited Act), to cause *Aylesford Bridge* to be altered and improved, by taking down and removing one or more of the Piers thereof, and deepening the Channel of the said River there, and constructing an Arch of sufficient Dimensions to allow a free and safe Passage under the said Bridge for all Barges and other Vessels as aforesaid; and in the next Place, to make and complete the said navigable Cut or Canal from *Ozier Bed Reach* to *Newhythe* aforesaid, and to make and complete a Towing Path for Horses and Men from *Haystack Hole* aforesaid to the Lower Town Wharf of *Maidstone* aforesaid, which said several Works herein-before mentioned shall be made and completed, and the said Company of Proprietors or their Successors shall and they are hereby required to make and complete the same within the Space of Five Years from the passing of this Act; and if it shall happen that after the said several Works shall have been completed, and the Expences thereof paid or ascertained, there shall remain a sufficient Sum out of the said Sum of Twelve thousand Pounds, and any Accumulations to arise by Interest or Dividends thereof, for the Purpose of making and completing the said other navigable Cut or Canal from *Haystack Hole* to *Occupells* aforesaid, with a Horse Towing Path by the Side thereof, then and in such Case the said Company of Proprietors and their Successors shall and they are hereby required, with all convenient Speed, to cause the same to be made and completed accordingly, within the further Period of Five Years.

XLI. Provided also, and be it further enacted, That if the said Cuts or Canals, and other Works hereby authorized, shall not have been completed within the Periods aforesaid, so as to answer the Objects of this Act, all the Powers and Provisions given and granted by this Act in respect thereof shall from thenceforth cease and become void, save only and except as to so much of the said Cuts or Canals, and other Works, as shall have been completed within the Periods aforesaid.

XLII. Provided also, and be it further enacted, That in case after the Completion of the said first mentioned Works there shall not remain a Sum of Money sufficient for the making and completing the said last mentioned Cut or Canal, and Towing Path, then that the Surplus or Residue of the said Sum of Twelve thousand Pounds so to be borrowed and raised as aforesaid, (if any), and also all Accumulations, Interest, Dividends, and Produce of such Surplus, shall be from Time to Time invested by the said Company of Proprietors, or their Successors, in the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest upon Government or Real Securities, until the same, together with any Surplus which may arise and be received by means of the Tolls and Duties by this

this Act granted beyond the Payment of the Interest of the said Mortgages, the Dividends payable to the said Company or their Successors, as herein-after mentioned, and the Expences of maintaining the said Navigation, and incident thereto, shall have accumulated to a sufficient Sum for the making and completing the said navigable Cut or Canal from *Haystack Hole* to *Occupells* aforesaid, and the Towing Path thereto; and that thereupon the said Company of Proprietors, or their Successors, shall and they are hereby required with all convenient Speed to make and complete the said last mentioned Cut or Canal and Towing Path accordingly.

XLIII. Provided always, and be it further enacted, That in all Places where the Line of the said Cuts or Canals by this Act authorized to be made shall cross any public Carriage Road, the Ascent to every Bridge hereafter to be made over the said Cuts or Canals, or any of them, for the Purpose of such Road, shall not be more than One Foot in Thirteen Feet, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulating
Ascent to the
Bridge.

XLIV. And whereas the Tolls, Rates, and Duties authorized by the said recited Act to be taken and collected will be insufficient for the Purposes of the said recited Act and of this Act; be it therefore further enacted, That from and after the Expiration of Twenty-one Days next after the passing of this Act, the said Tolls by the said recited Act granted or authorized to be collected and taken shall be and the same are hereby repealed, and that instead thereof it shall and may be lawful to and for the said Company of Proprietors of the said Lower Navigation, and their Successors, by themselves, or any of their Agents, Collectors, Farmers, Officers, or Servants, from Time to Time and at all Times thereafter to ask, demand, take, sue for, recover, and receive, of and from all and every Person and Persons navigating the said River between the Limits prescribed by this and the said recited Act, to and for the Use and Benefit of the said Company, and their Successors and Assigns, the several Tolls, Rates, and Duties herein-after mentioned for the Tonnage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever which shall be carried or conveyed upon any Part of the said Navigation or navigable Cuts or Canals; (that is to say),

Tolls of former Acts
repealed.

For every Ton of Stones, Chalk, Sand, and all Manure, (except Lime), New Tolls.
the Sum of Two-pence Halfpenny :

For every Chaldron of Coals, the Sum of Sixpence :

For every Ton of Lime, Timber, Deals, Bricks, and Iron, the Sum of Sixpence; and

For every Ton of all other Goods, Wares, Merchandize, Commodities, and Things whatsoever, the Sum of Ten-pence.

XLV. Provided always, and be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining the said Navigation, or the Cuts or Canals hereby authorized to be made, or

Pleasure
Boats, and
Boats for
the Purposes
of Hus-
either

[Local.]

41 P

bandry, may be used free of Toll.

either or any of them, to use thereon any Pleasure Boats, or any Boats for the Purposes of conveying the Produce of the Soil or any Cattle, or other Effects, from one Farm, or Part of a Farm or Lands, to any other Farm or Lands of the same Owner or Occupier, (not passing through any Lock), without any Interruption from the said Company or their Successors, or their Agents or Servants, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandize to Market, or for Sale, or for any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said River, Cuts, or Canals, or the Towing Paths thereof.

Navigation to be free on Payment of Rates.

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

Company not to divide more than 7l. 10s. per Centum, until the Works completed and Mortgage Debt paid.

XLVII. And whereas in and by the said recited Act it is provided, that no Dividends made under the said Act in any Year should in any Case exceed the Rate of Ten Pounds *per Centum per Annum* for any One Year; and it is expedient that the said Rate of Dividends so authorized to be made should be reduced for the Period, and as herein-after mentioned; be it therefore further enacted, That no Dividend to be made under or by virtue of the said recited Act or this Act in any Year shall exceed the clear Profits which shall have accrued and arisen upon the said Undertaking, after discharging all Expences and Outgoings paid or incurred respecting the same; and that no such Dividends shall in any Case, whatever may be the Profits of the said Undertaking, exceed the Rate of Seven Pounds Ten Shillings *per Centum per Annum* for any One Year, until all the said several Works by the said recited Act and this Act authorized and directed to be made, shall have been made and completed, and the said Sum of Twelve thousand Pounds so to be borrowed upon Mortgage as aforesaid, and all Interest thereof, shall have been paid off and discharged; and in the meantime and until the said Works shall be completed, and the said Sum of Twelve thousand Pounds, and Interest, shall be paid off and discharged, the Surplus (if any) of the Profits of the

said

said Undertaking, exceeding such Sum as shall allow of such Dividend of Seven Pounds Ten Shillings *per Centum per Annum*, shall be applied and disposed of by the said Company of Proprietors, or their Successors, for and towards the Completion of the said Works; and after the same shall have been completed, such Surplus shall be paid and applied either for and towards the further Improvement of the said Navigation within the Limits of this Act, or in or towards the Discharge of the Principal of the said Mortgage Debt or Sum of Twelve thousand Pounds.

XLVIII. And in order that no Preference may be given to any of the Creditors of the said Navigation at any Time in paying off the Principal of their Mortgages, be it further enacted, That when and as often as there shall be any Sum or Sums of Money in hand which it may be deemed advisable and proper to apply in Liquidation and Reduction of the Debt then due and owing on Credit of the said Navigation, it shall and may be lawful to and for the said Company of Proprietors, at any Meeting to be holden for that Purpose, Notice thereof and of the Purpose being first given, at least Fourteen Days preceding the same, by Advertisement in some Newspaper usually circulated in the said County of *Kent*, to agree and determine upon the Application of such Money in hand for the Purpose of reducing and liquidating such Debt, or so much thereof, or so many of the then existing Securities, as shall be so agreed and determined upon to be paid off and discharged or extinguished, and shall cause the Number of all Assignments granted and then in force for securing any Principal Monies then due and owing on the Credit of the said Navigation, to be marked or written on distinct Pieces of Paper, of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be, and be put into a Box or Wheel, and so many, or such a Number of Assignments or Securities as it shall have been determined to pay off and discharge or extinguish, shall be drawn separately out of the said Box or Wheel by the Clerk of the Company, and the Numbers so to be drawn out shall be the Securities to be paid off accordingly; and after every such Ballot, the said Company of Proprietors shall cause Notice to be signed by their Clerk, to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and every such Notice shall express the Number of the Security or Assignment, the Sum to be paid off, and the Amount of Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Creditors to
be paid off
by Ballot.

XLIX. And be it further enacted, That when and so soon as the said several Works shall have been completed, and the said Mortgage Debt shall

Company
empowered
to divide not
exceeding

10^l. per Cent.
after Works
completed
and Mortgage
Debt paid.

shall have been paid off and discharged, then and immediately thereafter the Proviso herein-before contained, limiting the Dividends of the said Company to Seven Pounds Ten Shillings *per Centum per Annum*, shall cease and be void; and it shall and may be lawful thereafter to and for the said Company of Proprietors, and their Successors, to make such Dividends out of the annual Profits of the said Undertaking as they shall or may think fit, so that any such Dividend shall not in any Case, whatever may be the Profits of the said Undertaking, exceed the Rate of Ten Pounds *per Centum per Annum* for any One Year, as in the said recited Act mentioned; and that whenever by reason of the Profits of the said Undertaking exceeding such Sum as will allow of such Dividend as last aforesaid, a Surplus shall arise beyond the said Dividend of Ten Pounds *per Centum per Annum*, then the said Company of Proprietors, or their Successors, shall and they are hereby required immediately thereupon to reduce the said Rates of Tonnage granted by this Act, and which will be then payable, and to continue the same so reduced for such Period of Time as may be necessary, or to vary and alter the same from Time to Time as the Case shall require, so as that at any Time the said Rates do not exceed the Rates payable by virtue of this Act.

When
Mortgage
Debt paid,
Tolls to be
reduced.

L. Provided always, and be it further enacted, That when and so soon as the said Mortgage Debt or Sum of Twelve thousand Pounds, and all Interest thereof, shall have been paid off and discharged as aforesaid, then and immediately thereupon, and at all Times thereafter, it shall and may be lawful to and for the said Company of Proprietors and their Successors, to ask, demand, take, sue for, recover, and receive of and from all and every Person and Persons navigating the said River as aforesaid, the several Tolls, Rates, and Duties herein-after mentioned, and no more, in lieu and stead of the Tolls, Rates, and Duties herein-before mentioned and authorized to be collected and received; that is to say,

Reduced
Tolls.

For every Ton of Stones, Chalk, Sand, and all Manure, (except Lime), the Sum of One Penny Three Farthings:
For every Chaldron of Coals, the Sum of Four-pence Halfpenny:
For every Ton of Lime, Timber, Deals, Bricks, and Iron, the Sum of Four-pence Halfpenny: And,
For every Ton of all other Goods, Wares, Merchandize, Commodities, and Things whatsoever, the Sum of Seven-pence.

Tonnage of
Goods land-
ed between
Aylesford
Bridge and
Castle Shelf;

LI. Provided always, and be it further enacted, That for all Goods, Wares, Merchandize, Commodities, or Things, which shall be navigated, carried, or conveyed higher up the said River than a certain Place called *The Friars*, in *Aylesford* aforesaid, and not higher than a certain Place called *Castle Shelf*, or which shall be landed at *Castle Shelf*, or be shipped thereat, and carried or conveyed either up or down the said River, no more than One Half of the respective Tolls, Rates, or Duties granted by this Act, shall be paid or payable; and that the Paper Mill, late belonging to *Flint Stacey* Esquire, and late in the Occupation of *Thomas*, and adjoining *Castle Shelf* aforesaid, shall, for the Purposes of this Act, be deemed and taken to be as Part

of

of *Castle Shelf* aforesaid, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

LII. Provided also, and be it further enacted, That for all Goods, Wares, Merchandize, Commodities, and Things, which shall be navigated, carried, or conveyed upon the said River above *Newhythe*, and not higher up than the said Place called *The Friars* aforesaid, no more than One-fourth of the respective Tolls, Rates, or Duties granted by this Act shall be paid or payable; and that no Tolls, Rates, or Duties whatsoever shall be demanded or taken for any Goods, Wares, Merchandize, Commodities, or Things which shall be navigated, carried, or conveyed upon the said River, up to, at, or below *Newhythe* aforesaid.

and between
Newhythe
and the
Friars.

LIII. And be it further enacted, That in case any Person or Persons navigating any Boat, Barge, or other Vessel upon the said River, liable to pay any of the Tolls, Rates, or Duties herein before mentioned, shall do any Act with Intent fraudulently to evade the Payment of the said Tolls, Rates, or Duties, or any of them, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, to be recovered as herein-after mentioned.

Penalty on
Persons evad-
ing Tolls.

LIV. And be it further enacted, That there shall from Time to Time be provided and kept by the Collector or Collectors of the Tolls, Rates, and Duties hereby granted, One or more Book or Books, in which all Monies to be received by virtue of this Act shall from Time to Time be fairly set down and entered, expressing the Time when and the Name of the Person or Persons from whom the same were so received; and that there shall also be provided and kept by the said Company one other Book or Books, in which all Sum and Sums of Money disbursed and laid out by them or by their Order for the Purposes aforesaid, and the several Articles, Matters, and Things for which the same have been disbursed, laid out, and expended, shall be duly set down and entered; and in each and every Year, at the General Quarter Sessions of the Peace held after the Feast of Saint *Michael* the Archangel, for the said County of *Kent*, the said Book or Books to be kept by the said Collector or Collectors, and the said Book or Books to be kept by the said Company, and also a general Statement of the Receipts and Disbursements of the said Company, made up, examined, and verified as in the said recited Act mentioned and directed, shall be produced and laid before the Justices at such Sessions, together with the proper Vouchers for such Expences and Disbursements, in order that the Justices then and there assembled may, if they think proper, examine into the Accounts from the said Books; and if the said Collector or Collectors, or the said Company, shall neglect or refuse to make and render such Accounts as aforesaid, then the said Company, and every such Collector or Collectors so offending, shall respectively forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information,

Books of
Account to
be kept.

[Local.]

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wherein

wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and in case, after the said several Cuts or Canals, and other Works by the said recited Act and this Act authorized, shall have been made and completed, it shall appear to the Justices at such Quarter Sessions that the Tolls, Rates, and Duties then collected and accumulated are more than sufficient for the general Purposes of the said Navigation, and for the Payment of the Interest of the Debt due and owing on the Credit of the same Tolls, Rates, and Duties, and for the Dividends payable to the said Company of Proprietors, then the said Justices may order and direct such Overplus, or so much thereof as to them shall seem fit, to be paid, so far as the same will extend, towards the Liquidation of such Debt so due, to the Creditors to whom the same shall be due, in manner herein directed and contained; and after the said Mortgage Debt or Sum of Twelve thousand Pounds, and all Interest, shall have been paid off and discharged, then and at any Time thereafter, in case it shall appear to the said Justices at such Sessions that the said Tolls, Rates, or Duties then payable shall be more than sufficient for the general Purposes of the said Navigation, and for the Payment of the Dividends then payable to the said Company of Proprietors, then it shall be lawful to and for the said Justices to order and direct the said Tolls, Rates, and Duties, or any of them, to be reduced to such Sums as they may deem sufficient for the Purposes of the said recited Act and this Act, and again to be raised and increased, so that the same shall in no Case exceed the Maximum of the reduced Tolls, Rates, or Duties hereby authorized to be collected and received.

For ascertaining and compelling Payment of Costs, Damages, and Expences.

LV. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences are by this Act directed to be paid or received by the said Company to or from any Body Corporate or Politic, Commissioners, Trustees, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace for the said County of *Kent*, who are hereby authorized and required, within Seven Days next after Complaint or Application shall be made to them for that Purpose by the Party aggrieved or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses ascertain and determine the same in a summary Way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences so to be ascertained and determined as aforesaid, shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof, or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Non-payment, shall and may, upon Proof by the Oath or Affirmation of One or more credible Witness or Witnesses, of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong to pay the same, together with the Costs of such

Distress and Sale, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said County, which Warrant they are accordingly hereby authorized and directed to grant; and for the Purpose of being executed in a different Jurisdiction to that in which such Warrant shall have issued, such Warrant shall and may be indorsed by the Justice or Justices of such other Jurisdiction, in the like Manner as Warrants of Distress and Sale are now permitted and authorized; and the Amount which shall be recovered and received under such Warrant shall be paid to the Party or Parties authorized to claim and receive the same under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting or the Amount may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

LVI. And be it further enacted, That the said recited Act, and all the Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things therein respectively contained, (except such Parts thereof as are altered, varied, or repealed), shall extend, and are hereby extended to, and shall take effect, operate, and be put in Execution in, for, and in respect of the making, completing, repairing, maintaining, and using the said additional Cuts or Canals, Navigation, and other Works by this Act authorized to be made, and other Purposes of this Act, as if all the said Provisions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things were herein repeated, re-enacted, and applied to the said Cuts or Canals, Navigation, and other Works, Tolls, Matters, and Things by this Act authorized to be made, taken, done, and performed, or as the same would have been done, if the said Cuts or Canals, Navigation, and other Works, Tolls, Matters, and Things hereby authorized to be made, taken, and done, had been authorized by the said recited Act.

Powers of former Act extended to this Act.

LVII. And be further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against the said Company of Proprietors, or any Person or Persons, for any thing done in pursuance of the said recited Act or this Act, or in Execution of the Powers thereof, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his or their last or usual Place of Abode, or left with the Clerk of the said Company, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the said Company of Proprietors, or other Defendant or Defendants, before such Action shall have been brought; and

Plaintiff not to recover without Notice, nor after Tender of Amends.

and in case no such Tender shall have been made it shall be lawful to and for such Company of Proprietors, or other Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, and at any Time before Issue joined, to pay into Court such Sum of Money as the said Company of Proprietors, or such other Defendant or Defendants shall think fit; whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions wherein Defendants are allowed to pay Money into Court.

Notices on
Company,
how to be
served.

LVIII. And be it further enacted, That all Notices, and all Writs and other legal Proceedings against the said Company of Proprietors, shall and may be served on the Clerk for the Time being to the said Company of Proprietors, or left at his last or usual Place of Abode, or on any Member of the Committee of the said Company of Proprietors, or left at his last or usual Place of Abode, or at the Office of the said Company of Proprietors, and shall be deemed and taken to be good and valid Service of such Notices, Writs, and other legal Proceedings on the said Company of Proprietors.

Canal not to
be under
Commissioners
of Sewers.

LIX. And be it further enacted, That the said Cuts or Canals, and other Works authorized to be made and done by this Act, shall not be under or liable to the Survey or Order of any Commissioners of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary thereof in anywise notwithstanding.

Saving
Rights of
Commissioners
of Sewers.

LX. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers or Authorities vested in the Commissioners of Sewers for the County of *Kent*; but that all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had never been made.

Reserving
Rights of
the City of
Rochester.

LXI. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to abridge, prejudice, or derogate from any Right, Privilege, or Franchise of the City of *Rochester*, exercised by the Mayor of the said City for the Time being, as Conservator of the River *Medway* and Waters thereof, or of any Manors, Proprietors, Owners, or Occupiers of any Waters, Streams, or Fisheries, and Oyster Grounds, belonging or appertaining to him or them, or the Regulation and Government thereof, on or adjacent to the said River, nor be construed to diminish or take away from any of the Citizens or Freemen of the said City, any Privilege, Right, Liberty, or Freedom which they had or were entitled to before the passing of this Act, but the same shall be and continue in the same State and Condition as before the passing of this Act.

Saving
Rights to the
Mayor and
Citizens of
Rochester.

LXII. Saving and reserving to the Mayor and Citizens of the City of *Rochester*, and their Successors, all Franchises, Rights, Courts, Powers, Jurisdictions, and Authorities, and all Fines, Penalties, Forfeitures, and **Amerciaments,**

Amerciaments, Fees, Duties, Profits, and Demands whatsoever, as fully as they lawfully had or were entitled to, and might have exercised or enjoyed if this Act had not been passed.

LXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to alter, vary, take away, diminish, or affect the Rights and Privileges of the Mayor, Jurats, and Commonalty of the King's Town and Parish of *Maidstone* aforesaid, and their Successors; but that the said Mayor, Jurats, and Commonalty, and their Successors, shall and may have, take, receive, retain, exercise, and enjoy all Franchises, Rights, Courts, Powers, Jurisdictions, and Authorities, and all Fines, Penalties, Forfeitures, and Amerciaments, Fees, Duties, Tolls, Rates, Profits, and Demands whatsoever, as fully as they now have or are lawfully entitled to, and might have exercised or enjoyed if this Act had not been made.

Reserving Rights to the Town of Maidstone.

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

Reserving certain Rights of the Medway Navigation Company.

LXV. And be it further enacted, That no Rule, Bye-law, or Order at any Time hereafter to be made by virtue of this Act, or of any of the

[Local.]

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Powers

Bye-laws not binding till confirmed by the Committee.

Powers and Authorities herein contained, shall be in any respect binding or obligatory, or have any Force or Effect on the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Successors, Heirs, and Assigns, or on any Person or Persons by them employed, or to be from Time to Time employed in their said Navigation, unless such Rule, Bye-law, or Order shall have been first submitted to the Consideration of the Committee for managing the Affairs of the said Company of Proprietors of the Navigation of the River *Medway* for the Time being, and shall have been ratified and confirmed by such Committee, or the major Part of them.

Depth of
Water at
Maidstone
Lock to be
Three Feet.

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

Tolls payable
by Medway
Navigation
Company.

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

For every Ton of Stones, the Sum of Two-pence :

For every Ton of Chalk and Manure (except Lime), the Sum of One Penny :

For every Chaldron of Coals, the Sum of Four-pence :

For every Ton of Lime, the Sum of Three-pence :

And for every Ton of all other Goods, Wares, Merchandize, Commodities, and Things whatsoever, the Sum of Five-pence; any thing herein contained to the contrary thereof in anywise notwithstanding.

LXVIII. Provided always, and be it further enacted, That when and so soon as the said Mortgage Debt, or Sum of Twelve thousand Pounds, and all Interest thereof, shall have been paid off and discharged as aforesaid, then and immediately thereupon and at all Times thereafter, it shall and may be lawful to and for the said Company of Proprietors of the said Lower Navigation of the River *Medway*, and their Successors, to ask, demand, take, sue for, recover, and receive of and from the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Successors, Heirs, and Assigns, and the Persons employed by them in their said Navigation, the several Tolls, Rates, and Duties next herein-after mentioned, and no more, in lieu and stead of the Tolls, Rates, and Duties last herein-before mentioned and authorized to be collected and received; (that is to say),

Reduced
Tolls payable
by Medway
Navigation
Company.

For every Ton of Stones, the Sum of One Penny Farthing :

For every Ton of Chalk and Manure (except Lime), the Sum of One Penny :

For every Chaldron of Coals, the Sum of Two-pence Halfpenny :

For every Ton of Lime, the Sum of Two-pence Farthing :

And for every Ton of all other Goods, Wares, Merchandize, Commodities, and Things whatsoever, the Sum of Three-pence Halfpenny.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors of the Navigation of the River *Medway*, their several and respective Successors, Heirs, or Assigns, or any Person or Persons by them employed in their said Navigation, to navigate, carry, or convey any Goods, Wares, Merchandize, or other Things up the said River, which are to be delivered or deposited within the Parish of *Maidstone* aforesaid, or at any Place or Places between such Parish and *Halling* aforesaid, or down the said River below the said Wharf formerly called *Mistress Edmond's Wharf*, and now or late called *Shepherd's Wharf*, and *Halling* aforesaid (save and except Timber, Knee Timber, and converted Timber, to wit, Planks and Trennels, down the said River), without paying the full Tolls, Rates, and Duties first herein-before mentioned and made payable by all other Persons navigating the said River, but subject to the Provision for Reduction of the said Tolls, Rates, or Duties first herein-before contained.

Restraining
Medway
Company
from carry-
ing certain
Goods, &c.
without pay-
ing higher
Tolls.

LXX. And whereas it is expedient, for the Purpose of affording to the said River *Medway* the Benefit of a periodical Scouring, that the Locks at *Castle Shoal* and *Maidstone* should respectively be left open Once every Spring Tide; be it therefore enacted, That the Proprietors of the said Locks shall, and they are hereby respectively required fully and completely to open the said Locks Once every Spring Tide, from the Period of One Hour next after the Time of Low Water, next before the highest Spring Tide, at such Locks respectively, and to keep the same so open, so as to leave as little Impediment to the Flow and Ebb of the Water as possibly may be, until the Time of Low Water at such Locks respectively next following; or in case it shall be found to be inconvenient to the Navigation of the said River to open the said Locks at the highest Spring

Locks at
Castle Shoal
and Maid-
stone to be
opened each
Spring Tide.

Spring Tide, then the same shall be opened and kept open in Manner and for the Space of Time herein-before mentioned, either at the Tide next before or the Tide next after every such Spring Tide; and that if the Proprietors of the said Locks respectively shall make default in so opening or in so keeping open the said Locks, they shall respectively forfeit for every such Default the Sum of One hundred Pounds, One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of such Person or Persons as will sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Wager of Law, or more than One Imparlance shall be allowed to be brought against the said Proprietors, or against such Person or Persons as may by Law be sued for or on account of any Act or Default of such Proprietors, or of any Claim against them, and in which the Plaintiff shall recover his full Costs, provided that every such Action shall be brought within Twelve Months next after the Cause thereof shall have arisen.

Recovery and
Application
of Penalties.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines inflicted and authorized to be imposed by the said recited Act or this Act, or either of them (the Manner of levying, recovering, and applying whereof is not otherwise directed), shall upon Proof of the Offences respectively, before any Justice or Justices of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are in every such Case hereby fully authorized to administer) be levied, together with the Costs of and attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant such Justice and Justices is and are hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Costs of attending such Information, Conviction, Distress, and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied (if not otherwise directed to be applied) shall from Time to Time be paid, One Moiety to the Informer for his or her own Use and Benefit, and the other Moiety to the Treasurer or Treasurers of the said Company of Proprietors, to be applied for the Purposes of the said recited Act and this Act; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before him or them, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Day of taking such Security, and which Security the said Justice

Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Costs and Charges, shall be sooner paid and satisfied.

LXXII. And whereas Persons guilty of Offences against the said recited Act or this Act, may be transient Persons, unknown to the Collector and other Officers of the said Company, or other Person or Persons witnessing the Offence; be it further enacted, That it shall and may be lawful to and for the said Collector or other Officers, or other Person or Persons aforesaid respectively, and also such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such Person or Persons unknown to such Collector or other Officers, or other Person or Persons aforesaid, who shall commit any Offence or Offences against the said recited Act or this Act, and take him, her, or them before any Justice or Justices of the Peace where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of the said recited Act or this Act.

For securing transient Offenders.

LXXIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all Costs, Charges, and Expences incident thereto, or concerning the same, with lawful Interest, shall be borne, paid, and defrayed by the said Company of Proprietors, or their Successors, by and out of the first Money which shall be received by virtue of the said recited Act or this Act.

Expences of obtaining this Act, how to be paid.

LXXIV. Provided nevertheless, and be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and the Costs and Expences incident thereto, shall not be or be deemed or taken to be Part of the Expences of making and completing the several Works by this Act authorized, so as to be a Deduction from or Diminution of the said Sum of Twelve thousand Pounds, or other the Funds by this Act directed to be raised and applied for and towards the making and completing the Cuts or Canals, and other Works authorized by the said recited Act and this Act.

Expences of obtaining this Act not to be deemed Part of the Sum of 12,000*l.* to be borrowed on Mortgage.

[Local.]

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LXXV. And

3750

5° GEORGII IV. *Cap.* cxlviii.

Public Act.

LXXV. 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.

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