



ANNO DECIMO

GEORGIIV. REGIS.

Cap. cxx.

An Act for maintaining the Pier at *Sheerness* in the
 Parish of *Minster* in the *Isle of Sheppy* in the
 County of *Kent*. [4th June 1829.]

WHEREAS an Act was passed in the Forty-first Year of the
 Reign of His late Majesty King *George the Third*, intituled
An Act for building a Pier at Sheerness in the Isle of 41 G. 3. c. 54.
Sheppy in the County of Kent, for ascertaining, imposing, and recovering
certain Duties for the supporting, maintaining, and keeping in repair
the said Pier, for paving, repairing, cleansing, lighting, watching,
watering, and improving the Highways, Streets, Lanes, and other public
Passages and Places within that Part of the Parish of Minster in the
said Isle of Sheppy (which lieth near His Majesty's Dock Yard and
Garrison of Sheerness) called Blue Town and Mile Town, and for
preventing Nuisances, Annoyances, and Obstructions therein: And
 whereas another Act was passed in the Forty-ninth Year of the Reign
 of His said late Majesty, intituled *An Act for amending so much of* 49 G. 3. c. 10.
an Act of the Forty-first Year of His present Majesty, for building and
keeping in repair the Pier at Sheerness in the Isle of Sheppy in the
County of Kent, and for other Purposes therein mentioned, as relates to
the said Pier: And whereas in execution of the said Acts a Pier hath
 been erected and built, and is called or known by the Name of "*The*
Sheerness Pier," and considerable Sums of Money have been borrowed
 on the Credit and for the Purposes of the said respective Acts, which
 Sums are still due and owing, and certain Annuities have been granted

[Local.]

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on

Recited Acts
repealed.

on the Security of such Acts, which are still subsisting: And whereas the Powers and Provisions of the said Acts have been found defective and insufficient, and it is therefore expedient that the same should be repealed, and other, further, better, and more effectual Powers and Provisions granted instead thereof, and that the Rates and Duties thereby respectively authorized to be collected should be altered or increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said several recited Acts passed in the Forty-first and Forty-ninth Years of the Reign of His late Majesty King *George* the Third, and each of them, so far as they respectively relate to the said Pier, shall be and the same are and is hereby declared to be repealed.

Arrears of
Duties and
other Pro-
perty vested
in the new
Commis-
sioners.

II. And be it further enacted, That all Arrears of Rates, Duties, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Commissioners under the said Acts, or either of them, in anywise relating to the said Pier, shall immediately on the Commencement of this Act be vested in the Commissioners for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; and all the Costs to be incurred by the Commissioners or Persons in whose Names such Proceedings shall be had shall be paid and defrayed by and out of the Monies to be received by virtue of this Act; and the Monies, when recovered, shall be paid over to the Treasurer or Treasurers of the said Commissioners, to be applied for the Purposes of this Act.

Bonds, Con-
tracts, &c. to
remain in
force.

III. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the said Commissioners for executing the said recited Acts or either of them, with reference to the said Pier, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Commissioners for executing the said recited Acts, or either of them, with or to any Person or Persons for any Purpose relating to the Execution of such Acts, with reference to the said Pier, shall remain in full Force and Effect, and be observed and kept by the Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

Books under
former Acts
to be Evi-
dence.

IV. And be it further enacted, That all and every Books and Book containing the Accounts and Proceedings of the Commissioners for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby,

thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

V. Provided always, and be it further enacted, That the present Collectors and all Officers appointed under and by virtue of the said Acts, other than and except the Treasurer, shall, notwithstanding the Repeal of the said Acts, continue to act in the same Capacity for the Purposes of this Act until they shall resign or be removed by the Commissioners acting under this Act, and whilst so acting such Officers shall receive and be allowed the same Salaries and Allowances as they would respectively have been entitled to receive under the said recited Acts if they had not been repealed, until such Salaries and Allowances shall be increased or diminished by the said Commissioners for executing this Act.

Old Officers, except the Treasurer, to continue till removed.

VI. And be it further enacted, That all Annuities which have been charged upon or made payable out of the Rates, Duties, and Assessments by the said recited Acts or either of them authorized to be collected, received, and taken, shall remain and be charged upon and payable out of the Rates and Duties, by this Act authorized to be levied, collected, received, and taken; and all the said several Annuities hereby made payable shall be payable for the same Periods respectively, at the same Place, at the same Times, in the same Proportions, to the same Persons respectively, and subject to the same Powers and Provisions in every respect as they would have been respectively if the said recited Acts had not been repealed, and shall be considered to all Intents and Purposes as the same subsisting Annuities, but charged upon a different Fund.

Annuities under former Acts to be charged on Rates, &c. to be collected under this Act.

VII. And be it further enacted, That all Sums of Money which have been borrowed on the Credit of the said recited Acts or either of them, and secured by Mortgage, Assignment, Bond, or otherwise of or on the Rates, Duties, and Assessments by the said recited Acts authorized to be collected, received, and taken, and all Interest now due and to grow due thereon, and all Debts and Sums of Money whatsoever which have been *bonâ fide* incurred and become payable in the due Execution of the said Acts or either of them, shall be charged upon and payable out of the Monies by this Act authorized to be levied, collected, received, and taken, as fully and effectually to all Intents and Purposes whatsoever as if such Monies respectively had been wholly borrowed and become due and owing under the Authority of this present Act; and all Persons who are or shall be indebted to the Commissioners acting in execution of the said Acts in any Sum or Sums of Money relating to the said Pier shall pay the same to the Commissioners for executing this Act, who shall have the same Interest in all Bonds and Securities, and the same Powers and Remedies for recovering and obtaining Payment of such Sums respectively, as the said Commissioners for executing the said recited Acts might or could have had in case this Act had not been passed, or as if such Sums of Money had been originally due and owing to the Commissioners for executing this Act.

Sums due under old Acts charged on the Rates, &c. collected under this Act.

VIII. And

Commissioners.

VIII. And be it further enacted, That the Mayor and Corporation of the City of *Rochester*, and *James Attwater*, *William Baker*, *Sir Edward Banks* Knight, *Delamark Banks*, *James Beal*, *Samuel Beaumont*, *John Brothers*, *Jeremiah Brown*, *William Butt*, *George Clarkson*, *John Court*, *Richard Davidson*, *James Easterby*, *Filmer Elvy*, *Thomas Fife*, *Ralph Flunder*, *James Herbert*, *John Hills*, *William Jackson*, *John Thomas Jackson*, *George Jackson*, *John Staples Keddell*, *Arthur Kitt*, *Leonard Lester*, *Samuel May*, *John Potts*, *John Price*, *William Robins*, *Caleb Selby*, *George South*, *William Stride*, *Joshua Taylor*, *William Temple*, *Motley Thompson*, *Francis Venable*, *James Ward*, *John Ward*, and *Thomas Webb*, and the several other Persons from Time to Time to be elected as herein-after mentioned or directed, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

For the Election of Commissioners on Vacancies.

IX. And be it further enacted, That in case any One or more of the Commissioners herein-before appointed or to be elected or appointed by virtue of this Act (other than and except such as are or shall be Commissioners by virtue of their respective Offices) shall happen to die, or by Writing under his or their Hand or respective Hands refuse or decline to act in the Execution of this Act, or shall neglect to act for the Space of Six Calendar Months successively after Notice given to him or them for that Purpose by the Clerk to the said Commissioners, or shall cease to occupy a Tenement within the Limits of this Act, or be or become bankrupt or insolvent or otherwise disqualified to act, then and in any of the said Cases the Place or Places of such Commissioner or Commissioners is and are hereby declared to be vacant; and the said Commissioners shall hold a Meeting on the First *Monday* in the Month of *July* in every Year, or within Three Days thereafter, at which the said Commissioners shall inquire into, ascertain, and declare the Number of such Vacancies (if any) which may have occurred in the preceding Year; and within Ten Days after such Meeting as aforesaid another Meeting of the said Commissioners (Notice of which and of the Purpose thereof shall be given in the Manner herein-after directed in Cases wherein Notice is required to be given, at least Five clear Days previously to such Meeting,) shall be held in the Room in which the Meetings of the said Commissioners are or shall be usually held, or some other convenient Place within the Limits of this Act, between the Hours of Six and Eight in the Afternoon, at which the said Commissioners and the Inhabitants residing within the Limits of this Act who shall by the last Rate which shall have been made under and by virtue of this Act have been duly assessed and charged at or for or upon or in respect of the annual Rent or Value of Ten Pounds or upwards, and have paid the Sums charged on them respectively in or by such Rate and all preceding Rates made under or by virtue of this Act, shall and they are hereby empowered and required to elect another fit Person qualified as herein-after mentioned to be a Commissioner in the Room and Stead of every Commissioner so dying, refusing or neglecting to act, or becoming disqualified as aforesaid; and every Person so to be elected shall have and possess the same Powers and Authorities for putting this Act in execution as if he or they had been
herein

herein named, and had been appointed a Commissioner or Commissioners in and by this Act: Provided always, that in case any Three or more of the said Commissioners and Inhabitants who shall be present and entitled to vote at any such Meeting shall be dissatisfied with the Election of any Person or Persons who shall have been then and there elected, it shall be lawful for them, by Writing under their Hands, to demand a Ballot or Poll for the Purpose of determining such Election; and upon such Demand in Writing being given to the Chairman of such Meeting, he shall adjourn such Meeting to the next or some other Day within Five Days from the Time of holding such Meeting, when the said Commissioners and Inhabitants shall proceed to a Ballot or Poll for the Purpose of determining or deciding such Election, and such Ballot or Poll shall be opened at Four of the Clock in the Afternoon and finally closed at Nine of the Clock in the Evening of the Day to which the said last-mentioned Meeting shall be so adjourned; and the Person or Persons in favour of whom the Majority of Votes shall be given at such Ballot or Poll shall be deemed duly elected a Commissioner or Commissioners for putting this Act in execution: Provided also, that no Person shall be eligible to be a Candidate or to be voted for at such Ballot or Poll unless he shall have been nominated or proposed as a Candidate at the previous Meeting of the said Commissioners and Inhabitants to be held as herein-before directed: Provided also, that no Person herein-before expressly named a Commissioner, or who shall be elected and appointed a Commissioner as lastly herein-before directed, who shall refuse or decline to act, or shall neglect to act for the Space of Six Calendar Months successively after such Notice as aforesaid, or shall not occupy a Tenement within the Limits of this Act, shall after that Time be capable of acting as a Commissioner, unless he shall be re-elected or appointed in manner herein mentioned.

X. And be it further enacted, That if upon the Ballot or Poll for any of the Persons nominated to fill up such Vacancies as aforesaid the Numbers shall be equal, then and in every such Case it shall be lawful for the Chairman at each such Meeting to have a second or casting Vote; and the Collectors of the said Rates for the Time being shall attend all such Elections with their Books and other Documents necessary to prove the Right of Inhabitants to vote: Provided always, that no other Business than the Election of a Commissioner or Commissioners shall be transacted at any Meeting convened for that Purpose; and any such Collector refusing to attend and to produce his Books at such Meeting shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered as in this Act directed.

Regulating the Proceedings at Meetings for the Election of Commissioners.

XI. And be it further enacted, That if any Person who shall hereafter be elected a Commissioner for executing this Act shall omit to attend One of the first Three Meetings of the Commissioner at which a Quorum shall be present, next after Notice of such Election shall be left at his Place of Residence, and to take and subscribe the Oath or Affirmation of Qualification herein-after prescribed, (unless prevented by Sickness or other inevitable Cause, to be allowed by the Commissioners present,) such Omission or Neglect shall be deemed and taken to be a Refusal to act within the true Intent and Meaning

Commissioners to qualify within a certain Time after Notice of their Election.

of this Act; and it shall and may be lawful for the remaining Commissioners and Inhabitants to elect, in the Manner herein-before prescribed, another Commissioner in the Room of every such Commissioner so omitting to attend as aforesaid.

Qualification
of Commis-
sioners.

XII. Provided always, and be it further enacted, That no Person (other than and except such Persons as are hereby appointed Commissioners by virtue of their respective Offices) shall be qualified or capable of becoming and acting as a Commissioner in the Execution of this Act, otherwise than in administering the Oath or Oaths herein-after mentioned, who shall become bankrupt or insolvent or compound with his Creditors, nor unless he shall be in his own Right or in the Right of his late or present Wife in the actual Receipt, Possession, or Enjoyment of the Rents or Profits of Messuages, Lands, Tenements, or Hereditaments, within the said *Isle of Sheppy*, of an Estate of Inheritance or for Life or Lives, or for any Term of Years amounting to Sixty Years or upwards, either absolute or determinable on any Life or Lives, of the yearly Value of Fifty Pounds above Reprizes, or be seised or possessed of a Real Estate, or a Real and Personal Estate together, One Moiety thereof being rateable Property by virtue and for the Purposes of this Act, of the full Value of One thousand Pounds above what will satisfy all his Debts, or shall be rated by virtue and for the Purposes of this Act at or for the annual Value of Fifty Pounds, nor unless he shall also occupy a Tenement within the Limits of this Act, nor until he shall have taken and subscribed, according to the Circumstances of his Qualification therein particularized, an Oath, or, being a Quaker, an Affirmation; and which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer in the Words or to the Effect following; that is to say,

Oath of Qua-
lification.

‘ I do swear, [*or, being one of the People called Quakers, do solemnly declare and affirm,*] That I am really and bonâ fide in my own Right [*or in right of my Wife, late or present, as the Case may be,*] now in the actual Receipt, Possession, or Enjoyment of the Rents or Profits of Messuages, Lands, Tenements, or Hereditaments within the Isle of Sheppy of an Estate of Inheritance [*or for Life or Lives, or for a Term or Terms of Sixty Years or upwards, either absolute or determinable on any Life or Lives, as the Case may be,*] of the clear yearly Value of Fifty Pounds above Reprizes and Incumbrances, *or am seised or possessed of a Real Estate [or a Real and Personal Estate together] (One Moiety thereof being rateable Property by virtue and for the Purposes of this Act) of the full Value of One thousand Pounds above and over what will satisfy all my Debts, or that I am rated at or for the annual Value of Fifty Pounds by virtue and for the Purposes of an Act passed in the Tenth Year of the Reign of King George the Fourth intituled [here set forth the Title of this Act]; and that I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of the said Act.*
So help me GOD.’
[*Or, being one of the People called Quakers, omit the Words ‘ So help me GOD.’*]

And

And no Person by this Act appointed a Commissioner by virtue of his Office shall be capable of acting as such in the Execution of this Act unless he shall have taken and subscribed an Oath, or, being one of the People called Quakers, an Affirmation, in the Words or to the Effect following; that is to say,

‘ I do swear, [*or, being one of the People called Quakers, do solemnly declare and affirm,*] That I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*]. So help me GOD.’
 [Or, being one of the People called Quakers, omit the Words ‘ So help me GOD.’]

Oath of Commissioners
ex officio.

XIII. Provided always, and be it further enacted, That no Person appointed or to be appointed a Commissioner by or by virtue of this Act shall be capable of acting as such in the Execution of this Act during such Time as he shall hold any Office or Place of Profit or Emolument under this Act, or being under any Contract, or having any Share or Interest, either directly or indirectly, in any Contract entered into under the Authority of this Act, shall be capable of acting as a Commissioner in the Execution of this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-before mentioned, or, being a Quaker, not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person 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, Complaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, and not more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted, of the Offence before mentioned shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified: Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money, upon the Credit of the Rates and Duties, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Commissioner in the Execution of this Act; and any Commissioners appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners, except in such Cases only wherein

Penalty on Commissioners acting where interested or not qualified.

Mortgagees on the Tolls not disqualified on that Account.

wherein they shall be personally interested otherwise than as a Commissioner, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Rates and Duties granted by this Act.

First and
other Meet-
ings of Com-
missioners.

XIV. And be it further enacted, That the said Commissioners shall meet at the *Fountain Inn*, or at some other convenient Place in *Blue Town* aforesaid, on *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and, if there shall be Five Commissioners present at such Meeting, shall then proceed to carry this Act into execution; and in case there shall not be Five Commissioners present at such Meeting, then such Meeting shall be adjourned by the Commissioners or Commissioner who shall be present, or their Clerk, and so from Time to Time until there shall be Five Commissioners present at a Meeting for carrying this Act into execution; and when there shall be a Meeting at which Five Commissioners shall be present, then the Commissioners who shall be so present, or the Majority of them, shall or may proceed to carry this Act into execution, and may adjourn to meet at such other Time and at the same or such other Place as they shall think proper and appoint, for executing all or any of the Purposes of this Act; and it shall be lawful for the Commissioners for the Time being acting under the Authority of this Act from Time to Time to adjourn any subsequent Meeting for carrying this Act into execution to such Time and Place or Times and Places as they shall think proper and appoint, provided that no Adjournment shall be made for a longer Time than One Month; and if at any Meeting appointed to be held by virtue of this Act there shall not be Five Commissioners present, then the Commissioners or Commissioner who shall or may be present at any such Meeting shall and may adjourn such Meeting to such other Time and the same or such other Place as they or he shall think proper; and if at any such intended Meeting there shall not be present One Commissioner, or in case the Commissioners or Commissioner present at any Meeting shall omit to adjourn any such Meeting or intended Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as any such Case shall happen, adjourn any such Meeting to the Place where the last Meeting was appointed to be held, at such Time as he shall think fit, not exceeding Five Days from the Day on which such last Meeting was intended to have been held; and at all their Meetings the said Commissioners shall pay and defray their own Expenses, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

Occasional
Meetings.

XV. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or if, for Want of proper Adjournment or otherwise, it shall at any Time or Times be thought necessary that a Meeting of the said Commissioners should be held or take place, it shall and may be lawful for any Three or more of the said Commissioners, or for their Clerk, (being authorized by an Order in Writing delivered to him, signed by any Three or
more

more of the said Commissioners, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting,) to appoint such Meeting, and the Time, Place, and Purpose thereof, and to give Notice thereof in the Manner herein-after directed respecting the Meetings of the Commissioners, (such Meetings not being less than Three Days after the Publication of such Notice,) and every such Meeting shall and may be held accordingly; and all Orders, Determinations, and Proceedings of the said Commissioners at any such Meeting shall be as valid as if the same had been done or made at any other Meeting of Commissioners held by virtue of this Act: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

XVI. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby specially provided for); and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities hereby in them vested, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held in pursuance of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five (except in Cases where any other Number is by this Act named or mentioned for any particular Purpose); and all Acts, Orders, and Proceedings had, made, or done by or before such Five Commissioners shall have the same Force and Effect, and be as binding and conclusive on all Persons and to all Intents and Purposes whatsoever, and as fully, effectually, and absolutely, as if the same Acts, Orders, and Proceedings respectively were or had been had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be elected, who, in case of an equal Number of Votes on any Question, (including such Chairman's Vote,) shall have the casting or decisive Vote; and no Order or Determination made or agreed upon at any Meeting of the said Commissioners shall be revoked, rescinded, or altered at any subsequent Meeting, unless Notice of the Intention to apply for such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and entered in the Book or Books of Proceedings of such previous Meeting, nor unless Notice of the Meeting at which such Application is intended to be made shall be given as herein-after directed at least Seven Days before the same is held, nor unless such Alteration or Revocation shall be agreed to be made at such last-mentioned Meeting when a greater Number of Commissioners shall be present than shall have been present when such Order or Determination was made or agreed upon.

All Orders to be made at a Meeting, except in certain Cases.

Orders, &c. not to be revoked unless as herein directed.

XVII. And be it further enacted, That in all Cases wherein Notice is by this Act directed to be given of any Meeting of the said Commissioners subsequent to the First Meeting as aforesaid, Notice in Writing signed by Three or more of the said Commissioners, or their

Notices of Meetings to be given,

[*Local.*]

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Clerk

Clerk for the Time being, of the Time and Place of every such intended Meeting, shall be affixed upon the outer Door or some other conspicuous Part of the House or Building in which the said Commissioners shall usually hold their Meetings, or upon such other Building or Place as the said Commissioners shall from Time to Time direct or appoint at least Five Days before every such Meeting (except when it shall be herein otherwise directed); and if any Person or Persons shall at any Time or Times pull down, obliterate, or deface any such Notice previous to the Time of Meeting therein specified, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Power to appoint Officers.

XVIII. And be it further enacted, That the said Commissioners shall and may from Time to Time, by Writing under their Hands, nominate and appoint fit and proper Persons to be Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Monies to be raised, paid, levied, collected, received, and taken under or by virtue of this Act, Surveyor or Surveyors, and such other Officers and Persons as the said Commissioners shall think proper for carrying this Act into execution, and from Time to Time remove and displace them or any of them, and in like Manner from Time to Time appoint others in the Room or Place of such of them as shall be so removed and displaced, or who shall die, or relinquish, resign, or discontinue, or become incapable of performing the Duties of their respective Offices or Stations, and, out of the Monies to be raised or received by virtue of this Act, shall and may make and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said Commissioners shall think proper; and the said Commissioners shall and may require and take such Security from every such Treasurer, Collector, and other Officer so to be appointed, for the due and faithful Execution of the Duties of their respective Offices, as they the said Commissioners shall think reasonable and proper.

Same Person not to be Clerk and Treasurer.

XIX. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or 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, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the 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 this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall

shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence 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, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

XX. And be it further enacted, That every Treasurer, Clerk, Collector, and Receiver of the said Commissioners, and other Officers, and Persons entrusted with the Collection or Receipt or Disbursement of Money on account of the said Commissioners, shall, at such Time or Times and in such Manner as the said Commissioners shall order and direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Money which shall have been received by such Officer and Person respectively by virtue or for the Purposes of this Act, or otherwise on account of the said Commissioners, and how much thereof hath been paid and disbursed, and to whom and for what Purposes, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall direct or appoint; and if any Treasurer, Collector, Clerk, Officer, or Person shall refuse or neglect to make and render such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners or to such Person or Persons as they shall appoint, within Thirty Days after being thereunto required by the said Commissioners by Notice in Writing to be signed by the said Commissioners or any Five or more of them, or by the Clerk of the said Commissioners, and given to or left at the last known or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act or the Affairs of the said Commissioners, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners or any Five or more of them, or their Clerk, of any such Neglect or Refusal as aforesaid to any Justice of the Peace for the said County of *Kent*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or on Proof of his having absconded or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of a credible Witness on Oath, it shall appear to such Justice that any of the Money which shall have been collected, raised, or received by virtue of this Act or otherwise on account of the said Commissioners, shall be in the Hands of such last-mentioned Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods

Officers to
account.

Proceedings
in case of
Default.

Goods and Chattels of such Officer or Person, together with the Costs and Charges attending such Proceedings, Distress, and Sale; and if the Goods and Chattels of such Officer or Person shall be insufficient to countervail and satisfy the said Money, Costs, and Charges, or if it shall in manner aforesaid appear to such Justice that such Officer or Person had refused or wilfully neglected to render or give such Account or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act or the Affairs of the said Commissioners were in the Power of such Officer or Person, and that he refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, City, or Place where the Offender or Offenders shall be or reside, there to remain, without Bail or Mainprise, until such Officer or other Person shall have made and given a true and perfect Account, and paid such Money, Costs, and Charges as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby authorized to make and receive,) and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of not having sufficient Goods and Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Commissioners may sue and be sued in the Name of their Clerk.

XXI. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Clerks for the Time being, or in the Name of any One of the Commissioners; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name or Names of their Clerk or Clerks, or in the Name of any One of the said Commissioners; and no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by the Death of such Commissioner, or by any Act or Default of such Clerk or Clerks done or suffered without the Consent and Direction of the said Commissioners, but the Clerk or Clerks to the said Commissioners for the Time being, or such Commissioner, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk or Clerks for the Time being: Provided also, that in all Cases in which the Clerk or

or Clerks for the Time being, or any One such Commissioner as aforesaid, shall in pursuance of this Act be the Plaintiff or Plaintiffs, Defendant or Defendants on the Record in any Action or Actions, Suit or Suits, in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk or Clerks or of such One Commissioner as aforesaid, every such Clerk or Clerks or such One Commissioner as aforesaid (although appearing as the Plaintiff or Plaintiffs, Defendant or Defendants on the Record,) may and shall nevertheless (if not otherwise interested or objectionable) be a good, examinable, and competent Witness in every Action or Suit either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding, shall and may be lawfully made by such Clerk or Clerks or such One Commissioner (as the Case may be), notwithstanding he or they shall be nominal Plaintiff or Plaintiffs, Defendant or Defendants on the Record as aforesaid: Provided also, that every or any such Clerk or Clerks or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expenses as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein, and shall not be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or have been brought or commenced or defended without the Order or Direction of the said Commissioners.

XXII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all Orders and Proceedings of the said Commissioners relative to the Execution of this Act, together with the Names of the Commissioners who shall attend every Meeting; and the Chairman of the Meeting at which such Orders or Proceedings shall be from Time to Time had or made shall sign the same; and such Book or Books shall be open at all seasonable Times to the Inspection of any of the said Commissioners, or any Creditor or Creditors on the Rates and Duties by this Act authorized to be levied, collected, received, or taken, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken or made by the said Commissioners shall be entered, and also the Book or Books directed to be kept for registering Grants of Annuities, Mortgages, and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts and Places whatsoever in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever.

Orders and Proceedings to be entered in Books, and may be made Evidence.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all
[Local.] 33 B Times

Accounts to be kept and be open to the

Inspection of
Commissioners and Creditors.

Times to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor on the Rates and Duties by this Act authorized to be collected, received, or taken, and of every Person paying any such Rate or Duty, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books or any Part or Parts thereof without paying anything for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Half-yearly Meetings for auditing Accounts, &c.

XXIV. And be it further enacted, That Meetings of the said Commissioners, (of which Meetings Seven Days previous Notice shall be given,) shall be held in the Months of *January* and *July* in every Year, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act by any Person or Persons whomsoever during the preceding Half-Year ending with the Twenty-fifth Day of *December* and the Twenty-fourth Day of *June* respectively shall be produced and stated to and examined and settled by the said Commissioners, and when the same Accounts shall have been settled and allowed by the Commissioners present at such Meetings, the same shall be signed by the Chairman of such Meetings; and the same Accounts, or Copies or Duplicates thereof, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons paying any Rates or Duties under or by virtue of this Act, or any Person or Persons on his, her; or their Behalf, to inspect the same at seasonable Times, paying the Clerk to the said Commissioners the Sum of One Shilling for such Inspection, and shall upon Demand forthwith give Copies of the same or any Part thereof to any such Person, paying at and after the Rate of Fourpence for every Seventy-two Words or Figures; and the said Accounts or Abstracts thereof shall be printed for the Use of the said Commissioners.

Limits of the Act.

XXV. And be it further enacted, That the said Town called *Blue Town*, abutting to the River *Medway* and to Part of His Majesty's Dockyard at *Sheerness* aforesaid towards the West, to other Part of the said Dockyard towards the North, and to the Land belonging to the Board of Ordnance towards the East and South, and also the said Town called *Mile Town*, and the Town called *Bank's Town*, adjoining *Mile Town*, as the same Two last-mentioned Towns are bounded on every Side by Land belonging to the Board of Ordnance on the North Side of the Boundary Line or Ditch recently cut for the Purpose of dividing the Lands of the Board of Ordnance from the Lands of Sir *Edward Banks* Knight, and are bounded by Lands

of

of the said Sir *Edward Banks* on the South Side of the said Boundary Line, shall be and be considered as and taken to be within the Limits of this Act and the Jurisdiction of the Commissioners for putting the same in execution; and the Commissioners for putting this Act in execution shall be called by the Name and Style of "The Commissioners of *Sheerness Pier*:" Provided always, that nothing in this Act contained shall extend to give the said Commissioners any Jurisdiction over the Dockyard or Garrison of *Sheerness*, or over any Land or Premises belonging or which may hereafter belong to His Majesty, His Heirs and Successors, or be held on His or Their Behalf, and used for the Service of the Government, but that all such Land and Premises shall be excluded from the Limits of this Act; and the said Commissioners shall and they are hereby required, within the Space of Three Calendar Months next after the passing of this Act, to erect and place Stones or Posts at convenient Distances from each other, for the Purpose of specifying and marking the said Boundary, and shall replace and make good the same from Time to Time when and as the same shall be displaced or injured.

XXVI. And be it further enacted, That the said Pier called *Sheerness Pier*, and the Causeway thereunto belonging, and all Houses, Toll Houses, Watch-houses, Watchboxes, Gates, Posts, Fences, Machines, and other Erections and Buildings which have been erected, built, or made under the Authority of the said recited Acts, or either of them, with reference to the said Pier, and all Lamps, Lamp Irons, Lamp Posts, and all other Articles, Matters, and Things which heretofore have been laid, placed, set up, made, constructed, purchased, or provided under the Authority of the said recited Acts or either of them, for the Use of the said Pier or appertaining thereto, or which shall at any Time or Times hereafter be laid, placed, set up, made, constructed, purchased, or provided under the Authority and for the Purposes of this Act, shall be held by and deemed to belong to and be the Property of and vested in the said Commissioners for executing this Act; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take or carry away, detain, destroy, deface, damage, or injure the several Matters and Things hereby vested in the said Commissioners, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article, Matter, or Thing for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners of *Sheerness Pier*, without specifying the Names of all or any of the said Commissioners.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, by, with, and out of the Monies arising by virtue of this Act, from Time to Time and at all or any Time or Times hereafter, by themselves, their Agents, Officers, Workmen, Servants, and others, to repair, amend, maintain, and support the said Pier called *Sheerness Pier*, and the Causeway leading or running from thence into or over the Bed of the River *Medway* to Low-water Mark,

Pier and other Property vested in the Commissioners.

Commissioners to repair the Pier, &c.

Mark, or any Part or Parts thereof respectively, in such Manner and Form and with such Materials as they the said Commissioners shall deem expedient and proper, and to erect, set up, and build such Toll Houses, Lights, Gates, and Bars as they shall think necessary, and also to place and affix such Buōys, Beacons, and Mooring Chains or Moorings in the River *Medway*, contiguous to the said Pier called *Sheerness Pier*, as they the said Commissioners shall deem necessary or proper for facilitating the Access and Departure of Ships, Vessels, Boats, and other Craft to and from the said Pier, and from Time to Time to replace the same, or alter the Positions thereof, or to substitute others in their Stead: Provided always, that no such Buōys, Beacons, Mooring Chains, or Moorings shall be placed or affixed without the Consent in Writing of Two or more of the principal Officers and Commissioners of His Majesty's Navy, and of the Mayor and Citizens of the City of *Rochester*, as Conservators of the Waters of *Medway*, for that Purpose first had and obtained.

Masters of
Ships to pay
Duty upon
their Freight.

XXVIII. And be it further enacted, That it shall be lawful for the Commissioners, and such other Person or Persons as they shall appoint for that Purpose, to ask, demand, collect, and receive of and from all and every the Masters or Master, Commanders or Commander, Owners or Owner, or other Persons or Person having the Rule, Command, or Government of any Ship or Vessel, Boat or other Craft, importing into or exporting from any Place within the Limits of this Act, or lading or unlading, taking on board or discharging, or embarking or disembarking, at or from the said Pier called *Sheerness Pier*, any Kind of Goods, Wares, or Merchandise, or any Baggage or Parcels, or any Passenger, to or from *Chatham* or any other Place on the Shore or Bank of the River *Medway*, the Sum of Sixpence in the Pound upon the Freight of all such Goods, Wares, and Merchandise, Baggage and Parcels, and upon the Fare of all such Passengers, and so in proportion for any less Sum than Twenty Shillings.

Masters of
Ships to pay
Duty whether they
charge it or
not.

XXIX. And be it further enacted, That all such Masters, Commanders, Owners, or other Persons shall be liable to such Duty, according to the Freight or Fare usually charged by such Masters, Commanders, Owners, or other Persons, in respect of each Article or Passenger, whether they shall respectively charge such Freight or Fare or not.

Toll on Pas-
sengers in
Vessels car-
rying Pas-
sengers for
Hire.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners (in addition to the Rates and Duties herein-after imposed and authorized to be collected in respect of Goods, Wares, Merchandise, Baggage, and Parcels,) to ask, demand, recover, and receive of and from every Passenger to or from any Part or Place whatsoever, except to or from *Chatham* or any other Place on the Shore or Bank of the River *Medway*, who shall land from or embark in any Ship, Hoy, Vessel, Packet, or Boat used or employed for the Purpose of carrying or conveying Passengers for Hire at or from the said Pier called *Sheerness Pier*, such Sum or Sums of Money as the said Commissioners shall think proper, not exceeding the Sum of Twopence: Provided nevertheless, that nothing herein contained shall extend to charge with the Payment of the said Toll or Duty any Passenger

Passenger to or from any Ship, Hoy, Vessel, Packet, or Boat in the River *Medway*.

XXXI. And be it further enacted, That the said Toll or Duty so charged upon such Passengers shall and the same is hereby required to be collected and received by the Master of the Ship, Hoy, Packet, Vessel, or Boat carrying such Passenger or Passengers, or by the Person for the Time being acting as such or having the Charge thereof, before the Departure of such Passenger or Passengers from on board such Ship, Hoy, Packet, Vessel, or Boat, and shall be by such Master or Person as aforesaid paid over to the Commissioners, or to some Collector or other Person to be appointed by the said Commissioners for that Purpose.

Such Toll to be collected by the Master of the Vessel, and paid by him to the Commissioners.

XXXII. And to prevent Fraud, be it further enacted, That all such Masters of Ships, Hoys, Packets, Vessels, or Boats, or other Persons acting as such, shall be liable to the Toll or Duty by this Act imposed in respect of every Passenger landed from or embarked in any such Ship, Hoy, Packet, Vessel, or Boat as aforesaid, whether such Toll or Duty in respect of Passengers shall have been charged and demanded or collected or received by such Masters or other Persons acting as such, or not, upon Proof only of such Passenger having been on board.

Masters of Ships liable for Tolls.

XXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, to allow to all such Masters of such Ships, Hoys, Packets, Vessels, and Boats, or other Persons acting as such, at and after the Rate of One Shilling in the Pound upon the Amount of the aforesaid Toll or Duty on Passengers by such Masters or other Persons respectively received and duly accounted for, if the Toll or Duty so received and accounted for shall amount to the Sum of Ten Shillings.

Allowance to Masters for Passengers accounted for.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to ask, demand, receive, or recover any Rate, Toll, or Duty of or from or for or in respect of any Officer, Soldier, or Sailor, while on Duty in His Majesty's Service, who shall land from or embark in any such Ship, Hoy, Packet, Vessel, or Boat so carrying Passengers as aforesaid, nor for or in respect of any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty.

Exempting Soldiers and Sailors.

XXXV. And be it further enacted, That it shall and may be lawful to and for the Commissioners for executing this Act, and such other Person or Persons as they shall appoint, and they are hereby authorized and empowered, from Time to Time and at all Times, to ask, demand, take, collect, receive, and recover, from every Merchant and other Person whomsoever who shall lade or unlade, import or export, or receive, send, or consign by Water, or cause or procure to be laden or unladen, imported or exported, or received, sent, or consigned by Water, at or from the said Pier called *Sheerness Pier*, any Goods, Wares, or Merchandise, Baggage, Parcel, or other Article whatsoever,

Rates specified in the Schedule to be taken for Goods.

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the several Rates and Duties specified or set forth in the Table or Schedule hereunto annexed; and such Table or Schedule shall be deemed and taken to be Part of this Act.

Proportionate Parts of the Rates to be paid in certain Cases.

XXXVI. And be it further enacted, That in all Cases in which the said Rates and Duties are hereby granted or made payable in respect of any given or expressed Weight, Measure, Number, or Quantity of Goods, Wares, or Merchandise capable of Division, a proportionate Part of the Sum hereby granted or made payable in respect of such given or expressed Weight, Measure, Number, or Quantity shall be payable in respect of any Part or Proportion of such given or expressed Weight, Measure, Number, or Quantity: Provided nevertheless, that in all Cases in which any Part or Proportion of any given or expressed Weight, Measure, Number, or Quantity of Goods, Wares, or Merchandise mentioned in the Schedule hereunto annexed shall be therein also specifically mentioned, no other Sum shall be payable in respect of such Part or Proportion than that expressly mentioned therein.

Penalty on Collector taking a greater or less Sum than what is authorized.

XXXVII. And be it further enacted, That if any Collector of the said Rates and Duties shall demand and take a greater or less Sum from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Commissioners made in pursuance hereof, or shall demand and take a Rate or Duty from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to tell his Christian Name and Surname to any Person or Persons who shall demand to be made acquainted therewith, on being paid the said Rates and Duties or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rates and Duties being paid or tendered shall unnecessarily detain any Ship, Vessel, Boat, or other Craft, or any Goods, Wares, Merchandise, Baggage, or Parcel, then and in every such Case such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Lessees of Rates and Duties responsible for Persons employed by them.

XXXVIII. And be it further enacted, That the Lessee or Lessees of all or any of the said Rates and Duties for the Time being shall be responsible for all and every Persons or Person employed by or under him or them for the Purpose of receiving the said Rates and Duties, whether such Persons or Person shall be a Party in hiring the same or not; and every Person having any lawful Complaint against such Collector or Collectors may prefer the same against the Lessee or Lessees of the said Rates and Duties, who shall be liable to the same Fines, Forfeitures, or Penalties as if he or they had acted in his or their own proper Person or Persons, in case the Collector or Collectors is or are not known or cannot be found.

Goods to be landed and shipped at or from Sheerness Pier only.

XXXIX. And be it further enacted, That all Goods, Wares, and Merchandise, Baggage, Parcels, Passengers, and other Things which shall be imported, brought, received, carried, or conveyed by Water into or unto any Place within the Limits of this Act from any Port, Part, or Place whatever, or from any Ship, Vessel, Boat, or Craft whatever, and all Goods, Wares, and Merchandise, Baggage, Parcels, Passengers,

Passengers, and other Things which shall be exported, sent, consigned, carried, or conveyed by Water from or out of any Place within the Limits of this Act to any Port, Part, or Place whatever, or to any Ship, Vessel, Boat, or Craft whatever, shall be laden and unladen or taken on board and discharged or embarked or disembarked only at or from the said Pier called *Sheerness Pier*; and if any Owner, Master, Commander, or other Person having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft shall lade or unlade, take on board, or discharge, or if any Merchant or other Person or Persons whosoever shall receive, send, or consign by Water, any such Goods, Wares, or Merchandise, Baggage, Parcel, or Passenger, or other Thing, at or from any Place other than the said Pier called *Sheerness Pier*, every such Person so offending shall for every such Offence forfeit and pay (over and above the several Rates and Duties by this Act imposed) the Sum of Twenty Pounds: Provided always, that nothing in this Act contained shall in any way alter or repeal any Law relating to the Customs or Excise as regards the shipping and landing of Goods.

XL. And be it further enacted, That in all Cases in which any Goods, Wares, Merchandise, Baggage, Parcel, or Passenger, or other Thing, which shall be embarked or disembarked, imported or exported, or brought or received, sent or consigned, by Water, into, unto, or from any Part or Place within the Limits of this Act, shall be taken on board or discharged or embarked or disembarked from or on board of any Ship, Vessel, Boat, or other Craft with or by the Assistance or Intervention of any Lighter, Vessel, Raft, or Boat, the Owner, Master, Commander, or other Person having the Rule, Command, or Government of the Ship or Vessel, Boat or other Craft, from or on board of which such Goods, Wares, or Merchandise, Baggage, Parcel, or Passenger, or other Thing, shall have been taken or carried with or by the Assistance or Intervention of any such Lighter, Vessel, Raft, or Boat, shall, as to the Payment of the Rates and Duties hereby imposed, be deemed to be the Person actually taking on board or discharging or embarking or disembarking such Goods, Wares, Merchandise, Baggage, Parcel, or Passenger, or other Thing, and be subject and liable to the Payment of the same or the like Rates and Duties in every respect as he would have been subject and liable to pay if such Goods, Wares, Merchandise, Baggage, Parcel, or Passenger, or other Thing, had been laden or unladen, taken on board, or discharged, or embarked or disembarked by him from or on board of such Ship, Vessel, Boat, or other Craft of which he shall have the Rule, Command, or Government, without such Assistance or Intervention as aforesaid.

Masters of Ships landing or shipping Goods, &c. with the Assistance of Boats, &c. to be deemed the Parties actually landing or shipping such Goods, &c.

XLI. Provided always, and be it further enacted, That notwithstanding anything in this Act contained it shall and may be lawful to and for any Officer, Seaman, or other Person belonging to any Ship, Vessel, Boat, or other Craft of His Majesty, or employed in His Service, or any Officer or Person in any Service of His Majesty in the said Dockyard or Garrison, or any Naval, Military, or Marine Officer or Soldier, freely to lade and unlade, take on board or discharge, at any Place within the said Dockyard or Garrison or elsewhere, except

Exemptions.

except at the said Pier, any Goods or Chattels whatsoever on account of the Public Service, and also within the said Dockyard or Garrison any Goods or Chattels which shall be *bonâ fide* the Property of or shipped by or consigned to the said Officers or Persons, and not being for the Purpose of Trade, Dealing, or Merchandise, without being subject or liable in respect thereof to any of the Rates and Duties imposed by this Act, or to any Penalty on account of the Nonpayment thereof; and no Owner, Master, Commander, or other Person having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft shall be liable to any Penalty for delivering such Goods or Chattels to or taking the same on board from any Person or Persons so exempted as aforesaid.

Exemption
for Officers
and Seamen
belonging to
His Majesty's
Ships.

XLII. Provided always, and be it further enacted, That nothing herein contained shall be deemed to render liable to any of the Rates or Duties or Penalties imposed by this Act any Officer, Seaman, or other Person belonging to any Ship, Vessel, Boat, or other Craft of His Majesty or employed in His Majesty's Service, which shall be stationed or at anchor in the River *Medway*, the Port of *Sheerness*, or at the Anchorage of the *Nore*, and landing or embarking in Boats belonging to His Majesty's Ships or Vessels, in respect of any Goods or Chattels embarked or disembarked or carried or conveyed by any of them, and which shall not be for the Purpose of Trade or Merchandise.

Penalty on
claiming Ex-
emptions
without
being en-
titled.

XLIII. And be it further enacted, That if any Person or Persons shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any Exemption in this Act contained from the Payment of the Rates and Duties hereby imposed or any of them, every Person shall for every such Offence forfeit and pay the Sum of Five Pounds; and in all Cases the Proof of Exemption shall be on the Person claiming the same.

Commission-
ers may re-
duce Pier
Duties.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, and they are hereby empowered, from Time to Time, at a Meeting to be held for that Purpose, (of which Seven Days Notice shall be given in manner herein-before directed,) to lessen and reduce all or any of the Rates and Duties by this Act authorized to be collected, received, and taken, for and during such Time as the said Commissioners shall think proper, and afterwards, at any Meeting to be held as aforesaid, from Time to Time, as they shall see Occasion, to advance all or any of the Rates and Duties so lessened and reduced to any Sum or Sums of Money not exceeding the Sums by this Act authorized to be collected, received, and taken.

Arrival of
Ships to be
reported.

XLV. And be it further enacted, That every Master, Owner, Commander, or other Person having the Rule, Command, or Government of any Ship or Vessel, Boat or other Craft, which shall arrive at or near the said Pier called *Sheerness Pier* with Goods, Wares, or Merchandise, or any Baggage, Parcel, or Passenger, or other Thing, intended to be landed or disembarked at or upon the said Pier called *Sheerness Pier*, or consigned or addressed to any Person or Persons residing

residing within the Limits of this Act, shall in every Case make a Report of such Ship or Vessel, Boat or other Craft, and deliver or cause to be delivered a true Account in Writing of the Cargo of such Ship or Vessel, Boat or other Craft, to the Collector appointed by the Commissioners to collect and receive the Rates and Duties hereby authorized to be collected, received, and taken, or to such other Person or Persons as the said Commissioners shall from Time to Time appoint for that Purpose, within Twelve Hours next after the Arrival of such Ship or Vessel, Boat or other Craft, at or near the said Pier called *Sheerness Pier*, or after such Ship or Vessel, Boat or other Craft, shall be anchored or moored; and every Master, Owner, Commander, or other Person having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft, who shall be about to depart from the said Pier called *Sheerness Pier*, or from any Anchorage or Moorings contiguous thereto, with any Goods, Wares, or Merchandise, Baggage, Parcel, or Passenger, laden, taken on board, or embarked at or from the said Pier, shall in like Manner make a Report of his Intention to depart, and deliver a true Account in Writing of the Cargo of such Ship or Vessel, Boat or other Craft, to such Collector or other Person or Persons as aforesaid, at least One Hour before the Departure of such Ship or Vessel, Boat or other Craft, from the said Pier called *Sheerness Pier*, or such Anchorage or Moorings as aforesaid; and every Master or Commander or other Person having the Rule, Command, or Government of such Ship or Vessel, Boat or other Craft, who shall refuse or neglect to make such Report or deliver a true Account of the Cargo of such Ship or Vessel, Boat or other Craft, within the respective Times and in manner before mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that the Provisions lastly hereinbefore contained shall not extend to the Master, Commander, or other Person having the Rule, Command, or Government of any Pleasure Vessel, or any Vessel carrying Passengers for Hire within the River *Medway*.

XLVI. And be it further enacted, That in case any Owner, Master, or Commander, or any other Person or Persons having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft, or any Merchant, Owner, Receiver, Consignee, or Consignor of any Goods, Wares, or Merchandise, or of any Baggage, Parcel, or other Thing, or other Person or Persons whosoever, shall lade or unlade, take on board, or discharge, or embark or disembark, or receive, send, or consign, by Water, at or from the said Pier called *Sheerness Pier*, any Goods, Wares, or Merchandise, Baggage, Parcel, or Passenger, or other Thing, and shall neglect or refuse to pay the Rates and Duties hereby imposed, or any Part thereof, it shall and may be lawful to and for the Collector or Collectors or other Person or Persons appointed in pursuance of this Act to receive the same, by himself or themselves, or with such Assistants as he or they shall think necessary, to go on board such Ship, Vessel, Boat, or other Craft, and to demand, collect, and receive the said Rates and Duties, and on Nonpayment thereof to take and distrain every such Ship, Vessel, Boat, or other Craft, and all Tackle, Apparel, and Furniture thereunto belonging or any Part thereof, and also to distrain and seize all or any Part of the

Officers empowered to distrain:

[*Local.*]

33 D

Goods,

Goods, Wares, or Merchandise, Baggage or Parcels or other Things, in respect of which such Rates or Duties shall be payable, either on board such or any other Ship, Vessel, Boat, or other Craft, or on Land, and the same to detain and keep until he or they shall be satisfied and paid the said Rates and Duties; and in case of any Default or Neglect in Payment of the said Rates and Duties for the Space of Five clear Days after any Distress or Distresses so made or taken as aforesaid, then it shall and may be lawful to and for the said Commissioners, or such Collector or Collectors or other Person or Persons appointed as aforesaid, to cause the same to be appraised by One or more sufficient Person or Persons, and afterwards to sell the said Distress or Distresses so taken and appraised, and out of the Produce of the said Sale to take and retain the Rates or Duties so neglected or delayed to be paid, and also their or his reasonable Charges and Expenses in or about the taking, keeping, appraising, and selling of such Distress or Distresses, rendering the Overplus (if any there be), on Demand, to the Owner, Master or Commander, or other Person or Persons having the Rule, Command, or Government of such Ship, Vessel, Boat, or other Craft, or to the Owner of the said Goods, Wares, Merchandise, Baggage, or Parcel, which shall have been so distrained and sold.

Persons liable to the Payment of Duties may be summoned and examined on Oath.

XLVII. And be it further enacted, That it shall be lawful for any One or more of His Majesty's Justices of the Peace for the County of *Kent*, and he and they is and are hereby required, upon the Application of any One or more of the said Commissioners, or their Treasurer, Clerk, or Collector, or any other Person thereunto authorized by the said Commissioners, from Time to Time to summon and call before him or them by Summons the Master or Masters or other Person or Persons having the Rule, Command, or Government of any Ship or Vessel, Boat or other Craft, or any other Person or Persons liable to pay any of the said Rates and Duties by this Act imposed, and upon his, her, or their Oath or respective Oaths, (or solemn Affirmation in case of any of the People called Quakers,) to be made before the said Justice or Justices, to examine and inquire of and concerning all and every or any Goods, Wares, and Merchandise, Baggage, Parcels, Freight, Fare, and Number of Passengers, and other Matters and Things, in respect of which any Person or Persons shall be liable to the Payment of any of the Rates and Duties hereby imposed, and whether all or any or what Part or Parts of such Rates or Duties shall have been paid, and when, and by whom and to whom; and in case any Person or Persons summoned shall not appear at the Time and Place in the said Summons mentioned, or assign sufficient Excuse, or appearing shall refuse to be sworn or to affirm, or to answer and discover what he, she, or they respectively shall know concerning the Matters herein-before allowed to be inquired of and examined into, he, she, or they, and every of them, shall forfeit and pay for every such Nonappearance or Refusal the Sum of Five Pounds.

Persons evading Payment to continue liable.

XLVIII. And be it further enacted, That if any Master or Commander or other Person having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft, or the Consignee or Consignor of any Goods, Wares, or Merchandise, Baggage or Parcel or other

other Thing, shall at any Time or Times, by any Means whatsoever, wilfully or intentionally elude, avoid, or evade the Payment of the Rates and Duties hereby made payable, or any Part of the same, every Person so eluding, avoiding, or evading Payment as aforesaid shall forfeit and pay the Sum of Five Pounds, and also stand charged with and be liable to pay the said Rates and Duties, which, as well as and in addition to the Penalty or Forfeiture incurred by having wilfully or intentionally eluded, avoided, or evaded the Payment thereof, shall and may be recovered from such Master or Commander or other Person having the Rule, Command, or Government as aforesaid, or such Consignee or Consignor, at any Time or Times, by the same Method and in such Manner as is herein-after directed for levying and recovering the Fines, Penalties, and Forfeitures imposed by this Act.

XLIX. And for the more effectually preventing any Delay or Evasion in the Payment of the Duties and Rates aforesaid, be it enacted, That it shall be lawful for the Collector or other Officer of His Majesty's Customs at the Port of *Rochester* to refuse to clear any Ship or Vessel outward or inward, or to indorse any Clearance or Warrant, until there shall have been produced and shown to him by the Person or Persons liable to the Payment of the Duties and Rates by this Act granted and imposed on account of such Ship or Vessel, either a sufficient Voucher for the Payment of the Duties and Rates, or a Certificate under the Hand or Hands of the Treasurer, Collector or Collectors, or other Person or Persons authorized by the said Commissioners to collect the Duties and Rates aforesaid, that the Sum demanded on that Account has been consigned and lodged in his or their Hands, with sufficient Security for the Payment of all Damages, Costs, and Expenses which the said Justices, Treasurers, Collector or Collectors, Receiver or Receivers of the said Duties and Rates, may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of His Majesty's Justices of the Peace for the County of *Kent*, such Justice of the Peace not being a Commissioner under this Act; and such Collector or other Officer of His Majesty's Customs shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from His Majesty's Commissioners of the Customs in relation thereto: Provided always, that in case it shall be found by such Justice or Justices, after hearing both Parties, that the Treasurer, Collector or Collectors of the said Duties and Rates, had made a higher Demand than what is authorized by this Act, such Treasurer, Collector or Collectors, shall be liable and be decreed to pay to the Party complaining such a Sum in the Name of Damages, not exceeding Five Pounds Sterling, as shall be judged adequate by such Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

L. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be

For preventing the Evasion of Payment of Rates and Duties.

For settling Disputes concerning Rates.

be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, until the Amount of the Rates or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates or Duties due, and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same by Warrant under the Hand and Seal of such Justice.

For preventing Annoyances to the Pier, &c.

LI. And be it further enacted, That if any Person or Persons shall throw, cast, or empty any Ballast, Ashes, or other Rubbish into the River *Medway*, or on the Shore near to the said Pier called *Sheerness Pier*; or shall remove or take away from thence any Ballast, Gravel, Shingle, Stones, or other Matter or Thing, the Removal of which may be prejudicial to the said Pier, or shall do any other Matter or Thing to prejudice, annoy, obstruct, or encroach upon the same, then and in such Case every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for each Offence.

Remedy for Damage done to the Pier.

LII. And be it further enacted, That every Owner, Master, Commander, or other Person having the Rule, Command, or Government, Care or Charge of any Ship, Vessel, Boat, or other Craft, or any Raft or Float of Timber, or other Thing, by whose Neglect or Mismanagement thereof any Damage shall be done or happen to the said Pier called *Sheerness Pier*, or the Causeway thereunto belonging, or to any Crane or Hoisting Machine or other Works or Machinery belonging to or vested in the said Commissioners, shall pay for and make good all such Damage; and all such Damage (in case the Amount thereof shall not exceed the Sum of Twenty Pounds) shall be recoverable before any Two Justices of the Peace for the County of *Kent* or for the City of *Rochester*, within their respective Jurisdictions, who are hereby authorized and empowered to summon such Owner, Master, Commander, or other Person having the Rule, Command, or Government, Care or Charge of any such Ship, Vessel, Boat, or other Craft, Raft, Float, or other Thing, doing such Damage as aforesaid, and to hear and determine the same, and ascertain such Damage; and if Judgment shall be given by them against such Owner, Master, or other Person, then it shall be lawful for such Justices or any other Justices of the Peace for the said County, and they are hereby authorized, by Warrant under their Hands and Seals, to levy or cause to be levied the Sum or Sums which shall have been awarded as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Vessel, Boat, or other Craft, or Raft, Float, or other Thing, doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Five Days after
any

any Distress or Distresses so made or taken, then it shall be lawful for the said Commissioners to sell the same, or any Stores, Articles, or Things belonging thereto which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges of taking, keeping, and selling the same, rendering the Overplus (if any) to the Master, Owner, or other Person entitled to the same, on Demand, and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in the Common Gaol or House of Correction for the said County or City of *Rochester*, as the Case may be, there to remain for any Time not exceeding Three Calendar Months, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall be paid to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act.

LIII. And be it further enacted, That the Master and Owner or Owners or other Person or Persons having the Rule, Command, or Government, Care or Charge of every Ship, Vessel, Boat, or other Craft, and of every Raft or Float of Timber, or other Article or Thing, shall be and is hereby made answerable and liable to pay for any Damage, Spoil, or Mischief which shall be done or occasioned by his, her, or their Ship, Vessel, Boat, or other Craft, or Raft or Float of Timber, or other Article or Thing, or any of the Seamen, Sailors, Boatmen, or other Person or Persons belonging to or employed in or about the same, to the said Pier called *Sheerness Pier*, or the Causeway or Works thereunto belonging, the Amount of which Damage, Spoil, or Mischief shall be ascertained by any Justice of the Peace for the County of *Kent* or City of *Rochester*, within their respective Jurisdictions, and be recovered in like Manner as any Fine, Penalty, or Forfeiture is in and by this Act authorized to be recovered.

Owners and Masters of Ships liable for Damage done by their Seamen.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, by Writing under the Hands and Seals of any Nine or more of them, to let or demise, either in one Lot or in several Lots or Parcels, all and every or any of the Rates and Duties hereby authorized to be collected, received, and taken, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Term not exceeding Three Years at any one Time, for the highest Rent or Rents which can be had or gotten for the same, by Public Auction, provided that Notice of every Meeting of the said Commissioners for demising such Rates and Duties, or any Part thereof, shall be given by the Clerk to the said Commissioners for the Time being in some or one of the public Newspapers circulated in the said County of *Kent* Fourteen Days at the least previous to the Day on which such Meeting shall be held, and that the Person or Persons agreeing to rent the same shall give satisfactory Security to the said Commissioners for the due Payment of such Rent or Rents to the Treasurer of the said Commissioners for the Time being, and for the Observance and Performance of the Covenants, Conditions, and Agreements to be contained in the Lease or Leases thereof; and the Person or Persons renting the same Rates

Power to lease the Pier Dues.

[Local.]

33 E

and

and Duties shall have full Power and Authority to ask, demand; collect, and receive the same, and shall in every respect be deemed and taken to be the Collector or Collectors appointed by the said Commissioners for the Time being; and every Certificate signed by such Person or Persons for Payment of such Rates and Duties by any Master or other Person having the Rule or Command of any Ship or Vessel shall be deemed and taken to be a sufficient Discharge for the same; and in case of Nonpayment of any such Rates and Duties, the same shall be recoverable by the Person or Persons renting the same for the Time being, in his or their own Name or Names, by the same Ways and Means as the same would otherwise be recoverable by the said Commissioners.

Commissioners may appoint some Person to bid at letting of Rates and Duties.

LV. And be it further enacted, That when the Commissioners shall put up or cause to be put up the Rates and Duties by this Act authorized to be collected, received, and taken, or any of them, to be let to farm, it shall be lawful to and for the said Commissioners to appoint some Person to bid for the same on their Account, to the Intent that such Rates and Duties may not be let for less than an adequate Value.

Power to embark and disembark Passengers at a Causeway to be made by Sir Edward Banks.

LVI. And be it further enacted, That it shall and may be lawful to and for the Master, Commander, or other Person having the Rule, Command, or Government of any Steam Boat or Steam Vessel, or of any Sailing Vessel or Yacht, carrying Passengers for Hire, to embark and disembark Passengers, with their personal Luggage, (not being for Purposes of Trade, Dealing, or Merchandise,) from and on board of such Steam Boat or Steam Vessel, or Sailing Vessel or Yacht, at or from any Causeway or Landing Place to be made by and at the Expense of Sir *Edward Banks*, contiguous to a House recently erected and built in *Banks Town*, and called or known by the Name of the *Royal Hotel*, on paying to the said Commissioners, or such Person as shall be appointed by them, such Sum of Money as shall be required in respect thereof, but not exceeding Threepence for each and every Passenger embarked or disembarked at or from such Causeway or Landing Place: Provided always, that nothing herein contained shall extend or be construed to extend to give Power or Authority to Sir *Edward Banks*, his Heirs or Assigns, to make or erect any Causeway or Landing Place over or upon the Ground or Soil of any other Person or Persons, or to erect any Causeway or Landing Place to a Height exceeding One Foot above the Shore or Beach, without the Consent in Writing of the principal Officers of His Majesty's Ordnance, or of the Commanding Royal Engineer at *Sheerness* for the Time being.

Power to compound for Pier Dues in certain Cases.

LVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to compound and agree with the Owner or Owners of any and every such Steam Boat or Steam Vessel, or Sailing Vessel or Yacht, for the embarking and disembarking of Passengers, with their personal Luggage, at any such Causeway or Landing Place, free and exempt from the Payment of the said Toll or Duty, on such Terms and for such Period, not exceeding

exceeding Three Years at any one Time, as the said Commissioners shall think reasonable.

LVIII. And be it further enacted, That from and immediately after any such Causeway or Landing Place to be made by or at the Expense of the said Sir *Edward Banks* shall be completed, or capable of being used for the Purpose of embarking or disembarking Passengers thereat or therefrom, all and every the Clauses, Enactments, Provisions, Powers, Authorities, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever in this Act contained, which in anywise relate to the Owners, Masters, Commanders, or other Persons having the Rule, Command, or Government of Ships, Vessels, Boats, and other Craft, who shall embark or disembark any Passenger or Passengers at or from the said Pier called *Sheerness Pier*, shall be applicable and applied to every Master, Commander, or other Person having the Rule, Command, or Government of any Steam Boat or Steam Vessel, who shall embark or disembark any Passenger or Passengers at such Causeway or Landing Place as aforesaid.

Provisions of this Act applicable to any Causeway that may be made by Sir Edward Banks.

LIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to enter into any Contract or Contracts for the making, doing, completing, and finishing all or any Part of the Work or Business to be done in or about the repairing and keeping in repair the said Pier called *Sheerness Pier*, and the Causeway thereunto belonging, and taking down and rebuilding the same if Occasion shall require, and in or about and for doing and performing all or any other Works, Matters, and Things necessary for completing the Works by this Act authorized to be done, and for furnishing Materials, Implements, Labour, and other necessary Matters and Things for the Performance thereof, and for any other of the Purposes of this Act, with any fit or proper Person or Persons who shall be willing to undertake or engage in the same; and every such Contract shall specify the several Works to be done and the Prices to be paid for the same, and the Time or Times within which the Work shall be completed, or the Materials, Implements, Labour, or other Things supplied or bestowed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by Seven or more of the Commissioners and the Person or Persons contracting or agreeing to perform such Works or supply or bestow such Materials, Implements, or Labour respectively; provided that no Contract or Contracts shall be deemed good or valid unless the same shall be made at a Meeting of the Commissioners at which Seven at least shall be present, and Seven Days Notice at the least shall have been given in One or more public Newspaper or Newspapers published in the County of *Kent*, or in the Manner herein-before directed in Cases wherein Notice is required to be given, expressing the Intention of the Commissioners to enter into such Contract, in order that all Persons willing to engage in or undertake the same may make Proposals to the Commissioners at a certain Time and Place in the said Notice to be mentioned; and the said Commissioners shall and they are hereby required to take

Commissioners may contract for Performance of Works.

Security

Security from every such Contractor for the due Performance of his or her Contract.

All Works exceeding the Amount of 20*l.* to be performed by Contract.

LX. Provided always, and be it further enacted, That in all Cases where the estimated or probable Cost of any Work to be done relative to the Repairs of the said Pier or otherwise in the Execution of the Purposes of this Act shall exceed the Sum of Twenty Pounds, the said Commissioners shall and they are hereby required to cause the same to be performed by Contract under the Regulations and in the Manner lastly herein-before mentioned.

Commissioners may employ Surveyors, and sue for Breach of Contracts.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause all and every or any of the Works to be done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall for that Purpose appoint; and in case the same shall not be well and sufficiently performed, according to the Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times specified in such Contract or Contracts, then the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Record at *Westminster* against any such Contractor or Contractors for any Penalty contained in or stipulated to be paid on Breach or Nonperformance of his or their Contract or Contracts; and on Proof of the signing of the said Contracts, and Breach or Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Amount of the Penalty contained in any such Contracts, together with full Costs of Suit, which, when recovered, shall be applied for the Purposes of this Act.

Commissioners may compound with Persons against whom they have commenced Actions.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to compound and agree with any Person or Persons against whom the Commissioners shall bring or cause to be brought any Action or Suit for the Recovery of any Penalty incurred in or by the Breach or Nonperformance of any Contract made or entered into under the Authority of the said recited Acts or either of them, or which shall hereafter be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded for and agreed to be taken be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expenses which shall have been or which may be occasioned thereby.

Commissioners exempted from personal Responsibility in Contracts, &c.

LXIII. And be it further enacted, That nothing in this Act, or in any Deed, Contract, or other Instrument hereby authorized to be entered into or made by the said Commissioners for executing this Act, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or their or any of their own proper

proper Lands or Tenements, Goods or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, or other Instrument contained on the Part of the same Commissioners, or any of them, but the Amount of all Costs, Charges, Damages, and Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against the said Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed, Contract, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the said Commissioners shall bear, expend, or be put unto, or which shall be occasioned to them for or by reason or means of any such Deed, Contract, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall be respectively paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to make, constitute, provide, and ordain such Byelaws, Rules, Orders, and Regulations for the better Government and Regulation of the said Commissioners, and of the Treasurers, Clerks, Collectors, Officers, Seryants, Workmen, and others appointed or employed under or by virtue of this Act; and for the better Government and Regulation of the said Pier called *Sheerness Pier*, and for the greater Accommodation, Security, and Convenience of Persons disembarking or embarking on, at, or from the same, and for the loading and unloading Ships, Vessels, Boats, and other Craft, and putting on board and discharging or landing and shipping Goods, Wares, Merchandise, Baggage, Luggage, and Passengers on, at, or from the same, and for providing proper, safe, and sufficient Boats, and making, regulating, and settling such and so many Tables of Rates or Fares to be taken by Watermen or Boatmen for the Carriage or Conveyance of any Person or Persons, Goods, Wares, and Merchandise, Baggage, Luggage, and Parcels, from or to the said Pier called *Sheerness Pier*, to or from any Ship, Vessel, Boat, or Place within or near the River *Medway*, on the Eastern Side of a Line to be drawn from *Sharpness Point* in or near the said River *Medway* to *Colemouth Creek* on the opposite Side of the said River, or to or from any Ship, Vessel, Boat, or other Craft which shall lie or be situate within or on the West Side of a Line to be drawn from the *Nore Light* to the Parish Church of *Minster* aforesaid; and for the more effectually preserving the Works and Property vested in or belonging to or hereafter to be vested in or to belong to the said Commissioners; and for the good conducting of Ships, Vessels, Boats, and other Craft whilst lying at or near the said Pier called *Sheerness Pier*, and for regulating the Use of Fires and the melting or using of combustible Matters on board any such Ships or Vessels, Boats and other Craft; and for better governing and regulating Porters, Carters, Carmen, and others carrying Goods, Wares, Merchandise, Baggage, Luggage, or other

Power to make Bye-laws, subject to the Approval of the Justices of the Peace, &c.

[*Local.*]

33 F

Things,

Things, or using or driving Horses, Waggon, Carts, Drays, Trucks, Sledges, or other Carriages, to or from the said Pier called *Sheerness Pier*, and for making, regulating, and settling such and so many Tables of Rates or Fares to be taken and charged by them respectively for the Conveyance or Carriage of such Goods, Wares, Merchandise, Baggage, Luggage, or other Things to or from the said Pier called *Sheerness Pier*, from or to all and every or any Part or Parts, Place or Places within the Limits of this Act; and for protecting, preserving, and keeping clear and unincumbered the said Pier called *Sheerness Pier*, and other Works belonging thereto, and for removing and preventing Nuisances or Annoyances thereon or contiguous thereto, or upon the Land or Beach near thereto; and likewise from Time to Time to vary, alter, amend, or repeal all or any of such Byelaws, Rules, Orders, and Regulations, provided that the same, or any Alteration to be made therein, be not in anywise repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act; and it shall be lawful for the said Commissioners to impose such reasonable Fines and Penalties upon all Persons who shall offend against any such Byelaws, Rules, Orders, or Regulations, as to the said Commissioners shall seem meet, not exceeding the Sum of Five Pounds for any one Offence: Provided always, that the Rules, Orders, and Regulations respecting the providing of Boats, and making, regulating, and settling the Tables of Rates or Fares to be taken by Watermen or Boatmen for the Carriage or Conveyance of any Person or Persons, Goods, Wares, or Merchandise, Baggage, Luggage, and Parcels, by Water, to and from the said Pier, shall be submitted for Approbation to the Mayor and Corporation of the City of *Rochester*, and shall be from Time to Time altered or amended as the said Mayor and Corporation shall think necessary or proper; and all other the Byelaws, Rules, Orders, and Regulations hereby authorized to be made shall be submitted to the Justices of the Peace for the County of *Kent* in manner herein-after mentioned: Provided also, that all such last-mentioned Byelaws, Rules, Orders, and Regulations shall be printed or fairly written and affixed in or on some conspicuous Place upon or near the said Pier called *Sheerness Pier*, so as to be open to the Inspection of all Persons interested therein, for the Space of Seven Days before the same shall be submitted to the Magistrates assembled at any Petty Session of the Justices of the Peace for the said County of *Kent*, and Notice signed by the Clerk to the said Commissioners shall at the same Time be given, under every such proposed Byelaw, Rule, Order, and Regulation, or Alteration thereof, of the Day appointed for the holding of the Petty Session to which the same are or is intended to be submitted; and the Justices assembled at such Petty Session, not being less than Three, shall examine such Byelaws, Rules, Orders, and Regulations, and every Alteration thereof, and the Fines and Penalties thereto annexed, and either confirm or make such Alteration in the same as may appear to them to be necessary and proper; and such Byelaws, Rules, Orders, and Regulations, and every Alteration thereof, when so confirmed or allowed and approved of by the Majority of such Justices so assembled at such Petty Session, and also the Rules, Orders, and Regulations which shall have been
approved

approved by the Mayor and Corporation of *Rochester*, shall be painted on a Board or Boards, and affixed in some conspicuous Place upon or near the said Pier called *Sheerness Pier*, or in such other Place or Places as shall be appointed by the said Commissioners for that Purpose, there to remain for public Inspection (which Boards shall be renewed from Time to Time when and so often as the same shall be defaced or obliterated); and after any such Byelaw, Rule, Order, or Regulation, or any Alteration thereof, shall have been so painted on a Board or Boards, and set up or affixed on some conspicuous Place as aforesaid, for the Space of Seven clear Days, the same shall be in full Force and Effect: Provided also, that all such Byelaws, Rules, Orders, and Regulations, and all Alterations thereof, and all Convictions under the Authority or by virtue thereof, shall be subject and liable to Appeal to the Justices at the next General or Quarter Sessions of the Peace for the said County of *Kent*, in like Manner as is herein-after provided or mentioned with respect to any other Matter of Appeal.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and so often as they shall think proper, to nominate and appoint One or more Committee or Committees (every such Committee to consist of Three or more Persons) out of the said Commissioners, to investigate, transact, and manage such particular Matters or Departments of Business as shall be referred to them; and such Committee or Committees, although not assembled at a General or Special Meeting of the Commissioners, shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Commissioners shall from Time to Time intrust to the Management of such Committee or Committees, and such Committee or Committees shall meet at such Times and in such Places within the Limits of this Act as they shall think proper; and all Powers which shall be vested in the said Committee or Committees shall be exercised by the major Part present at their respective Meetings; and such Committees shall from Time to Time make Reports of their Proceedings to the said Commissioners; and the Acts of the said Committees shall not be valid unless the same shall be adopted, ratified, and confirmed by the said Commissioners at some One or more of their Meetings to be held under or by virtue of this Act.

Committees
may be ap-
pointed.

LXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest, in addition to the several Sums which have been already borrowed under the Authority of the said recited Acts or either of them, and hereby charged on the Rates and Duties by this Act authorized to be levied, collected, received, and taken, such further and other Sum and Sums of Money as they the said Commissioners shall in their Discretion think fit, upon the Credit of all and every or any of the Rates and Duties to be levied, collected, received, and taken by virtue of this Act, and by any Writing or Writings under the Hands and Seals of the said Commissioners,

Power to
borrow
Money on
Mortgage.

Commissioners, or any Nine or more of them, to mortgage, grant, or assign all or any Part of the said Rates and Duties to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Principal Money to be advanced, together with such legal Interest for the same as the said Commissioners and the Party or Parties lending such Money shall agree upon; and the Costs and Expenses of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money to be advanced upon such respective Security or Securities; and every such Mortgage or Security shall be in the Words or to the Effect following; that is to say,

Form of
Mortgage.

‘ **BY** virtue of an Act passed in the Tenth Year of the Reign of
 ‘ King George the Fourth, intituled [*here set forth the Title of*
 ‘ *this Act*], we, whose Names and Seals are hereunto subscribed and
 ‘ set, being Nine or more of the Commissioners acting in the
 ‘ Execution of the said Act, in consideration of the Sum of
 ‘ advanced and lent by [*here insert the Name, Place of Abode, and*
 ‘ *other necessary Addition of the Lender*], upon the Credit and for
 ‘ the Purposes of the said Act, and paid by him [*or her, or them,*
 ‘ *as the Case may be,*] to the Treasurer to the said Commissioners, do
 ‘ hereby grant and assign unto the said [or to
 ‘ his, her, or their Trustee or Trustees, *as the Case may require*], his
 ‘ [*or her, or their, as the Case may be,*] Executors, Administrators,
 ‘ and Assigns, such Proportion of the Rates and Duties granted or
 ‘ arising and authorized to be raised, levied, collected, received, and
 ‘ taken by virtue of the said Act, as the said Sum of
 ‘ doth or shall bear to the whole Sum which already has been bor-
 ‘ rowed or charged upon or hereafter shall be borrowed upon the
 ‘ Credit of the said Rates and Duties, to be had and holden from the
 ‘ Day of the Date of these Presents until the said Sum of
 ‘ with Interest for the same after the Rate of _____ per
 ‘ Centum per Annum, to be paid half-yearly, shall be fully paid and
 ‘ satisfied. In witness whereof we have hereunto subscribed and
 ‘ set our Hands and Seals, the _____ Day of
 ‘ in the Year of our Lord

And every such Mortgage or Security shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Money may
be raised on
Annuities.

LXVII. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money necessary for the Purposes of this Act by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, or any Nine or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant One or more Annuity or Annuities to any Person or Persons, being a Subject or Subjects of this Realm, who shall advance and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life or Lives of such Purchaser or Purchasers, or the natural Life or Lives of such Person or Persons as shall

shall be nominated by or on the Behalf of such Purchaser or Purchasers at the Time of paying his, her, or their Purchase Money; and the Grant of every such Annuity may be in the Form or to the Effect following; that is to say,

‘ **BY** virtue of an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, whose Names and Seals are hereunto subscribed and set, being Nine or more of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of advanced and lent by [*here insert the Name, Place of Abode, and other necessary Addition of the Purchaser*], upon the Credit and for the Purposes of the said Act, and paid by him [*or her, or them, as the Case may be,*] to the Treasurer to the said Commissioners, do hereby grant unto the said his Executors, Administrators, and Assigns, One Annuity or yearly Sum of out of the Rates and Duties granted or arising and authorized to be raised, levied, collected, received, and taken by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said and his Assigns [*or Executors, Administrators, and Assigns, as the Case may require,*] at the House or Office of the Treasurer or Clerk to the said Commissioners for the Time being, by half-yearly Payments, upon the Day of and the Day of in every Year during the natural Life of the said [*or during the natural Life or Lives of as the Case may be*], the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto subscribed and set our Hands and Seals, this Day of in the Year of our Lord

Form of
Grant of
Annuity.

And every such Grant shall be a good, valid, and effectual Security in the Law for the Payment of such Annuity, without any Enrolment or Registry of the Memorial thereof; and the several Annuities to be granted as aforesaid shall be and are hereby charged upon and shall be paid and payable, free from all Charges and Deductions, out of the said Rates and Duties according to the Grant of such Annuity; and a proportionate Part of every such Annuity shall be paid from the Day appointed for the last half-yearly Payment to the Day of the Death of the Annuitant or Annuitants, or his, her, or their Cestuique Vie or Cestuique Vies.

LXVIII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Fifth the Rate prescribed by any Act or Acts for the Time being in force for granting Annuities on Government Securities.

For prevent-
ing improvi-
dent Grants
of Annuities.

LXIX. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed
[*Local.*]

Power to
transfer
Securities.
or

or the Annuities to be granted as aforesaid, or to any Security granted under the Authority of the said recited Acts or either of them, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time or Times, by Writing under their respective Hands and Seals, to transfer the same respectively to any Person or Persons whomsoever, in the Form or to the Effect following; that is to say,

Form of
Transfer.

‘ I [here insert the Name, Place of Abode, and other necessary
‘ Addition of the Person assigning], in consideration of the Sum
‘ of to me paid by [here insert the Name, Place
‘ of Abode, and other necessary Addition of the intended Assignee], do
‘ hereby assign and transfer unto the said his Executors,
‘ Administrators, and Assigns, a certain Security bearing Date the
‘ Day of in the Year of our Lord
‘ under the Hands and Seals of of the Commissioners for putting
‘ in execution [or, if the Security shall have been granted under the
‘ Authority of the said recited Acts or either of them, and charged on
‘ the Rates and Duties authorized to be raised, levied, collected,
‘ received, and taken by] an Act passed in the Tenth Year of the
‘ Reign of King George the Fourth, intituled [here set forth the Title
‘ of this Act], and the Principal Sum of thereby secured,
‘ and all Interest now due and hereafter to grow due thereon, [or the
‘ Annuity or yearly Sum of thereby secured,
‘ and all Arrears due thereon,] with all my Right, Title, and Interest
‘ in and to the same. Dated this Day of
‘ in the Year of our Lord

No Priority
of Securities.

LXX. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money authorized to be raised under the Authority of the said recited Acts or either of them, or who shall hereafter advance any Sum or Sums of Money authorized to be raised under the Authority of this Act, his, her, or their Assignee or Assignees, in respect to the Priority of the Grant of Annuity or Mortgage, or any Assignment of the same respectively, or of advancing such Sum or Sums of Money, but that as well all and every Persons and Person to whom any such Grant of Annuity or Mortgage has already been given or Assignment thereof made, as those to whom any such Grant of Annuity or Mortgage shall hereafter be given or made, their, his, or her Executors, Administrators, or Assigns, shall (in proportion to the Sum or Sums thereby secured) be Creditors on this Act, and in equal Degree one with another.

Register
Book to be
kept of all
Securities
and Trans-
fers thereof.

LXXI. And be it further enacted, That a Book or Books shall be provided by the said Commissioners, in which Book or Books shall be entered and registered Entries or Memorials of all Mortgages or Assignments and Grants of Annuity which shall be made in pursuance of this Act, and every Transfer thereof, and also every Transfer of all and every or any of the Mortgages or Assignments and Grants of Annuity made under the Provisions of the said recited Acts or either of them, expressing in Words at Length the Names, Additions,

Additions, and Places of Abode, and other necessary Description of the Persons who shall from Time to Time be respectively entitled to the Principal Money and Interest or the Annuities thereby respectively secured, which Book or Books shall at all reasonable Times be open to the Inspection of all Persons interested, without Fee or Reward; and for the Entry of every such Transfer the Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after such Entry as aforesaid, but not before, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security transferred.

LXXII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by the said Commissioners, or under the Authority of the said recited Acts or either of them, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates and Duties in manner aforesaid with such Sum or Sums of Money as they shall think proper to borrow at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original or other Mortgages bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Power to borrow at lower Interest to pay existing Mortgages.

LXXIII. And in order that no undue Preference may be given in paying off the aforesaid Mortgages, be it further enacted, That when and so often as the said Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled or folded up in the same Form and be put into a Box, and the Clerk to the said Commissioners shall, in the Presence of Seven or more of the said Commissioners, draw separately out of the said Box one of the said Numbers for each Mortgage then intended to be paid off by the said Commissioners, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sum to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall from and after the End of the said Three Calendar Months cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice and not

Provision for Payment of Mortgages by Ballot.

not paid; but the Principal Money in respect whereof such Notice shall be given, and all the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Commis-
sioners may
redeem
Annuities.

LXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Person or Persons entitled thereto, to redeem all or any of the Annuities by or under the Authority of this Act charged or to be charged upon the Rates and Duties hereby authorized to be levied, collected, received, and taken, and to agree for the Redemption thereof upon such Terms as the said Commissioners shall think proper, and to raise any Sum or Sums of Money by way of Mortgage for the Purpose of enabling them to redeem such Annuities, or any of them, or any Part thereof respectively.

Application
of the Rates
and other
Monies.

LXXV. And be it further enacted, That all the Monies which shall arise or be produced from the Rates and Duties to be collected, received, and recovered by virtue of this Act, together with any Monies which may hereafter be borrowed upon the Credit of the same Rates and Duties, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Commissioners, and be applied to the Intents and Purposes following; that is to say, first, in paying the Expenses of applying for and obtaining and passing this Act, and afterwards in paying the several Annuities and the Interest of the several Sums borrowed and now due and owing on the Security of the said recited Acts, and also any Annuities to be granted and the Interest of any Monies to be borrowed on the Credit of the said Rates and Duties, and in repairing, amending, and maintaining the said Pier called *Sheerness Pier*, and the Causeway thereunto belonging, and in erecting, constructing, or forming any Buildings and Conveniences by this Act authorized to be erected, constructed, or formed, and in defraying the necessary Costs, Charges, and Expenses attending the Execution of this Act, in such Manner as the said Commissioners shall direct.

Sinking
Fund.

LXXVI. And be it further enacted, That from and after the passing of this Act a Sum, not less than Ten Pounds *per Centum per Annum* on the Amount of the Rates and Duties to be received by virtue of this Act, shall yearly and every Year be appropriated and paid out of the said Rates and Duties, in order to form a Sinking Fund for the gradual Payment of One Moiety of the said Principal Monies borrowed and now due on the Credit of the said recited Acts, and for the Redemption of One Moiety of the Annuities granted by virtue thereof, and for the Payment of any other Principal Monies, and for the Redemption of any Annuities to be granted in pursuance of this Act; and after the Payment of any such Principal Monies, or the Redemption of any such Annuities, the full Interest which would have been otherwise payable in respect of the Monies so paid off, or the Annuities which would have been payable in case the same had not been so redeemed, shall from thenceforth be

be appropriated and paid out of the said Rates and Duties in aid of the said Sinking Fund; and so often as the said Sinking Fund shall amount to the Sum of Five hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the said Commissioners as they shall think proper, shall be applied in Payment of an equal Amount of the Principal Monies then remaining due or owing, or Redemption of any Annuities then subsisting, in the Manner herein-before directed with respect to paying off Mortgages and redeeming Annuities respectively.

LXXVII. And be it further enacted, That in all Cases in which any Commission of Bankrupt shall be awarded against, and in all Cases in which any Petition shall be presented to any Court or Tribunal for the Relief of Insolvent Debtors in *England*, by any Person or Persons who is, are, or shall or may be indebted to the said Commissioners, or against whom the said Commissioners shall or may have any lawful Claim or Demand, it shall be lawful for the Treasurer or Clerk for the Time being of the said Commissioners, or any Person who shall from Time to Time in that Behalf be appointed by Writing under the Hands of the said Commissioners, to appear, and he is hereby authorized to appear and act on behalf of the said Commissioners in respect of any such Debt, Claim, or Demand, before the Commissioners under any Commission of Bankrupt, or the Commissioners or Commissioner presiding in any Court or Tribunal for the Relief of Insolvent Debtors in *England*, either personally or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Commission or Insolvency; and the said Treasurer or Clerk for the Time being, or such Person so to be appointed as aforesaid, shall in all Cases be allowed to make Proof or Claim under any such Commission or Insolvency on behalf and for the Benefit of the said Commissioners for putting this Act in execution in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees and signing Certificates, and otherwise in respect of any Debt admitted to be proved on behalf of the said Commissioners for putting this Act in execution, as any other Person being a Creditor of such Bankrupt or Bankrupts or Insolvent Debtor or Insolvent Debtors in his own Right would have in respect of the Debt proved by him under such Commission or in or before such Court or Tribunal.

Debts may be proved in Cases of Bankruptcy or Insolvency.

LXXVIII. And be it further enacted, That in all Cases wherein it shall or may be requisite or necessary for any Person or Persons or Party or Parties to serve upon the said Commissioners any Notice or Notices, Writ or Writs, or other legal Proceeding, or Proceeding in Equity, the Service thereof respectively upon the Clerk of the said Commissioners for the Time being, or leaving the same at the Office of such Clerk, or at his last or usual Place of Abode, or on any Two of the Commissioners, or at the Office of the said Commissioners, shall be deemed a sufficient Service of the same respectively on the said Commissioners; and in all Cases wherein it may be requisite or necessary for the said Commissioners to give any Notice to any Body

Directing what shall be a sufficient Service of Notice, &c. on Commissioners.

[*Local.*]

33 H

Politic,

Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing signed by any Five or more of the said Commissioners.

Penalty on obstructing the Execution of this Act.

LXXIX. And be it further enacted, That if any Person or Persons shall obstruct, molest, hinder, or interrupt, either by the Use of insulting or abusive Language, or otherwise, any of the said Commissioners, or any Treasurer, Clerk, Collector, Engineer, Surveyor, or other Officer, or any Workman or Agent, or other Person or Persons whomsoever, who shall be employed under or by virtue of this Act, or any Byelaw, Rule, Order, or Regulation made in pursuance hereof, in the Performance of his, her, or their Duty, or in the Execution of any of the Works, Matters, or Things, to be done by virtue or under the Authority of the same respectively, then every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons found in the Act of committing any Offence may be apprehended without a Warrant.

LXXX. And be it further enacted, That in case any Person or Persons shall be found committing any Offence against any of the Provisions of this Act, it shall and may be lawful to and for any One of the said Commissioners, or any One of their Surveyors or other Officers or Servants, or any other Person or Persons authorized by the said Commissioners, and such other Person or Persons as he or they or any of them shall call to his or their Assistance, without any Warrant or Authority other than this Act, to apprehend, seize, and detain all and every such Offender or Offenders, and forthwith take or convey, or cause to be taken or conveyed, him, her, or them before some Justice of the Peace for the County of *Kent* or City of *Rochester*, within their respective Jurisdictions; and such Justice of the Peace is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Damages, &c. in case of Dispute to be settled by Justices.

LXXXI. And be it further enacted, That in all Cases in which any Damages or Charges are by this Act directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges in case of Dispute or Difference respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences; and such Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Goods and Chattels of the Offender or Offenders in manner directed by this Act for the levying of any Penalties or Forfeitures by this Act imposed.

Recovery of Compensation for Damages, &c.

LXXXII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace, in pursuance of the Directions of this Act,
to

to be paid as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Three Days after Demand in Writing shall have been made from the Clerk to the said Commissioners, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and also the Costs and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or to their Treasurer for the Time being, as the Case may be; provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expenses as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

LXXXIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Citizens of the City of *Rochester* in the County of *Kent*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Citizens do or may lawfully claim, use, or exercise, nor to authorize or empower the said Commissioners, their Officers, Workmen, or Servants, or any of them, to embank, encroach upon, or interfere with any Part of the Soil or Bed of the Waters of the *Medway*, or the Banks or Shores thereof, without the Licence and Consent in Writing of the said Mayor first had and obtained.

Saving the Rights of the City of Rochester.

LXXXIV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor, Jurats, Bailiffs, Burgesses, and Inhabitants

Saving Rights of the Mayor and Inhabitants of Quinborowe.

of the Borough of *Quinborowe* in the County of *Kent*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor, Jurats, Bailiffs, Burgesses, and Inhabitants do or may lawfully claim, use, or exercise by Charter or otherwise.

Limitation as
to summary
Proceedings.

LXXXV. And be it further enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act, or any Byelaw, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, by or with any pecuniary Fine, Penalty, or Forfeiture, shall be commenced within Six Calendar Months after the Commission of the Offence, and not otherwise; and all Fines, Penalties, and Forfeitures by this Act imposed, unless the same are herein directed to be otherwise applied, shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act.

Commis-
sioners em-
powered to
pay Penalties
to the Lessee
of Pier Dues
in certain
Cases.

LXXXVI. And be it further enacted, That in all Cases in which any Prosecution or Prosecutions shall be commenced and prosecuted by and at the Expense of any Lessee or Farmer of the Rates and Duties hereby authorized to be collected, received, and taken, or any Part thereof, against any Person or Persons, for the Recovery of any Penalty or Penalties incurred by him, her, or them by having laden or unladen, taken on board, or discharged or received, sent or consigned, by Water, any Goods, Wares, or Merchandize, Baggage, Parcel, Passenger, or other Thing, at or from any Place either within or without or beyond the Limits of this Act, other than the said Pier called *Sheerness Pier*, or by having eluded, avoided, or evaded the Payment of the said Rates and Duties, or any of them, within or during the Term for which the said Rates and Duties, or any of them, or any Part thereof, shall have been demised or let, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to allow and pay unto such Lessee or Farmer the whole or such Part or Parts of any Penalty or Penalties that shall be paid to their Treasurer or Treasurers by reason or in consequence of such Prosecution or Prosecutions as they the said Commissioners shall think reasonable and proper.

Recovery
and Appli-
cation of
Penalties.

LXXXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein-before particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the said County of *Kent* or for the City of *Rochester*, within their respective Jurisdictions, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant
under

under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of or concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expenses of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Commissioners, or their Treasurer or Clerk or Clerks, to be applied for the Purposes of this Act as the said Commissioners shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Commissioners, and then the same shall be paid to the Informer; and it shall 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 the said Justice or Justices 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 Time of taking any such Security, and which Security the said Justice and 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 whereupon to levy the said Penalty or Penalties and such Costs as aforesaid; and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County or City, as the Case may be, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceeding as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceeding before Justices shall be had and taken for the Recovery thereof before a less Number than Two Justices.

LXXXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recover-
[Local.] 33 I able Justices may proceed by Summons in

liable to pay any of the Rates or Duties hereby authorized to be charged, collected, or taken, or by reason of being a Commissioner for putting this Act in execution, or holding or being engaged in any Office or Employment under the said Commissioners, or being an Annuitant under this Act, or a Mortgagee of the Rates and Duties hereby authorized to be charged, collected, or taken, or a Farmer, Lessee, or Collector of such Rates and Duties, or any of them, or any Part thereof, or a Creditor of the said Commissioners.

XCI. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace or before the said Commissioners, touching any Matter contained in any Information or Complaint of or relating to any Offence against this Act, or any Byelaw, Rule, Order, or Regulation to be made in pursuance or under the Authority hereof, either on behalf of the Prosecutor or Prosecutors or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his or her Costs and Expenses, without a reasonable Excuse for his or her Neglect of appearing, or shall refuse to be examined upon Oath, or, in the Case of a Quaker, upon solemn Affirmation, and to give Evidence before such Justice of the Peace or before the said Commissioners, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Nonattendance of Witnesses.

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

Distress not to be avoided for Want of Form.

XCIII. And be it further enacted, That no Order, Judgment, Conviction, or other Proceeding, or any Adjudication or Determination made on Appeal therefrom, touching or concerning any Offence against this Act, or against any Byelaw, Rule, Order, or Regulation made by Authority hereof, shall be quashed or vacated for Want of Form, nor be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and no Warrant of Commitment shall be held to be void by reason of any Defect therein, provided it be therein alleged that the Party or Parties has or have been convicted, and there be a good and valid Conviction to sustain the same; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

XCIV. And

Plaintiff not
to recover
without No-
tice, nor after
Tender of
Amends.

XCIV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

XCV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act after the Expiration of Six Calendar Months next after the Fact committed (except as may be herein otherwise directed); and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial it shall appear that such Matter or Thing shall have been so done, or that such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as herein-before authorized, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then and in every such Case the Plaintiff or Plaintiffs, Defendant or Defendants, shall have his or their Costs, and shall have such and the like Remedy for recovering the same as any Plaintiff or Defendant hath for recovering Costs of Suit in any other Cases by Law; and though a Verdict shall be given for the Plaintiff or Plaintiffs in any such Action, such Plaintiff or Plaintiffs shall not have Costs against the

the Defendant or Defendants unless the Judge before whom the Trial shall be or take place shall certify his Approbation of the Action and of the Verdict obtained thereupon.

XCVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Determination or Judgment made or given by any Justice or Justices of the Peace in pursuance of this Act, or by any Order, Regulation, By-law, or Rule made by virtue of this Act, or by any other Matter or Thing made or done in pursuance of this Act, for which no other Method of Relief is hereby particularly appointed, such Person or Persons may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden in and for the County of *Kent*, within Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant first giving Twenty-one clear Days Notice in Writing of his or her Intention to bring such Appeal and the Matter thereof to the Clerk to the said Commissioners, and within Seven Days next after such Notice given entering into Recognizance before some Justice of the Peace for the County of *Kent*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of the said Justices at such General or Quarter Sessions, and to pay such Costs (if any) as shall be awarded against him or her by the said Justices at such Sessions; and the Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given and of the entering into Recognizance in the Manner herein-before mentioned, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive to all Intents and Purposes.

XCVII. And be it further enacted, That the Costs, Charges, and Expenses of obtaining and passing this Act, and incident thereto, shall be paid and discharged by the said Commissioners by and out of the first Monies hereby authorized to be raised by them, or out of any Monies or Funds in the Hands of the Treasurer to the Commissioners under the said recited Acts, or at their Disposal at the Time of the passing of this Act, in preference to all other Payments whatsoever.

XCVIII. And be it further enacted, That no Commissioner acting in execution of this Act shall be held or adjudged to have rendered himself personally liable to or for the Repayment of any Money or the Interest thereof, or of any Annuity, borrowed, raised, or taken up or purchased under and by virtue of this Act, or under and by virtue of the said Two several Acts hereby repealed, or either of them, by reason of his having executed or signed any Mortgage or other Instrument for the Payment of any Sum which such Commissioner shall not have bound himself to pay personally as an Individual, independent of his Office of Commissioner under this Act or the Acts hereby repealed, or either of them.

[*Local.*]

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XCIX. And

Public Act.

XCIX. 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.

The SCHEDULE to which this Act refers.

	s.	d.
For every Sack of Wheat, Beans, Barley, Peas, Rye, or Corn, Grain, or Seeds of any other Denomination or Kind - -	0	1½
For every Quarter of Oats - - - - -	0	1½
For every Sack of Meal or Malt - - - - -	0	1½
For every Sack of Flour - - - - -	0	1½
For every Bushel of Bread - - - - -	0	1
For every Sack or Bag of Bran - - - - -	0	1½
For every Load of Hay - - - - -	1	6
For every Load of Straw - - - - -	1	0
For every One hundred Oil Cakes - - - - -	0	3
For every Bag of Hops - - - - -	0	6
For every Pocket of Hops - - - - -	1	0
For every Pack of Wool containing Two hundred and forty Pounds	0	9
For every Sack of Potatoes - - - - -	0	1
For every Bushel of Apples, Pears, Plums, Currants, Gooseberries, or Onions - - - - -	0	1
For every Sieve or Basket of Cherries containing in Weight Not exceeding Twenty-eight Pounds - - - - -	0	1
If exceeding Twenty-eight Pounds and not exceeding Fifty- six Pounds - - - - -	0	2
If exceeding Fifty-six Pounds - - - - -	0	3
For every Drum of Figs - - - - -	0	1
For every Chest or Box of Oranges or Lemons - - - - -	0	6
For every Half a Chest of Oranges or Lemons - - - - -	0	3
For every Quarter of a Chest of Oranges or Lemons - - - - -	0	2
For every Sack, Bag, or Package of Nuts, Chestnuts, or Walnuts	0	3
For every Hundred Weight of Almonds - - - - -	0	6
For every Horse, Mule, or Ass - - - - -	1	6
For every Bull, Bullock, or Cow - - - - -	1	6
For every Calf, Sheep, Goat, or Hog - - - - -	0	3
For every Lamb, Kid, or small Pig - - - - -	0	2
For every Turkey, Guinea Fowl, or Goose - - - - -	0	1
For every Pair of Ducks, Fowls, or Rabbits - - - - -	0	1
For every Dozen of Pigeons - - - - -	0	3
For every Quarter of Beef - - - - -	0	3
For every Carcase of Mutton, Veal, Lamb, or Pork - - - - -	0	3
For every Quantity of Meat cut up, of any Weight Exceeding Ten Pounds and not exceeding Fifty-six Pounds -	0	1
If exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds - - - - -	0	2
If exceeding One hundred and twelve Pounds - - - - -	0	3
For every Pipe, Butt, Puncheon, Hogshead, Barrel, Kilderkin, Cask, or Keg of Wine or Spirits, containing any Quantity		
Not exceeding Two Gallons - - - - -	0	2
If exceeding Two Gallons and not exceeding Nine Gallons -	0	3
If exceeding Nine Gallons and not exceeding Eighteen Gallons - - - - -	0	6
If exceeding Eighteen Gallons and not exceeding Thirty-six Gallons - - - - -	0	9

	<i>s.</i>	<i>d.</i>
If exceeding Thirty-six Gallons and not exceeding Fifty-four Gallons	1	0
If exceeding Fifty-four Gallons and not exceeding Seventy-two Gallons	1	3
If exceeding Seventy-two Gallons	1	6
For every Dozen of Wine or Spirits in Bottles	0	2
For every Pipe, Butt, Puncheon, Hogshead, Barrel, Kilderkin, Cask, Keg, Carboy, or Bottle of Oil, Spirits of Turpentine, or Vinegar, containing any Quantity		
Not exceeding Four Gallons	0	1
If exceeding Four Gallons and not exceeding Nine Gallons	0	2
If exceeding Nine Gallons and not exceeding Eighteen Gallons	0	3
If exceeding Eighteen Gallons and not exceeding Thirty-six Gallons	0	5
If exceeding Thirty-six Gallons and not exceeding Sixty-five Gallons	0	10
If exceeding Sixty-five Gallons	1	6
For every Butt, Puncheon, Hogshead, Barrel, Kilderkin, Cask, or Keg of Porter, Ale, Beer, Cider, or other fermented Liquor, (not being Wine, Spirits, or Vinegar,) containing any Quantity		
Exceeding Two Gallons and not exceeding Five Gallons	0	1
If exceeding Five Gallons and not exceeding Eighteen Gallons	0	3
If exceeding Eighteen Gallons and not exceeding Thirty-six Gallons	0	4
If exceeding Thirty-six Gallons and not exceeding Seventy-two Gallons	0	8
If exceeding Seventy-two Gallons	1	0
For every Dozen of Ale, Porter, Beer, or Cider in Bottles	0	1
For every Cask of Yeast containing any Quantity		
Not exceeding Five Gallons	0	2
If exceeding Five Gallons and not exceeding Nine Gallons	0	3
If exceeding Nine Gallons and not exceeding Eighteen Gallons	0	4
If exceeding Eighteen Gallons	0	6
For every Pipe, Butt, Puncheon, Barrel, or Cask of Water, containing any Quantity		
Exceeding Sixteen Gallons and not exceeding Thirty-six Gallons	0	1
If exceeding Thirty-six Gallons	0	2
For every empty Pipe, Butt, or Puncheon, not on Return	0	3
For every empty Hogshead, Tierce, or Barrel, not on Return	0	2
For every empty smaller Cask, not on Return	0	1
For every Bundle of Sacks or Bags		
Containing Twenty or more	0	2
If containing less than Twenty	0	1
For every Chest, Box, Case, or Package of Soap or Candles, of any Weight		
Not exceeding One hundred and twelve Pounds	0	3
If exceeding One hundred and twelve Pounds and not exceeding Three hundred and thirty-six Pounds	0	6
If exceeding Three hundred and thirty-six Pounds	0	9
For every Sack of Salt	0	1
For every Side or Middle of Bacon or Pork	0	1½
For every Score of round Dutch Cheeses	0	2
For every Dozen of Loaf or Pine Cheeses	0	3
For every Dozen of other Cheeses of any Thickness		
Not exceeding Four Inches	0	3
If exceeding Four Inches and not exceeding Eight Inches	0	6

	<i>s.</i>	<i>d.</i>
For every other Cheese more than Eight Inches thick - -	0	1
For every Chest, Box, Case, or Package of Tea, containing any Quantity		
Not exceeding Fourteen Pounds - - - - -	0	2
If exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds - - - - -	0	4
If exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds - - - - -	0	6
If exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds - - - - -	0	9
If exceeding One hundred and twelve Pounds - - - - -	1	0
For every Pipe, Butt, Puncheon, Hogshead, Tierce, Barrel, Kilderkin, Cask, or Keg of Grocery or other Goods not herein otherwise charged, of any Size		
Not exceeding Five Gallons - - - - -	0	1
If exceeding Five Gallons and not exceeding Nine Gallons -	0	1½
If exceeding Nine Gallons and not exceeding Eighteen Gallons	0	2
If exceeding Eighteen Gallons and not exceeding Thirty-six Gallons - - - - -	0	3
If exceeding Thirty-six Gallons and not exceeding Fifty-four Gallons - - - - -	0	6
If exceeding Fifty-four Gallons and not exceeding Seventy-two Gallons - - - - -	0	9
If exceeding Seventy-two Gallons and not exceeding One hundred and eight Gallons - - - - -	1	0
If exceeding One hundred and eight Gallons - - - - -	1	6
For every Pack, Package, Basket, Hamper, Chest, Box, Case, Bag, Truss, Bale, or Quantity of Grocery or other Goods not herein otherwise charged, of any Weight		
Not exceeding Twenty-eight Pounds - - - - -	0	1
If exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds - - - - -	0	2
If exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds - - - - -	0	4
If exceeding One hundred and twelve Pounds and not exceeding Two hundred and twenty-four Pounds -	0	6
If exceeding Two hundred and twenty-four Pounds and not exceeding Four hundred and forty-eight Pounds -	1	0
If exceeding Four hundred and forty-eight Pounds -	1	6
For every Six Dozen Hamper, containing Goods of any Sort or Kind not herein otherwise charged - - - - -	0	6
For every Four Dozen Hamper - - - - -	0	4
For every Three Dozen Hamper - - - - -	0	3
For every Two Dozen Hamper - - - - -	0	2
For every One Dozen Hamper - - - - -	0	1
For every Hogshead, Tierce, Barrel, Kilderkin, Cask, Mat, Bag, or Package of unrefined Sugar, of any Weight		
Not exceeding One Hundred Weight - - - - -	0	1
If exceeding One Hundred Weight and not exceeding Two Hundred Weight - - - - -	0	2
If exceeding Two Hundred Weight and not exceeding Five Hundred Weight - - - - -	0	4
If exceeding Five Hundred Weight and not exceeding Ten Hundred Weight - - - - -	0	6
If exceeding Ten Hundred Weight and not exceeding Twenty Hundred Weight - - - - -	1	0
If exceeding Twenty Hundred Weight - - - - -	1	6
For every Hundred Weight of Loaf or refined Sugar - - -	0	4

[Local.]

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	<i>s.</i>	<i>d.</i>
For every Crate of Glass (not Window Glass) or Earthenware Not exceeding Ten horizontal Bars in Height or Twelve perpendicular Bars in Length - - - - -	0	4
If exceeding Ten horizontal Bars in Height or Twelve perpendicular Bars in Length - - - - -	0	8
For every Crate of Window Glass - - - - -	0	4
For every Box or Case of Window Glass of any Weight Not exceeding Twenty-eight Pounds - - - - -	0	1
If exceeding Twenty-eight Pounds and not exceeding Fifty- six Pounds - - - - -	0	2
If exceeding Fifty-six Pounds and not exceeding One hun- dred and twelve Pounds - - - - -	0	4
If exceeding One hundred and twelve Pounds - - - - -	0	8
For every Pack, Package, Basket, Hamper, Chest, Box, Bag, Bale, Truss, or Quantity of Linen Drapery, Woollen Drapery, Hosiery, Silk, Millinery, Haberdashery, Upholstery, or new Wearing Apparel, of any Weight Not exceeding Twenty-eight Pounds - - - - -	0	3
If exceeding Twenty-eight Pounds and not exceeding Fifty- six Pounds - - - - -	0	6
If exceeding Fifty-six Pounds and not exceeding One hun- dred and Twelve Pounds - - - - -	0	9
If exceeding One hundred and twelve Pounds and not exceeding Two hundred and twenty-four Pounds - - - - -	1	0
If exceeding Two hundred and twenty-four Pounds and not exceeding Four hundred and forty-eight Pounds - - - - -	2	0
If exceeding Four hundred and forty-eight Pounds - - - - -	3	0
For every One Dozen Hat-box - - - - -	0	3
For every Two Dozen Hat-box - - - - -	0	6
For every Three Dozen Hat-box - - - - -	0	9
For every Four Dozen Hat-box - - - - -	1	0
For every larger Hat-box - - - - -	1	6
For every One hundred Eggs - - - - -	0	1
For every Score of large fresh Cod, Skait, or Ling - - - - -	0	3
For every Quantity of dried Fish of any Kind not otherwise charged, of any Weight Not exceeding Twenty-eight Pounds - - - - -	0	1
If exceeding Twenty-eight Pounds and not exceeding Fifty- six Pounds - - - - -	0	2
If exceeding Fifty-six Pounds and not exceeding One hun- dred and twelve Pounds - - - - -	0	3
If exceeding One hundred and twelve Pounds, then for every One hundred and twelve Pounds - - - - -	0	3
For every Barrel or Cask of salted, or dried Herrings, Cod, or other Fish - - - - -	0	3
For every Bushel of fresh Herrings or Sprats - - - - -	0	1
For every Score of Haddock or Codlings - - - - -	0	1
For every Score of Mackerel or Soles - - - - -	0	1
For every Score of small Skait or Thornback - - - - -	0	1
For every Turbot, Salmon, Halibut, or Sturgeon - - - - -	0	1
For every Score Pounds of Eels - - - - -	0	1
For every Bushel of Oysters - - - - -	0	1
For every Score of Lobsters, Pound Crabs, or Crayfish - - - - -	0	1
For every Kit of Salmon - - - - -	0	2
For every Half a Kit of Salmon - - - - -	0	1
For every Barrel or Keg of Anchovies - - - - -	0	1
For every double Chest of Drawers or Wardrobe - - - - -	0	6
For every single Chest of Drawers, Bureau, or Bookcase - - - - -	0	3

	s.	d.
For every Four-post Bedstead	0	3
For every Tent, Camp, Bureau, or other Bedstead	0	2
For every Pair of Mahogany wrought Bedposts	0	2
For every Pair of other wrought Bedposts	0	1
For every Billiard or Bagatelle Table	2	0
For every Dining, Loo, or Pembroke Table	0	3
For every other Mahogany or Wainscot Table	0	2
For every Deal Table	0	1
For every Mahogany or Rosewood Chair	0	1½
For every other Chair	0	1
For every Sofa or Couch	0	6
For every Hundred Weight of Feathers	0	9
For every Feather Bed	0	3
For every Hair or other Mattress or Bed, not otherwise charged	0	2
For every Chest, Box, Basket, Bag, Bundle or Package of Bedding or Wearing Apparel, not new, of any Weight		
Not exceeding Twenty-eight Pounds	0	1
If exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds	0	2
If exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds	0	3
If exceeding One hundred and twelve Pounds	0	4
For every Pier or Chimney Glass or Mirror	0	4
For every other Mirror	0	2
For every Cot and Stand	0	2
For every Cradle	0	1
For every Case or Package of Goods not herein specified, of any Weight		
Not exceeding Fifty-six Pounds	0	2
If exceeding Fifty-six Pounds	0	4
For every Crate of Household Goods or Furniture		
Not exceeding Twelve horizontal Bars in Height or Twelve perpendicular Bars in Length	0	4
If exceeding Twelve horizontal Bars in Height or Twelve perpendicular Bars in Length	0	8
For every Finger Organ	2	0
For every other Organ	0	2
For every Harp, Pianoforte, Harpsichord, or Spinnet	2	0
For every Twenty Cubic Feet of Mahogany, Cedar, or Rosewood Timber	0	10
For every Score superficial Square Feet of Mahogany, Cedar, or Rosewood, in Boards or Planks, of any Thickness		
Not exceeding One Inch	0	1
If exceeding One Inch and not exceeding Two Inches	0	2
If exceeding Two Inches and not exceeding Three Inches	0	3
If exceeding Three Inches, to be charged as Timber.		
For every Score superficial Square Feet of Mahogany, Rosewood, or other Venéers	0	1
For every Load of Oak, Elm, or other Timber, (not being Mahogany, Cedar, or Rosewood), containing Fifty Cubic Feet	0	9
For every One hundred Feet running Measure of Oak, Elm, or other Board or Plank, (not being Mahogany, Cedar, or Rosewood,) of any Thickness		
Not exceeding One Inch	0	3
If exceeding One Inch and not exceeding Two Inches	0	5
If exceeding Two Inches and not exceeding Three Inches	0	6
If exceeding Three Inches, to be charged as Timber.		

	<i>s.</i>	<i>d.</i>
For every Score of Deal Planks exceeding Two Inches and a Half in Thickness, of any Length		
Not exceeding Six Feet	0	1½
If exceeding Six Feet and not exceeding Twelve Feet	0	3
If exceeding Twelve Feet and not exceeding Eighteen Feet	0	4½
If exceeding Eighteen Feet	0	6
For every Spar or Pole of which the mean Diameter shall exceed Twelve Inches	2	0
If exceeding Ten Inches and not exceeding Twelve Inches	1	0
If exceeding Eight Inches and not exceeding Ten Inches	0	6
If exceeding Five Inches and not exceeding Eight Inches	0	3
For every Pole or Spar not exceeding Five Inches mean Diameter	0	1
For every Scaffold Pole	0	1
For every Thirty Bundles of Laths	0	9
For every Fathom of Lathwood	1	6
For every One hundred Feet running Measure of Quartering	0	3
For every Dozen Posts or Rails	0	6
For every Fathom of old Wood	0	6
For every Fathom of Cord Wood	0	6
For every Fathom of Chips	0	3
For every Score Faggots or Bavins	0	1
For every Score Bundles of Stakes or Binders	0	3
For every Door or Pair of Shutters	0	2
For every Pair of Sashes unglazed	0	1
For every Pair of glazed Sashes	0	2
For every Window or Door Frame	0	2
For every One thousand Bricks	0	6
For every One thousand plain Tiles	0	6
For every One hundred Hip, Gutter, Ridge, or Pan Tiles	0	2
For every Hundred Paving Tiles	0	10
For every One hundred Mathematical Tiles	0	1½
For every Oven Lump	0	1
For every One hundred Slates of the Size called Duchesses	0	3
For every One hundred Slates of the Size called Countesses	0	2
For every One hundred Slates of the Size called Ladies	0	1½
For every One hundred Slates of any smaller Size	0	1
For every Ton of Sand	0	2
For every Load of Lime of Sixteen Bushels, not used for agricultural Purposes	0	3
For every Ladder containing any Number of Staves or Rounds not exceeding Forty	0	2
If exceeding Forty	0	3
For every Ton of Marble	2	6
For every Ton of Portland, Purbeck, Granite, or other Stone not otherwise charged	1	0
For every Ton of Bowler Flints or broken Rag Stone or Flint	0	3
For every One hundred Square Feet superficial of flat Paving Stones of any Thickness or Substance		
Not exceeding Three Inches	1	6
If exceeding Three Inches	2	0
For every Score Feet running Measure of Curb Stone	0	6
For every Score Feet running Measure of Coping Stone	0	3
For every Marble Chimney-piece	1	0
For every Marble Tombstone	2	6
For every Stone Chimney-piece	0	4
For every Stone Tombstone	1	0
For every large Millstone	2	6
For every small Millstone	1	6

	s.	d.
For every large Grindstone	0	2
For every small Grindstone	0	1
For every Hundred Weight of Anchor, Chain Cable, Iron Chain, or other Wrought Iron Work not otherwise charged	0	2
For every Hundred Weight of Cable (not Iron), Cordage, or Sails, whether new or old	0	2
For every Bolt of Canvass	0	2
For every Seaman's Cot, with or without Bedding	0	2
For every Hammock and Bedding	0	1
For every Hundred Weight of Hemp	0	2
For every Hundred Weight of Oakum, Old Rope, or Paper Stuff	0	1
For every Hundred Weight of Iron Shot, Iron Ballast, or Iron Ore	0	1
For every Barrel or Cask of Gunpowder of any Weight		
Not exceeding Twenty-eight Pounds	0	3
If exceeding Twenty-eight Pounds	0	6
For every Piece of Ordnance, the Hundred Weight	0	1
For every Blunderbüß, Musket, or Gun	0	1
For every large Ship Stove or Cabin Stove	0	4
For every small Ship Stove or Cabin Stove	0	2
For every Ship's Compass	0	1
For every Chaldron of Coals, Culm, Splint, Coke, or Cinder, con- taining Thirty-six Bushels Standard or Imperial Measure	1	6
For every Chaldron of Coal Ashes	0	6
For Sheet Lead, Lead Pipe, or other new Lead, the Hundred Weight	0	2
For every Hundred Weight of old Lead	0	1
For every Bag of Lead Shot of Twenty-eight Pounds	0	2
For new Copper, Brass, Pewter, or other Metal, not otherwise charged, the Hundred Weight	0	6
For every Hundred Weight of old Metal, not otherwise charged	0	3
For every Hundred Weight of Iron Bolts, Bars, Rods, or Plates	0	1½
For every Hundred Weight of Nails	0	3
For every Box of Tin Plate not exceeding One hundred and twelve Pounds Weight	0	3
For every Box of Tin Plate exceeding One hundred and twelve Pounds Weight	1	6
For every Range, Grate, or Stove of any Length		
Not exceeding Twenty-four Inches	0	2
If exceeding Twenty-four Inches	0	4
For every Hundred Weight of Cast Iron Work	0	2
For every Hundred Weight of old Iron	0	1
For every Copper capable of containing any Quantity		
Not exceeding Ten Gallons Imperial or Standard Measure	0	2
If exceeding Ten Gallons and not exceeding Twenty-five Gallons	0	4
If exceeding Twenty-five Gallons and not exceeding Fifty Gallons	0	6
If exceeding Fifty Gallons and not exceeding One hundred Gallons	1	0
If exceeding One hundred Gallons, for every Hundred Weight	0	9
For every Iron Boiler or Pot capable of containing any Quantity		
Not exceeding Five Gallons Imperial or Standard Measure	0	1
If exceeding Five Gallons	0	2
For every Set of Fire Irons	0	1
For every Fender	0	1
For every Coal Shoot or Coal Scuttle	0	1
For every Ton of Pipe Clay	1	0

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	<i>s.</i>	<i>d.</i>
For every Ton of Chalk, Gravel, Ballast, Manure, or Rubbish, not used for agricultural Purposes	0	2
For every Hundred Weight of Tallow	0	2
For every Trunk, Chest, Case, or Box of any Goods not herein otherwise charged, of any Length		
Not exceeding Twenty-four Inches	0	1
If exceeding Twenty-four Inches and not exceeding Thirty-three Inches	0	2
If exceeding Thirty-three Inches and not exceeding Forty-two Inches	0	3
If exceeding Forty-two Inches	0	6
For every Frail, Maund, or Basket of Goods not otherwise charged, capable of containing any Quantity		
Not exceeding Four Gallons Imperial or Standard Measure	0	1
If exceeding Four Gallons and not exceeding Eight Gallons	0	2
If exceeding Eight Gallons	0	3
For every Dozen of Mops, Brooms, or Brushes	0	1
For every Bundle, Fardell, or small Parcel, not particularly specified or charged	0	1
For every Bundle of Iron or Wood Hoops	0	1
For every One hundred Pipe or Barrel Boards or Staves	0	6
For every One hundred Fellies or Spokes	0	4
For every Carriage with Four Wheels	4	0
For every Carriage with Two Wheels	2	0
For every Sedan Chair	1	6
For every Wheelbarrow or Truck	0	2
For every new Boat passing over the Pier	1	0
For every raw Hide	0	2
For every Dozen of raw Calf Skins	0	4
For every Dozen of raw Sheep, Goat, or Lamb Skins	0	2
For every Dozen of raw Hare or Rabbit Skins	0	1
For every tanned Hide (not a Kip)	0	3
For every Dozen tanned Kips	0	6
For every Box, Pack, Package, Basket, Hamper, Truss, or Quantity of Leather, of any Weight		
Not exceeding Twenty-eight Pounds	0	2
If exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds	0	4
If exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds	0	6
If exceeding One hundred and twelve Pounds and not exceeding Two hundred and twenty-four Pounds	0	9
If exceeding Two hundred and twenty-four Pounds	1	6
Packages or other Things not specified, One Penny each, or Twopence for every Hundred Weight of One hundred and twelve Pounds.		

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